

CSBA's Policy Services

2011 POLICIES IN REVIEW



2011 CSBA LEADERSHIP

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CSBA offers a wide array of products and services to assist districts and governance teams with their policy needs.

In March, July and November, CSBA issues policy updates containing new and revised sample board policies, administrative regulations and exhibits. Also included in each packet is CSBA's *Policy News* and additional information such as policy briefs or fact sheets on important and emerging issues.

2011 Policies in Review provides an overview of the major policy issues addressed throughout the year. For a complete list of all publications and continuing education opportunities provided by the Policy Services department, please see Appendices A and B. See Appendix C for the specific changes made to the sample policies and regulations, and Appendix D for a complete description of the various policy services offered by CSBA.

For more information, call CSBA's Policy Services department at (800) 266-3382 or email policy@csba.org.

TABLE OF CONTENTS

ACCOUNTABILITY	1
“Parent trigger” regulations	
<hr/>	
COMMUNITY RELATIONS	2-3
District-sponsored social media	
Political activity	
<hr/>	
CURRICULUM AND INSTRUCTION	4-5
Career technical education as an alternative graduation requirement	
Social sciences instruction	
State standards for school libraries	
Transitional kindergarten	
<hr/>	
FISCAL OPERATIONS	6-7
GASB 54: Fund balance policy	
Student fees	
Tier 3 categorical flexibility	
<hr/>	
GOVERNANCE	8
Board meetings	
<hr/>	
PERSONNEL	9-10
Interns as “highly qualified teachers”	
Lactation accommodation	
<hr/>	
SAFETY	11-12
Cyberbullying	
On-campus interviews by law enforcement	
Safety resources from CSBA	
<hr/>	
STUDENT ENROLLMENT	13-14
Enrollment of foster youth	
Intradistrict open enrollment	
Student transfer options: A comparison of legal requirements	

TABLE OF CONTENTS (CONTINUED)

STUDENT HEALTH AND WELLNESS	15-18
Administration of antiseizure medication	
Concussions and student athletes	
Pertussis immunizations	
Reauthorization of child nutrition programs	
School breakfast programs	
Student wellness policy	

APPENDIX A: 2011 PUBLICATIONS	19
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APPENDIX B: 2011 LEADERSHIP DEVELOPMENT	20
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APPENDIX C: POLICIES/REGULATIONS/BYLAWS/ EXHIBITS ISSUED IN 2011	21-29
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APPENDIX D: CSBA POLICY SERVICES	30-31
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ACCOUNTABILITY

“PARENT TRIGGER” REGULATIONS

(July 2011)

In July the State Board of Education (SBE) approved regulations implementing the Parent Empowerment Act (also called the “parent trigger” law), which allows parents to petition for a large-scale transformation of schools that are in their third year of Program Improvement. *(These regulations were subsequently approved by the Office of Administrative Law.)*

Under the parent trigger law, parents may request one of four intervention models as defined in the new regulations. The local educational agency (LEA) must implement the intervention model requested by the parents unless the board makes a finding, in a regularly scheduled public hearing, stating the reason it cannot implement that model and designating which model it will implement instead.

This option is limited to the first 75 schools in the state whose LEA takes action on a qualifying parent petition. To be eligible, a school must have an Academic Performance Index under 800 and cannot be on the state’s list of “persistently lowest performing schools,” since those schools were eligible for School Improvement Grants and may already be implementing an intervention model.

Although CSBA continues to have concerns about the implementation of the Parent Empowerment Act, the association participated in a collaborative effort to develop the permanent regulations in order to find common ground with others in the education community. The resulting regulations require the state to create a website with information about the petition process and to develop a sample petition, require public disclosure of organizations providing financial or other support to petitioners, and require LEAs to verify signatures through written documents already on hand, such as emergency contact cards.

Because of the small number of schools affected, CSBA has not developed a sample policy reflecting the requirements of the Parent Empowerment Act. Nevertheless, LEAs are encouraged to review Education Code 53300-53303 and the new regulations in order to be prepared in the event they receive a parent petition.

COMMUNITY RELATIONS

DISTRICT-SPONSORED SOCIAL MEDIA

(July 2011)

Increasing numbers of LEAs are using social media platforms to support their community outreach and public relations efforts. Such sites allow greater interaction and collaboration with individuals in the school community and thus can be useful communications tools.

However, the public nature of such sites creates significant challenges that LEAs should consider before deciding to sponsor a site and when establishing user guidelines. CSBA issued a new sample policy and administrative regulation, BP/AR 1114 – District-Sponsored Social Media, to help identify and clarify such issues.

The biggest challenge is the inability to control the content in the same manner that a website can be controlled.

“District staff may not see the need to go through the same review and approval process they do for website content,” says Karen Parris, media and communications specialist with Murrieta Valley Unified School District. “People who are accustomed to engaging in social interaction via Facebook in their personal lives won’t think anything of doing the same on behalf of their school. Social media is so easily accessible that anyone can post something from their smart phone without the need to go through the webmaster.”

It is recommended that policies and administrative regulations distinguish between sites that are approved and officially sponsored by the LEA and those that may be created by students, staff or members of the public which may discuss school issues but which are not under the LEA’s control. Any official site should clearly express the purpose of the site, contain a disclaimer that the views and comments expressed on the site do not necessarily reflect the views of the LEA, and advise users that the site will be monitored. The LEA may prohibit content that is obscene, defamatory, unrelated to the purpose of the site or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of school rules or substantial disruption of the orderly operation of the school.

POLITICAL ACTIVITY

(March 2011)

CSBA issued two fact sheets and updated sample policies BP 1160 – Political Processes and BP 1100 – Communication with the Public to clarify legal issues pertaining to the use of public resources for lobbying activities and for public advocacy in support of or in opposition to a ballot measure or candidate. For these purposes, public resources include money but also items paid for with public funds, such as staff time, materials, equipment, facilities and the use of LEA communications channels (e.g., website, email system, newsletter).

Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates discusses three categories of expenditures created by the California Supreme Court in *Vargas v. City of Salinas* (2009): permissible informational activities, impermissible campaign activities and unclear activities which require further analysis based on the “style, tenor and timing” of the activity. It explains the need to be cautious to ensure that actions and materials paid for with public funds are informational, objective and neutral and do not urge members of the public to act a certain way.

Legal Guidelines for Lobbying Activity describes lobbying activities that can and cannot be carried out with public resources, such as activities directed to the legislature, a public agency or the governor. In general, the rules for lobbying are the same as the rules that apply to the use of public funds for ballot measures or candidates. Pursuant to Government Code 53060.5, the cost of engaging in legislative activities and lobbying, either directly or through a representative, is an appropriate use of public funds. However, communication of the board's position on an issue cannot urge public action and must use regular communications channels for reporting board actions.

Because of the complexity of these issues, LEAs are encouraged to consult legal counsel whenever it is unclear whether a particular course of action is authorized by law.

The fact sheets are available at www.csba.org/LegislationAndLegal/Legal/ELAUpdates.aspx.

CURRICULUM AND INSTRUCTION

CAREER TECHNICAL EDUCATION AS AN ALTERNATIVE GRADUATION REQUIREMENT

(November 2011)

Beginning in the 2012-13 school year, AB 1330 (2011) authorizes governing boards to accept a course in career technical education (CTE) as an alternative to a visual or performing arts or foreign language course for satisfaction of high school graduation requirements. If an LEA elects to do so, the following information must be added to the annual parental notification required pursuant to Education Code 48980:

- Information about the LEA's high school graduation requirements and how each requirement does or does not satisfy the subject matter requirements for admission to the California State University and the University of California ("a-g courses")
- A complete list of CTE courses offered by the LEA that satisfy the a-g course requirements and the specific requirements they satisfy

In order to qualify as an a-g course, a course must first be submitted to and approved by the University of California. A growing number of CTE courses that connect knowledge of academic content with practical or work-related applications have been added to the list of approved a-g courses. California Department of Education (CDE) data show that the number of approved CTE courses has increased from 258 in 2000-01 to 8,389 in 2010-11. Currently, almost one-third of all CTE courses have been approved as a-g courses. Information about the course submission process is available on the University of California's website at www.ucop.edu/a-gGuide/ag/course_submissions.

CSBA updated BP/AR 6146.1 – High School Graduation Requirements to reflect the new law. In addition, BP/AR 6143 – Courses of Study was updated to expand material related to the a-g course approval process.

SOCIAL SCIENCES INSTRUCTION

(November 2011)

SB 48 (2011) requires social sciences instruction to include the role and contributions of lesbian, gay, bisexual, and transgender Americans, persons with disabilities, European Americans and members of other cultural groups to the economic, political and social development of California and the United States. Thus, SB 48 expands current law which requires instruction on the contributions of men and women, Native Americans, Mexican Americans, Asian Americans, Pacific Islanders and members of other ethnic groups.

The law applies to the course of study in grades 1-12. LEAs have discretion to determine how the content is covered and at which grade level(s). For example, CDE's website points out that the contributions of these groups might be addressed in relation to state content standards for history in grade 4, United States history and geography in grade 11, and principles of American democracy in grade 12.

SB 48 also adds requirements with regard to instructional materials. It prohibits the use of instructional materials that reflect adversely upon persons based on their sexual orientation or religion, and directs governing boards to adopt only materials that accurately portray the groups listed above. However, since SBE adoptions of instructional materials for grades K-8 have been suspended through July 1, 2015, a new adoption of history-social science instructional materials

will not be initiated until after that date. For grades 9-12, the governing board adopts instructional materials according to the schedule set by the LEA, so the requirements of SB 48 will need to be considered the next time the board adopts materials for social sciences. Supplementary instructional materials may be adopted at any time.

AR 6143 – Courses of Study and AR 6161.1 – Selection and Evaluation of Instructional Materials were updated to reflect the new law.

A group called “Stop SB 48” was working to halt the implementation of the new law through a referendum, but did not collect enough signatures. Nevertheless, because the issue may generate controversy in some communities as boards review related policies, LEAs should carefully adhere to their policies and administrative regulations regarding the adoption of curriculum and instructional materials, including the opportunity for public input, as well as their procedures for complaints regarding instructional materials.

For further information, see CDE’s Frequently Asked Questions at www.cde.ca.gov/ci/cr/cf/senatebill48faq.asp.

STATE STANDARDS FOR SCHOOL LIBRARIES

(March 2011)

BP 6163.1 – Library Media Centers was revised to reflect model standards adopted by the SBE in September 2010. *Model School Library Standards for California Public Schools, Kindergarten Through Grade Twelve* (available on CDE’s website at www.cde.ca.gov/ci/cr/lb) provide academic standards for library instruction. The standards are organized around four concepts representing students’ ability to access information, evaluate information, use information and integrate information literacy skills into all areas of learning. In addition, SBE adopted program standards which describe staffing, resources and infrastructure—including technology—recommended for effective library programs to help students meet the academic standards.

Immediately after the SBE adopted the standards, CDE’s Model School Library Standards Working Group began reviewing the standards to evaluate their alignment with the state’s Common Core Standards in English language arts.

The program standards, academic standards and examples of academic standards that support the Common Core Standards are available on CDE’s website at www.cde.ca.gov/ci/cr/lb/schlibrarystds.asp.

TRANSITIONAL KINDERGARTEN

(July, November 2011)

The Kindergarten Readiness Act of 2010 (SB 1381, 2010) gradually raises the age for admission into grades K-1 and requires that elementary and unified districts offer a “transitional kindergarten” program to children whose kindergarten admission would be delayed because of the new age criteria. However, as districts prepare to implement transitional kindergarten programs in the 2012-13 school year, Gov. Jerry Brown’s January budget proposal puts the future of the program in jeopardy. His proposed cuts to education include the elimination of all funding for the transitional kindergarten program. Thus, school districts would not be required to offer the program, but could do so at their discretion.

As of this writing, the fate of the program is unknown. If the program requirement disappears, districts may choose not to operate the program. However, if the requirement remains, districts must be adequately prepared for implementation. As a result, CSBA released a new sample policy BP 6170.1 – Transitional Kindergarten and encouraged districts to make contingency plans while continuing to monitor the issue.

Even if the program requirement is rescinded, there has been no proposal as yet to change the phase-in of the new admission criteria. As reflected in CSBA’s revised AR 5111 – Admission, SB 1381 changed the cut-off date for enrollment eligibility for grades K-1 (which has required the child’s birthday to be on or before December 2) to instead establish eligibility based on a birthday on or before November 1 of the 2012-13 school year, October 1 of the 2013-14 school year, and September 1 of the 2014-15 school year and each school year thereafter.

“Transitional kindergarten” is defined as the first year of a two-year kindergarten program and would be required to use a modified kindergarten curriculum that is age and developmentally appropriate. The law provides considerable flexibility to design the curriculum. Districts might consider state and district standards for kindergarten, Common Core standards, and state “preschool learning foundations.” Other program components, such as class size, length of school day, facilities, and teacher certification, are subject to the same legal requirements applicable to kindergarten programs.

A number of resources are available to assist in program planning. See CSBA’s policy brief on transitional kindergarten (www.csba.org/pab.aspx), CDE’s Frequently Asked Questions (www.cde.ca.gov/ci/gs/em/kinderfaq.asp), the California County Superintendents Educational Services Association’s new *Transitional Kindergarten Planning Guide: A Resource for Administrators of California Public School Districts* (www.ccsesa.org), and Preschool California’s Transitional Kindergarten Library (www.tkcalifornia.org).

FISCAL OPERATIONS

GASB 54: FUND BALANCE POLICY

(July 2011)

Governmental Accounting Standards Board (GASB) Statement 54 (*Fund Balance Reporting and Governmental Fund Type Definitions*) not only requires changes in the way LEAs report fund balances in external financial reports (see AR 3460 – Financial Reports and Accountability), but also requires that boards take certain actions up front with respect to fund balances. CSBA sample BP 3100 – Budget was revised in 2010 to call attention to the need for boards to adopt policy or a resolution complying with GASB 54 effective in the 2010-11 fiscal year. Subsequently, because of additional guidance available from CDE and other sources and LEA requests for more information about their responsibilities pertaining to fund balance policies, CSBA reissued BP 3100 to include sample policy statements related to:

- How funds will be committed by the board to the “committed fund balance,” which includes amounts constrained to specific purposes that cannot be used for any other purposes unless the board takes action to remove or change the constraint
- Delegation of the authority to assign funds to the “assigned fund balance” (i.e., amounts which the board intends to use for a specific purpose) to the superintendent or his/her designee
- The order in which fund balances will be spent when multiple fund balance types are available for an expenditure
- A “minimum fund balance” policy which sets an appropriate level of unrestricted fund balances that will be maintained in the general fund, the circumstances under which the unrestricted fund balance can be spent down and the procedure for replenishing deficiencies

CSBA’s minimum fund balance policy reflects recommendations from the CDE (*New Requirements for Reporting Fund Balance in Governmental Funds*) that LEAs should not limit their minimum fund balance policy to the reserve for economic uncertainty and that they may find it prudent to maintain reserves above the level required by state regulations.

However, at the same time, new law (SB 70, 2011) extends the length of time that LEAs may establish a lower level of reserves than that specified in 5 CCR 15450. As amended, Education Code 33128.3 reduces the required reserve to one-third of the amount for the 2009-10, 2010-11, and 2011-12 fiscal years. In fiscal year 2012-13 the LEA is required to make progress toward restoring the full reserve, and by fiscal year 2013-14 the LEA must again comply with the reserve threshold specified in 5 CCR 15450.

The establishment of reserves and minimum fund balances must be done thoughtfully and in full consideration of the LEA’s fiscal situation. LEAs should be careful to revise the fund balance policy in BP 3100 as needed to meet their needs and circumstances.

For further information on the requirements of GASB 54, see the GASB’s *Fact Sheet About Fund Balance Reporting and Governmental Fund Type Definitions*, available on its website at www.gasb.org.

STUDENT FEES

(July, November 2011)

In 2010 the American Civil Liberties Union filed litigation against the state of California (*Doe v. State of California*), alleging that LEAs were charging impermissible fees for students' participation in educational activities and that the state was not providing adequate enforcement to ensure that impermissible fees were not charged. A settlement agreement was reached in the case, contingent upon the enactment of legislation implementing the terms of the agreement.

However, the legislation (AB 165, 2011) was vetoed by Gov. Brown. If signed, it would have established notice requirements and complaint procedures to resolve alleged violations related to student fees. Brown's veto message states that AB 165 "goes too far" by mandating a detailed notice in every classroom and specific complaint, hearing and audit procedures even where there have been no complaints and no evidence of any violation.

As a result of the veto, there are currently no new requirements for LEAs, but LEAs should be aware that the ACLU has resumed its lawsuit against the state.

LEAs should ensure that their policies and administrative regulations do not impose any fee that is not specifically authorized by law. Permissible fees are discussed in BP/AR 3260 – Fees and Charges and in an advisory published by CSBA's Education Legal Alliance in May 2011 (*Student Fees Litigation Update*, available at www.csba.org/LegislationAndLegal/Legal/ELAUpdates.aspx).

LEAs also should ensure that their policy and procedures are being implemented consistently across all schools. CSBA's *Student Fees Litigation Update* recommends:

- Working with principals to ensure uniform implementation among school sites
- Communicating the "free school guarantee" to coaches and athletic directors
- Reviewing LEA and school websites to ensure compliance with prohibitions against fees
- Ensuring that all communications to parents/guardians clearly state that any donations are voluntary
- Updating student and staff handbooks and course syllabi to include language that no fees will be charged for participation in classroom or extracurricular/cocurricular activities

TIER 3 CATEGORICAL FLEXIBILITY

(July, November 2011)

The 2009-10 budget trailer bills granted LEAs flexibility to transfer funds received for 39 "Tier 3" categorical programs for any educational purpose for the 2008-09 through 2012-13 fiscal years, provided the board holds a public hearing and approves the proposed use of the funding. This period of flexibility was subsequently extended through the 2014-15 fiscal year pursuant to SB 70 (2011). As a result, CSBA revised BP 2210 – Administrative Discretion Regarding Board Policy and BP 3110 – Transfer of Funds to provide information about the new date and to remove the date from policy language so that further revision may not be necessary if the period of flexibility is extended in the future.

CSBA also revised this date in all the "cautionary notices" placed at the top of any sample policy or regulation for which LEAs may choose to temporarily suspend program provisions.

GOVERNANCE

BOARD MEETINGS

(November 2011)

State law generally allows boards to hold special meetings to address any matter that requires timely action. However, starting January 1, 2012, AB 1344 (2011) prohibits boards from calling special meetings to address the salaries, salary schedules or other compensation of the superintendent, assistant superintendent or any other management employee listed in Government Code 3511.1. Other provisions of AB 1344 require the agenda for a regular meeting and the notice of a special meeting to be posted on the LEA's website.

In addition, AB 1344 prohibits any employment contract for the employees specified above from containing a provision for automatic renewal of the contract with an automatic increase in compensation that exceeds the cost-of-living adjustment. It also requires a provision for reimbursement of the LEA for paid leave salary or cash settlement when any of the specified employees is subsequently convicted of a crime involving abuse of his/her office.

The legislation was initiated in response to the 2010 scandal in the City of Bell which the bill's author, Assemblymember Mike Feuer (D-Los Angeles), claimed "inappropriately, even extravagantly, rewarded elected officials and top executive officers outside of public view." He argued that this bill would promote greater transparency in local government decision-making by restricting excessive and automatic increases in compensation and providing the public with greater opportunity to be informed and comment on local compensation-setting practices.

BP 2121 – Superintendent's Contract and BB 9320 – Meetings and Notices have been updated to reflect the new law.

PERSONNEL

INTERNS AS “HIGHLY QUALIFIED TEACHERS”

(March 2011)

The federal No Child Left Behind Act (NCLB) requires all teachers of core academic subjects to be “highly qualified” as defined by 20 USC 7801 and the SBE. New law signed by President Obama in December 2010 (P.L. 111-322, Sec. 163) allows interns working in the classroom to be considered “highly qualified” teachers under the NCLB, thus negating a Ninth Circuit Court of Appeals ruling that had called the practice into question.

The appellate court in *Renee et al. v. Duncan* had found that 20 USC 7801 defines a “highly qualified” teacher as one who “has obtained” full state certification as a teacher. The court held that a federal rule (34 CFR 200.56) impermissibly expanded the definition to include teachers who only “demonstrate satisfactory progress toward full certification.” 34 CFR 200.56 (and the state regulations 5 CCR 6100-6126 which are based on the federal regulation) permits interns who are participating in alternative-route teacher training programs, but who have not yet obtained full certification, to be characterized as highly qualified teachers.

Anticipating further action by the courts or Congress, CSBA and CDE had urged LEAs not to take immediate action in response to the appellate court’s decision. CSBA did not revise its sample policies and regulations BP/AR 4112.21 – Interns and BP/AR 4112.24 – Teacher Qualifications Under the No Child Left Behind Act pending final resolution of the issue.

The new law upholds the federal regulation regarding the hiring and assignment of interns, but is only effective through the end of the 2012-13 school year (by which time NCLB presumably will be reauthorized). Thus, for now no changes are needed in LEA policy or practices.

LACTATION ACCOMMODATION

(July 2011)

State and federal law requires employers to provide time and an appropriate place for employees who are nursing mothers to express breast milk for their infant children. Nevertheless, a national study conducted in 2009 found that only a quarter of employers surveyed had lactation programs or made special accommodations for breastfeeding. In fact, the *Surgeon General’s Call to Action to Support Breastfeeding* (2011) reports that employed mothers typically find that returning to work is a significant barrier to breastfeeding, and that employed women are less likely to initiate breastfeeding and tend to breastfeed for a shorter length of time than women who are not employed. The *Call to Action* describes specific steps that employers, health care providers and others can take to participate in a society-wide approach to support breastfeeding.

“Accommodating mothers so that they can continue to feed breast milk to their children after returning to work is an extremely important economic and public health issue,” says Anne Kashiwa, workplace lactation policy coordinator for San Diego’s Communities Putting Prevention to Work, a federally funded program addressing obesity prevention and helping worksites, schools and school districts adopt and implement lactation policies. “This not only affects California school staff, but the children who will soon be entering school.”

Kashiwa points out that breastfeeding has been shown to reduce the risk for obesity, infections and illnesses among children. It also benefits businesses and schools by lowering employee turnover rates, employee absenteeism and health costs and by increasing employee productivity and morale.

CSBA developed a new sample policy, BP 4033 – Lactation Accommodation, to ensure that LEAs are aware of the legal requirements pertaining to lactation accommodation. LEAs are encouraged to tailor the policy and develop administrative regulations as necessary to meet their unique needs. CSBA is also monitoring the development of final guidance from the U.S. Department of Labor regarding the implementation of federal law on this topic.

To access the Surgeon General's *Call to Action*, see www.surgeongeneral.gov/topics/breastfeeding. Additional resources are available through the Department of Labor at www.dol.gov/whd/nursingmothers.

SAFETY

CYBERBULLYING

(July 2011)

When developing policy to protect students and staff from cyberbullying, a tough question facing boards is the extent to which schools can discipline students for their off-campus conduct. A new court decision, while not directly applicable in California, may provide additional guidance to LEAs on these matters.

The new opinion by the Third Circuit Court of Appeals attempts to align two previously conflicting decisions in *Laycock v. Hermitage School District* and *J.S. v. Blue Mountain School District*. In *Laycock*, the student created a MySpace parody of a principal, using a photograph taken from the district website and crude language. The court found the school's discipline of the student was improper because there was no substantial disruption or foreseeable disruption to the educational environment. In *J.S.*, the student created a MySpace profile of a principal which indicated that the principal was a sex addict and a pedophile. In this case, the court upheld the school's discipline of the student on the grounds that the content undermined the principal's authority and could potentially raise suspicions regarding the principal's character.

As a result of the divergent rulings, the Third Circuit Court of Appeals vacated both decisions and held a new hearing before the entire court. In July, the court issued its ruling on these cases. It held that, in both cases, imposing discipline violated the students' First Amendment rights to free speech. The majority opinion in *J.S.* hinged on the district's failure to demonstrate substantial disruption or foreseeable disruption of the educational environment and further held that the standard under which lewd, vulgar, obscene and plainly offensive student speech can be regulated does not apply to speech originating off school grounds during non-school hours.

Although this court decision does not appear to impact CSBA's sample policy language related to cyberbullying (BP 5131 – Conduct; AR 5144.1 – Suspension and Expulsion/Due Process), LEAs should proceed cautiously and consult with legal counsel as necessary before disciplining a student for off-campus behavior.

ON-CAMPUS INTERVIEWS BY LAW ENFORCEMENT

(July 2011)

In 2010 the Ninth Circuit Court of Appeals ruled in *Camreta v. Greene* that, when a social worker and deputy sheriff together seek to conduct an interview at school of a suspected victim of child abuse, they must have a warrant, court order or parental consent, except in exigent circumstances. However, on May 26, 2011, the U.S. Supreme Court vacated the Ninth Circuit's decision without deciding the issue of a warrant or court order on the merits.

The result is a return to the status quo prior to the Ninth Circuit's decision. Schools may again allow law enforcement officers and social workers to interview suspected victims of child abuse at school without requesting a court order, warrant or parental permission. CSBA revised BP 5145.11 – Questioning and Apprehension by Law Enforcement to reflect the U.S. Supreme Court's action and deleted the accompanying Exhibit which had provided a sample form to be used to document the authority upon which the interview was based.

Because of the lack of clear guidance in the courts, LEAs should proceed with caution and consult with legal counsel as necessary.

SAFETY RESOURCES FROM CSBA

(November 2011)

Recognizing the link between safe school environments and student attendance and achievement, CSBA has developed several new anti-bullying, safe schools resources.

Safe Schools: Strategies for Governing Boards to Ensure Student Success is an updated, retitled edition of the safe schools guide that CSBA first published in 1994. Written with guidance from CSBA's School Health Advisory Committee and with support of the Ford Foundation, the November 2011 edition adds a section on cyberbullying and an increased focus on preventing bullying and harassment, including strategies to ensure that lesbian, gay, bisexual and transgender students feel safe on campus. The guide also includes chapters on the governing board's role in creating a safe school environment, prevention strategies to foster positive school environments, and intervention strategies to guide LEAs if problems arise. The complete guide may be downloaded at www.csba.org/wellness.aspx.

Following up on the publication of the guide, CSBA sponsored a webinar in November which further examined the issue of cyberbullying. "Safe Schools in the Digital Age," part of CSBA's Education Insights online series, featured Betsy McNeil, CSBA's school wellness consultant, and Gretchen Shipley of the Fagen Friedman & Fulfrost law firm. The webinar included an introduction to CSBA's safety guide, steps that LEAs can take to promote student and employee "cyber-ethics" and the circumstances under which the LEA can impose discipline for related misconduct. The Webinar is archived at www.csba.org/TrainingAndEvents.aspx.

The fall edition of CSBA's *Link to Learning* newsletter also focuses on school safety, including articles addressing the potential harm of gender-segregated school activities, locker rooms and bathrooms in isolating transgender and gender-nonconforming students. In addition, the newsletter presents a sample board resolution against bullying, harassment, discrimination and violence and describes a new toolkit on school climate available from the National School Boards Association. The newsletter is available at www.csba.org/NewsAndMedia/OtherNewsletters/LinkToLearning/2011/Fall.aspx.

Finally, CSBA's sample BP/AR 0450 – Comprehensive Safety Plan was updated in November to reflect several laws signed in 2011 addressing school safety. These laws include AB 680 which authorizes LEAs to develop those portions of the comprehensive safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury and to prohibit public disclosure of those strategies, AB 9 which adds requirements related to the LEA's nondiscrimination policy, AB 1156 which encourages LEAs to include bullying policies in their comprehensive safety plans and AB 123 which expands the definition of a "disruption." The administrative regulation also includes new optional material on dating violence, threat assessment strategies and possible indicators that might be used to assess current school safety.

STUDENT ENROLLMENT

ENROLLMENT OF FOSTER YOUTH

(November 2011)

AB 709 (2011) amends the Health and Safety Code to conform to Education Code provisions requiring LEAs to immediately enroll foster youth even if immunization records normally required for enrollment are not available. However, subsequent to the enrollment, LEAs must still work to obtain crucial records to ensure that foster youth are properly immunized. In addition, SB 578 (2011) requires LEAs to accept coursework satisfactorily completed by a student in foster care while attending another school and to award full or partial credit for such coursework as specified. AR 6173.1 – Education for Foster Youth was updated to reflect these new laws.

A number of countywide systems are in place to facilitate sharing of records pertaining to foster youth. A new statewide database offers another useful tool for providing a smooth transition for the enrollment of foster youth. Foster Focus is a statewide online service, developed by the Sacramento County Office of Education, which allows school officials and social workers to track and share records of foster youth who transfer to new schools. The program notifies LEAs when foster youth move to a new county and provides electronic access to students' grades, credits, course schedules, residential history, immunization records, attendance, individual education plan, and other information. As of this writing, 86 agencies are using the system, including 47 school districts, 21 county offices of education, and 18 county agencies (child protective services and probation offices). For further information, contact Trish Kennedy, Foster Youth Services, Sacramento County Office of Education, at (916) 228-2730 or tkennedy@scoe.net.

INTRADISTRICT OPEN ENROLLMENT

(March 2011)

Among the bills passed in 2010 to make California more competitive for the federal Race to the Top grant program was the Open Enrollment Act (SBX5 1), which allows any student enrolled in one of the 1,000 schools identified by the CDE as "low-achieving schools" the option to transfer to another school within the state that has a higher Academic Performance Index. This law may impact any district as a district of residence and/or district of enrollment.

In November 2010, CSBA addressed the implementation of this Act in a new sample board policy and administrative regulation BP/AR 5118 – Open Enrollment Act Transfers. In March 2011, CSBA updated BP/AR 5116.1 – Intradistrict Open Enrollment to further address the implications of the Act for the district's intradistrict open enrollment program.

It is unclear whether the Open Enrollment Act grants students who are attending an open enrollment school the right to transfer to another school within the district as well as outside the district. Thus, CSBA's policies specify that students attending an open enrollment school who wish to attend another district school should use the procedures applicable to all intradistrict transfers as specified in BP/AR 5116.1. However, students transferring from an open enrollment school should receive priority for admission.

Furthermore, BP 5116.1 explains that districts should establish an application window for students applying for intradistrict transfers that precedes the application window under the Open Enrollment Act. This is necessary to enable the district to determine the number of slots available for interdistrict transfers and thereby comply with legal requirements to give priority for enrollment to students residing in the district.

For further information, see CSBA's *Frequently Asked Questions: Open Enrollment Act for Low-Achieving Schools as Added by SBX5 4/Romero* at www.csba.org/pab.aspx.

STUDENT TRANSFER OPTIONS: A COMPARISON OF LEGAL REQUIREMENTS

(March 2011)

The legal requirements for various state and federal student transfer options are compared in a fact sheet issued by CSBA in March 2011. *Transfer Law Comparison* presents a chart summarizing the major requirements of the Open Enrollment Act (Education Code 48350-48361), intradistrict open enrollment (Education Code 35160.5(b)), public school choice for students in Title I Program Improvement schools (20 USC 6316), interdistrict attendance permits (Education Code 46600-46611), "school district of choice" program (Education Code 48300-48316) and interdistrict transfer based on parent employment (Education Code 48204).

The chart describes each option and its applicability, and then displays the requirements, if any, of each option related to:

- Deadlines for parent applications, timelines for acceptance or rejection of the application and dates of enrollment in the new school
- Approval or denial of transfer requests, such as requirements pertaining to the approval/denial process and priorities for transfers
- Parent notifications
- Whether transportation for transfer students is required by law or locally determined
- Funding
- Transfer of completed coursework
- Documentation/recordkeeping
- Whether the law grants students a right to continued attendance without reapplication or if continued enrollment is locally determined

This fact sheet (available at www.csba.org/pab.aspx) may be useful when reviewing CSBA samples BP/AR 5116.1 – Intradistrict Open Enrollment (March 2011) and BP/AR 5118 – Open Enrollment Act Transfers (November 2010).

STUDENT HEALTH AND WELLNESS

ADMINISTRATION OF ANTISEIZURE MEDICATION

(November 2011)

SB 161 (2011) authorizes an LEA to train volunteer, nonmedical personnel to administer emergency antiseizure medication to students suffering from epileptic seizures when a school nurse or other licensed health care professional is not available on site. To exercise this authority, the LEA must meet the requirements specified in SB 161, including developing related plans and processes, sending notifications to parents/guardians and staff, providing training with certain components, obtaining written statements from the student's parent/guardian and health care provider, and developing an individualized health plan whenever the student's health needs are not addressed in a Section 504 plan or an individualized education program. BP/AR 5141.21 – Administering Medication and Monitoring Health Conditions was updated to reflect new law.

The bill analysis notes that more than 90,000 children in California have epilepsy and that Diastat, a rectally administered gel, is an at-home medication for the treatment of seizures which was designed to be administered by people without medical training. Further information on the symptoms and treatment of epilepsy is available through the Centers for Disease Control and Prevention (www.cdc.gov/epilepsy) and the Epilepsy Foundation of America (www.epilepsyfoundation.org).

SB 161 requires CDE, in consultation with the California Department of Public Health, to develop guidelines for training and supervision of employees and to post these guidelines and a clearinghouse of best practices on its website by July 1, 2012. In the absence of such guidelines, it is recommended that LEAs consult with legal counsel, health care providers and risk managers to ensure that appropriate protections are in place.

This new authorization is in addition to other state law provisions which allow trained, nonmedical school personnel to administer emergency epinephrine auto-injectors to students suffering from severe allergic reactions and glucagon to students with diabetes suffering from severe hypoglycemia. However, litigation concerning the administration of insulin by nonmedical personnel has not yet been resolved. The California Supreme Court is now considering the issue (*American Nurses Association v. O'Connell*) and a decision is expected in spring or summer of 2012. When the California Supreme Court issues its decision on the administration of insulin by nonmedical personnel, it is possible that further revision to BP/AR 5141.21 will be needed.

CONCUSSIONS AND STUDENT ATHLETES

(November 2011)

AB 25 (2011) requires that a student athlete at any grade level who is suspected of sustaining a concussion be immediately removed from the athletic activity and not returned until a health care provider provides written clearance. AB 25 also requires schools to distribute information on concussions and head injuries to student athletes and their parents/guardians. BP/AR 6145.2 – Athletic Competition was updated to reflect new law.

Schools participating in the California Interscholastic Federation (CIF) for grades 9-12 are subject to CIF Bylaw 313 which has similar requirements to AB 25. However, AB 25 extends these requirements to any district that offers an athletic program at any grade level and for any sport.

A number of resources are available to develop the information sheet that must be distributed to student athletes and parents/guardians, including fact sheets and a sample information sheet issued by the Centers for Disease Control and Prevention. These materials are available on CIF's website at www.cifstate.org/index.php/the-latest-news/concussions. In addition, CIF offers a free online course to educate coaches about the risk and symptoms of concussion or head injury.

AB 25 does not apply to students engaging in an athletic activity during the regular school day or as part of a physical education course. However, LEAs should consider providing training and protocols to physical education teachers regarding the identification and handling of concussions or head injuries sustained by students in class.

PERTUSSIS IMMUNIZATIONS

(July 2011)

Effective in the 2011-12 school year, Health and Safety Code 120335 requires any student admitted or advancing to grades 7-12 to be fully immunized against pertussis (whooping cough), including all pertussis boosters appropriate for the student's age. In subsequent years, such immunizations will be required for students admitted or advancing to grade 7 only.

Legislation signed by Gov. Brown (SB 614, 2011) authorized LEAs, for the 2011-12 school year only, to provide 30 additional calendar days for students to meet this requirement. Students were required to meet certain conditions to be conditionally admitted and LEAs were required to work with parents/guardians so that the students would receive all immunizations or boosters necessary for continued attendance.

For further information about pertussis immunizations, see the CDE website at <http://www.cde.ca.gov/ls/he/hn/pertussis.asp>. Also see CSBA sample policy and administrative regulation BP/AR 5141.31 – Immunizations for information about immunization requirements.

REAUTHORIZATION OF CHILD NUTRITION PROGRAMS

(March 2011)

The Healthy, Hunger-Free Kids Act (P.L. 111-296), signed into law in December 2010, reauthorizes the National School Lunch Program, School Breakfast Program and other major child nutrition programs and makes a number of significant changes that will affect the provision of food services in schools. LEAs now await further details through implementing regulations to be developed by the U.S. Secretary of Agriculture.

CSBA revised several nutrition-related sample policies and administrative regulations (BP/AR 3550 – Food Service/Child Nutrition Program, BP 3551 – Food Service Operations/Cafeteria Fund and AR 3553 – Free and Reduced Price Meals) to reflect the new law and will continue to monitor its implementation for additional policy implications.

Key provisions of the legislation include:

- **Updated nutritional standards for school meal programs.** The new law requires the Secretary to develop regulations updating the nutritional standards for the National School Lunch and Breakfast Programs to require more whole grains, fresh fruits and vegetables, and low-fat dairy products and to reduce salt. *(The new regulations were issued in January 2012 and compliance requirements are phased in beginning July 1, 2012.)*
- **Nutritional standards for other food sales.** The Secretary is also required to establish nutritional standards for all foods sold outside the federal meal programs. Such standards will apply to foods sold on school campuses at any time during the school day, although infrequent, school-approved fundraisers may be exempted.
- **Requirement to provide drinking water.** Schools participating in the National School Lunch Program will be required to make free drinking water available for consumption in places where meals are served. The law does not specify an effective date for this provision nor provide any detailed requirements. However, the USDA has informed the CDE that implementation of this provision will be included in regulations addressing nutritional standards outside the federal meal programs.

This requirement is similar to new state law (SB 1413, 2010) which requires all California schools to make free drinking water available during school meal times effective July 1, 2011. Under SB 1413, a school may be exempted from this requirement only if the governing board adopts a resolution demonstrating why it is unable to comply due to fiscal constraints or health or safety concerns. However, there is no such exemption from the federal requirement to provide drinking water if a school participates in a federal meal program.

- **Direct certification of student eligibility for free and reduced-price meals.** In order to reduce the need to collect applications for free and reduced-price meals, previous law authorized the use of CalWORKS and food stamp data for the purpose of directly certifying students' eligibility and allowed LEAs to obtain documentation from appropriate state or local agencies to directly certify students who are homeless or migratory. P.L. 111-296 strives to make meals available to more students by allowing the use of Medicaid data to directly certify eligibility, allowing discretionary direct certification of foster youth, and eliminating the need for individual applications in schools and LEAs that qualify for community eligibility based on their very high percentages of low-income children.
- **Pricing of unsubsidized meals.** Prices that can be charged for reduced-price lunches and breakfasts have long been set in law, but pricing policies related to full-price meals have been a matter of local discretion. However, effective July 2011, P.L. 111-296 requires schools to charge a price for unsubsidized (fully paid) meals that is, on average, equal to the difference between free meal reimbursement and paid reimbursement. Thus, if the paid meal price is too low, the price must be gradually increased or else the LEA must cover the difference with nonfederal funds.
- **Indirect costs.** P.L. 111-296 gives the Secretary authority to regulate the indirect costs (e.g., costs related to operating and maintaining buildings and equipment, administrative salaries, travel) that LEAs may attribute to school meal operations. The Secretary has issued guidance on the types of costs that are reasonable and necessary to provide school meals.
- **Staff development and certification for food service personnel.** On a date to be determined by the Secretary, all food service directors will be required to comply with minimum qualifications criteria related to education, training, and certification. In addition, all school food services personnel will be required to complete annual training and receive annual certification to ensure program compliance.
- **Report on school nutrition environment.** Upon receiving further guidance from the Secretary, LEAs will be required to periodically report to the Secretary and to the public, in an accessible, easily understood manner, regarding the school nutrition environment for all district schools. This report must include information pertaining to food safety inspections, the student wellness policy, student participation in the National School Lunch and/or Breakfast Program, the nutritional quality of meals served in these programs, and other information as determined by the Secretary.

LEAs are encouraged to study the full bill for other requirements and opportunities. The text of the bill and other useful information may be accessed at www.fns.usda.gov/cnd/Governance/Legislation/CNR_2010.htm.

SCHOOL BREAKFAST PROGRAMS

(July 2011)

Although research demonstrates clear academic and health benefits when students eat breakfast, many students do not eat breakfast at home and school breakfast programs are often unavailable or underutilized. A policy brief issued by CSBA, *Expanding School Breakfast Programs to Improve Student Learning*, presents information about the fiscal return on investment when operating a school breakfast program, program models and case studies, the role of the governing board in promoting an environment where students are well nourished, and questions for the governance team to consider when determining how to best ensure that all students have access to a nutritious breakfast.

The policy brief was developed with assistance from California Food Policy Advocates and with support from The California Endowment. The brief is available on CSBA's website at www.csba.org/pab.aspx.

LEAs are encouraged to read this policy brief prior to adopting or revising policy on student wellness or school nutrition (e.g., BP/AR 3550 – Food Service/Child Nutrition Program, BP/AR 3552 – Summer Meal Program, BP 5030 – Student Wellness).

STUDENT WELLNESS POLICY

(July 2011)

Legislation reauthorizing the federal nutrition programs, the Healthy, Hunger-Free Kids Act (P.L. 111-296), also added new provisions related to student wellness policies, including requirements that LEAs:

- Develop goals for nutrition *promotion* as well as nutrition education
- Involve specified stakeholders not only in the development of the wellness policy but also in the implementation and periodic review of the policy
- Periodically assess and report to the public regarding the extent to which schools are in compliance with the wellness policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy

The law also requires the U.S. Secretary of Agriculture to develop regulations providing a framework and guidelines for local policies, although LEAs will still have discretion to determine their policies. Federal regulations are not expected until fall 2012. CSBA has reissued BP 5030 – Student Wellness to inform LEAs of the new requirements and will review the sample policy again when federal regulations are issued to determine whether any additional revisions are needed.

APPENDIX A

2011 PUBLICATIONS

Books

2010 Policies in Review (1/11)

Safe Schools: Strategies for Governing Boards to Ensure Student Success (11/11)

Fact Sheets

Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates (2/11)

Legal Guidelines for Lobbying Activity (2/11)

Transfer Law Comparison (3/11)

Newsletters

Link to Learning: Healthy Students, Ready to Learn (4/11, 10/11)

Policy News (3/11, 7/11, 11/11)

Policy Advisories and Briefs

Student Fees Litigation Update (5/11)

Expanding School Breakfast Programs to Improve Student Learning (7/11)

Transitional Kindergarten (7/11)

APPENDIX B

2011 LEADERSHIP DEVELOPMENT

CSBA's Policy Services department offered a number of continuing education opportunities on major policy issues throughout 2011. See the Events calendar at www.csba.org for upcoming workshops, webinars and other training events in 2012.

Go green! Go online!

The complimentary, two-hour *Go green! Go online!* workshop led by CSBA Governance Technology staff guides participants through a discussion of both GAMUT™ Online and *AgendaOnline*. The first presentation addresses the benefits and new features of GAMUT™ Online and explains how the LEA's policy manual may be included online. The second presentation demonstrates how to easily move from the current process of creating, editing and viewing board agendas and minutes to an online format with *AgendaOnline*.

Roadmap to Policy Updates

This complimentary session helps LEAs maximize the benefits they receive from CSBA's policy services. Participants explore and discuss best practices and procedures for keeping the LEA's policy manual current through GAMUT™ Online and Manual Maintenance services and discover pathways for accessing local policies online. This session has also been offered as a webinar.

Policy Online Webinar

LEAs that have placed their policy manuals online through CSBA's Policy Online service may participate in a complimentary webinar to hear more about the features of the service. *My Policy Manual is Online: Now What?* assists board members and staff with locating, viewing, printing and downloading policies. The Webinar also demonstrates how to increase transparency by giving staff and the public access to their policy manual.

Trainings for executive assistants

Executive assistants play a key role in the district or county office of education. In this popular, full-day training, executive assistants can learn skills, tools and strategies to effectively meet the needs of the superintendent, board, students and the community.

Annual Education Conference

CSBA's 2011 Annual Education Conference included numerous sessions on policy issues, the policy development process and CSBA policy services.

APPENDIX C

POLICIES/REGULATIONS/BYLAWS/EXHIBITS ISSUED IN 2011

0000 Series: Philosophy, Goals, Objectives and Comprehensive Plans

BP/AR 0450 – Comprehensive Safety Plan (11/11)

Policy updated to reflect new law (AB 680, 2011) which authorizes districts to develop those portions of the comprehensive safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury and to prohibit public disclosure of those strategies. Regulation updates section on “Content of the Safety Plan” to include examples of indicators that might be used to assess current school safety, reflects new law (AB 9, 2011) which adds requirements related to the district’s nondiscrimination policy, reflects new law (AB 1156, 2011) which encourages districts to include bullying policies in their plans, reflects new law (AB 123, 2011) which expands the definition of a “disruption,” and adds new optional language regarding dating violence and threat assessment strategies.

1000 Series: Community Relations

BP 1100 – Communication with the Public (3/11)

Updated policy expands possible methods of communication with the public. Section on “Prohibition Against Mass Mailings at Public Expense” expanded to include additional definition of mass mailing related to ballot measures, candidates, legislative activities and other campaign activities. The schedule for evaluating the implementation and effectiveness of the district’s communications plan was made more flexible since the schedule may change depending on communications goals and district needs.

BP/AR 1113 – District and School Web Sites (7/11)

Updated policy (1) includes new section on “Design Standards” addressing accessibility of websites to individuals with disabilities per U.S. Department of Justice technical assistance publication, (2) applies district policy related to advertising in school publications (BP 1325 – Advertising and Promotion) to advertising on district and school websites, and (3) clarifies options related to posting of individual student photographs. Updated regulation deletes legal requirement to make school accountability report cards available on the Internet which repeated material in 0510 – School Accountability Report Cards. Regulation also contains material formerly in BP related to copyrighted material and external links, and adds new material on individual teacher or classroom pages, editorial review of content, and staff development.

BP/AR 1114 – District-Sponsored Social Media (7/11)

New policy and regulation address the use of official district-sponsored social media platforms (e.g., Facebook, Twitter, YouTube, LinkedIn, blogs) as tools for communication and collaboration. Policy and regulation also address the open accessibility of social media and the circumstances under which the district may be able to remove posts that are not related to the stated purpose of the site or that are obscene, libelous, defamatory, or incite students to commit unlawful acts.

BP 1160 – Political Processes (3/11)

Policy revised to reflect new court decision which details the appropriate use of district resources for election purposes. Consistent with the court’s decision, the policy clarifies that it is a permissible informational activity for

the board to adopt a resolution in support of or in opposition to a ballot measure as long as the resolution and other materials do not urge voters to act in a certain way and as long as the distribution of the materials is consistent with regular district practice. Policy also outlines impermissible campaign activities by the district, such as the purchase of bumper stickers or the use of district email to disseminate campaign literature. In addition, policy contains updated language regarding district lobbying and advocacy activities.

AR 1340 – Access to District Records (11/11)

Regulation revised to list instructional materials as records that must be accessible to the public under the California Public Records Act. Regulation also adds district authority to prohibit disclosure of security records pertaining to the district's information technology system and reflects new law (SB 445, 2011) which classifies library circulation and patron use records as confidential, with specified exceptions.

2000 Series: Administration

BP 2121 – Superintendent's Contract (11/11)

Policy updated to reflect new law (AB 1344, 2011) which (1) prohibits governing boards from deliberating on the salary or other compensation of the superintendent at a special meeting, (2) prohibits the automatic renewal of a contract with a provision for automatic increase that exceeds the cost-of-living adjustment, and (3) requires any contract executed or renewed after Jan. 1, 2012, to include a provision requiring the superintendent to reimburse the district for paid leave salary or cash settlement in the event he/she is convicted of a crime involving an abuse of his/her position.

BP 2140 – Evaluation of the Superintendent (3/11)

Updated policy broadens evaluation criteria and adds concept of providing opportunities throughout the year for review of the superintendent's progress toward meeting goals. Policy also clarifies the board's process for developing the evaluation document to be presented to the superintendent.

BP 2210 – Administrative Discretion Regarding Board Policy (7/11)

Policy updated to reflect new law (SB 70, 2011) which extends the flexibility to use funds received for 39 "Tier 3" categorical programs for any educational purpose through the 2014-15 fiscal year. Date in text deleted to avoid the need for additional revision if flexibility is extended in the future.

3000 Series: Business and Noninstructional Operations

BP 3100 – Budget (7/11)

Updated policy expands section on "Fund Balance" to include sample policy statements, in compliance with Governmental Accounting Standards Board Statement 54, related to (1) how funds will be committed by the board to the "committed fund balance," (2) delegation of the authority to assign funds to the "assigned fund balance," (3) the order in which fund balances will be spent when multiple fund balance types are available for an expenditure, and (4) the minimum level of unrestricted fund balances that will be maintained in the general fund. Policy also reflects new law (SB 70, 2011) which extends the timeline for restoring the level of reserves to the level specified in state regulations and new law (AB 114, 2011) which requires districts, for the 2011-12 fiscal year, to base their budget on the same level of state revenues received in the 2010-11 fiscal year.

BP 3110 – Transfer of Funds (11/11)

Policy updated to reflect new law (SB 70, 2011) which extends the flexibility for districts to use funds received for 39 "Tier 3" categorical programs for any "educational purpose" through the 2014-15 fiscal year. Policy also reflects new law (AB 189, 2011) which (1) clarifies that the required public hearing must be held prior to and independently of the board's regular budget adoption meeting and (2) requires that, whenever the proposed use of the funding will result in the elimination of a program, the notice for the public hearing must identify the program proposed to be eliminated.

BP 3280 – Sale or Lease of District-Owned Real Property (7/11)

Policy updated to reflect new law (SB 70, 2011) which extends, until Jan. 1, 2014, the authorization to use the proceeds from the sale of surplus real property, along with the proceeds from any personal property located on that real property, for any one-time general fund purpose. Date in text deleted to avoid the need for additional revision if flexibility is extended in the future.

BP 3290 – Gifts, Grants and Bequests (7/11)

Revised policy includes optional language requiring annual report to the board of gifts, grants, and bequests received by the district and the expenditure of any monetary gifts. Policy also includes (1) new section on "Appreciation" which lists authorized forms of appreciation for donations to the district, and (2) new section on "Corporate Sponsorship" which authorizes the board to allow outside entities to advertise or promote their products and services within district facilities in exchange for funds, products and services provided by such entities.

AR 3314 – Payment for Goods and Services (11/11)

Regulation updated to reflect new law (SB 293, 2011) which provides that, for public works contracts entered into on or after Jan. 1, 2012, the proceeds that can be lawfully withheld by districts for completed work cannot exceed 5 percent of the contract price, except when there has been a finding by the board, at a regularly scheduled public hearing prior to accepting bids on the project, that the project is “substantially complex.”

BP/AR 3513.1 – Cellular Phone Reimbursement (11/11)

Unnecessary policy deleted. Regulation revised to delete section on “Documentation of Records for Tax Purposes” due to new federal law (P.L. 111-240) which removes cell phones from the U.S. Internal Revenue Service’s definition of listed property, thereby eliminating the extensive documentation and substantiation requirements placed on employers that provide cell phones for their employees’ business use.

BP/AR 3513.3 – Tobacco-Free Schools (3/11)

Mandated policy revised to reflect California Department of Education (CDE) requirements, as a condition for receipt of Tobacco-Use Prevention Education (TUPE) funding, related to certification of compliance with tobacco-free schools requirements. Policy adds definition of prohibited products, including nicotine delivery devices such as electronic cigarettes, and reflects new law (SB 882, 2010) which prohibits sales of electronic cigarettes to minors. For districts not receiving TUPE funds, policy reflects law regarding definition of “enclosed space” and conditions that must be met if the district chooses to provide employee break rooms for smoking. Regulation revised to add (1) new optional language regarding methods of disseminating information about the tobacco-free schools policy and enforcement procedures, and (2) clarification that an employee is not required to physically eject a nonemployee who is smoking or request a nonemployee to refrain from smoking when doing so would involve a risk of physical harm to the employee.

AR 3516.3 – Earthquake Emergency Procedure System (3/11)

Regulation updated to reflect new law (AB 2791, 2010) which renames the California Office of Emergency Services as the California Emergency Management Agency. Regulation also adds language addressing the consideration of a post-earthquake tsunami when developing plans for districts in coastal areas, identification of at least one individual within each building to determine whether an evacuation might be necessary and, if so, the best evacuation location and route, and post-earthquake communications.

AR 3541.1 – Transportation for School-Related Trips (11/11)

Regulation updated to (1) reflect new law (SB 929, 2011) which changes the age and weight criteria for children to be required to ride in the rear seat with a child passenger restraint system, and (2) list circumstances under which children may be exempted from the requirement to properly secure children in the rear seat in a passenger restraint system. Regulation also clarifies legal requirements pertaining to liability insurance.

BP/AR 3550 – Food Service/Child Nutrition Program (3/11)

Policy and regulation updated to reflect new federal law (P.L. 111-296) which reauthorizes and revises requirements for the National School Lunch and Breakfast Programs. Policy also adds optional language related to the goal of maximizing student participation in meal programs, establishment of school gardens and farm-to-school programs, and offering of multiple choices within a meal service. Regulation reorganized to clarify requirements applicable to various programs. Regulation also provides legal cites for nutrition standards and deletes detailed standards which are subject to change per P.L. 111-296. Regulation adds section reflecting P.L. 111-296 and new state law (SB 1431, 2010) which require districts to make free drinking water available during meals, adds section on Special Milk Program for schools that don’t participate in the federal meal programs, and adds language on recordkeeping based on U.S. Department of Agriculture (USDA) guidance.

BP/AR 3551 – Food Service Operations/Cafeteria Fund (3/11)

Policy updated to reflect requirements of new federal law (P.L. 111-296) related to pricing of full-price meals, upcoming USDA guidance on indirect costs, and upcoming regulations on qualifications and training of food service personnel. Updated regulation revises section on “Payments for Meals” to add optional language regarding parental notification of meal payment policy, actions that may be taken in the event of repeated nonpayment by students, and replacement of lost or stolen tickets. Regulation also adds sections on “Reimbursement Claims” and “U.S. Department of Agriculture Foods,” and adds requirements pertaining to contracts for food service management services.

BP/AR 3553 – Free and Reduced Price Meals (3/11, 11/11)

Mandated policy revised to add new language regarding providing free milk through the federal Special Milk Program. Updated policy also reflects authority to release information from the free and reduced-price meal application to another district or private school when eligible students transfer or, as authorized by new law (AB 402, 2011), to the local agency responsible for determining eligibility for participation in CalFresh (formerly Food Stamp) or other nutrition assistance program. Regulation reflects new federal law (P.L. 111-296) which provides that the meal

application must request only the last four digits of the applicant's social security number and which allows direct certification of foster youth. Regulation also adds new sections on "Verification of Eligibility" and "Prices."

4000 Series: Personnel

BP 4033 – Lactation Accommodation (7/11)

New policy reflects state law and new federal law (P.L. 111-148) requiring employers to provide reasonable break time and an appropriate place for employees who are nursing mothers to express breast milk for their infant children, including requirements related to the designated location and the limited circumstances under which accommodation can be denied.

AR 4112.2 – Certification (7/11)

Updated regulation reflects new state regulations (Register 2010, No. 43) which (1) provide that the Short-Term Staff Permit (STSP) and Provisional Internship Permit (PIP) now include an English learner authorization allowing the holder to provide services in English language development (ELD) or specially designed instruction in English (SDAIE); (2) allow the district to request that the holder of a STSP or PIP be granted a bilingual authorization to provide instruction in primary language development or content instruction delivered in the primary language; and (3) replace the Emergency Bilingual, Crosscultural, Language and Academic Development (BCLAD) Permit with an Emergency Bilingual Authorization Permit. Regulation also revises section on "Verification of Credentials" to reflect use of the Commission on Teacher Credentialing's (CTC) online system to verify credentials, and revises the section on "Basic Skills Proficiency" to clarify that there are multiple ways that teachers can fulfill the requirement to demonstrate basic skills proficiency beyond the California Basic Educational Skills Test.

AR 4112.22 – Staff Teaching English Language Learners (7/11)

Retitled regulation adds definitions of "English learner" and "primary language instruction." Regulation also reflects new state regulations (Register 2010, No. 43) which authorize holders of the STSP or PIP to provide ELD and SDAIE services or, upon approval by the CTC for qualified individuals, to provide primary language instruction. Material regarding Certificate of Completion of Staff Development revised to reflect sunset of law which formerly allowed multiple subject, single subject and education specialist holders to qualify to provide SDAIE by completing a CTC-approved staff development program and to clarify that this option is now available only to holders of the designated subjects teaching credential or service credential with a special class authorization. New paragraph added to reflect requirements related to employment of teachers from a foreign country who hold a sojourn credential.

AR 4117.11/4317.11 – Preretirement Part-Time Employment (11/11)

Mandated regulation revised to clarify that, if a district allows certificated employees who are members of the defined benefit program of the California State Teachers' Retirement System to reduce their workload to part time while continuing to receive the same service credit and other benefits as full-time employees, it must afford equal treatment to all certificated employees who meet the eligibility requirements. Regulation also adds requirement for the district and/or employee to make the payment or contribution necessary for the employee to retain a benefit in the same manner as if the employee were employed full time.

BP 4140/4240/4340 – Bargaining Units (11/11)

Recoded policy updated to reflect new law (AB 501, 2011) which (1) expands the definition of "exclusive representative" to allow employees who are neither certificated nor classified employees to be represented, and (2) expands the definition of "public school employer" to include certain joint powers agencies so that employees of the joint powers agency may be represented. Policy also adds new section on "Payment of Dues or Service Fee," including material reflecting new court decision regarding disclosing employees' home addresses and telephone numbers to an employee organization.

BP/AR 4158/4258/4358 – Employee Security (3/11)

Updated policy reflects new court decision which ruled that the issuance of a temporary restraining order and injunction against a person who had verbally threatened a city official was not a violation of that person's right to free speech and right of access to a public place. Updated regulation clarifies procedures to maintain confidentiality of student records when notifying a teacher or counselor of the need to review a student's file in the school office as required when the student has committed an offense.

AR 4217.3 – Layoff/Rehire (11/11)

Updated, reorganized regulation reflects new law (AB 1269, 2011) which provides that laid-off classified employees have reemployment rights which must be enforced in order of seniority rather than reverse order of layoff. Regulation also reflects new court decision which held that the permanent status of a laid-off classified employee is not retained when the employee is reemployed in a different class.

5000 Series: Students

BP/AR 5022 – Student and Family Privacy Rights (3/11)

Mandated policy and regulation revised and reorganized to address certain privacy issues related to students and/or their parents/guardians, including the administration of surveys and physical exams/screenings, parent/guardian rights to inspect instructional materials, and the collection of personal information for marketing purposes. Options formerly in BP pertaining to the collection of personal information for marketing purposes moved into AR and consolidated with material formerly in section titled “Exceptions to Collection of Personal Information.” Regulation also revised to more directly reflect law regarding health examinations.

BP 5030 – Student Wellness (7/11)

Mandated policy updated to reflect new federal law (P.L. 111-296) which moved and revised legal requirements related to student wellness policies. Law now requires (1) involvement of specified stakeholders in policy implementation and review, (2) establishment of goals for nutrition promotion as well as nutrition education, and (3) periodic assessment of the implementation of the wellness policy, including comparison of the district’s policy with model wellness policies provided by the USDA. Policy also adds optional language regarding programs that encourage students to walk or bicycle to and from school, in-class physical activity breaks, and joint use agreements to expand use of district and/or community facilities for recreation or sports activities. Section on “Nutritional Guidelines for Foods Available at School” adds consideration of students with special dietary needs and encourages schools’ participation in after-school snack programs and summer meal programs.

BP/AR 5111 – Admission (11/11)

Policy revised to add timeline for students to enroll in the school in their attendance area, consistent with the timeline for intradistrict open enrollment established pursuant to BP/AR 5116.1 – Intradistrict Open Enrollment. Policy also reflects new Office for Civil Rights guidance clarifying that districts may not adopt enrollment procedures that discourage the participation of students based on the actual or perceived citizenship or immigration status of the student or parent/guardian. Updated regulation reflects new law (SB 1381, 2010) which revises the age criterion for admission into kindergarten or first grade, moving up the birth date that triggers enrollment eligibility one month each year between 2012-13 and 2014-15. Material regarding prekindergarten summer program deleted since the program was eliminated pursuant to SB 1381.

AR 5111.1 – District Residency (11/11)

Regulation updated to reflect new law (SB 381, 2011) which extends districts’ authority to grant residency based on parent/guardian employment within district boundaries. Regulation reflects new law (AB 207, 2011) which (1) requires districts to accept a wide range of documents as reasonable evidence of residency, (2) authorizes districts to make reasonable efforts to verify a student’s residency when the district reasonably believes that a parent/guardian has provided false or unreliable evidence of residency, and (3) deletes detailed appeals procedure for denial or revocation of enrollment. Regulation also reflects new Office for Civil Rights guidance clarifying that districts may not inquire about a student’s citizenship or immigration status when verifying residency. Material added regarding documentation of residency for foster youth and homeless students and the requirement to immediately enroll such youth even if documentation is not available.

AR 5111.12 – Residency Based on Parent/Guardian Employment (11/11)

Regulation updated to reflect new law (SB 381, 2011) which extends until 2017 the authority to establish residency based on parent/guardian employment within district boundaries and specifies that the employment must be for a minimum of 10 hours per school week. Regulation also adds language requiring parent/guardian to annually provide evidence of the employment since the student’s continued enrollment is based on the parent/guardian’s continued employment within district boundaries. Section on “Requests for Transfers out of District Schools” revised to clarify the district’s authority to deny transfers when the percentage or number of net transfers exceeds the limit specified in law.

AR 5111.13 – Residency for Homeless Children (11/11)

Regulation deleted and key concepts incorporated into AR 5111.1 – District Residency.

BP/AR 5113 – Absences and Excuses (11/11)

Policy revised to clarify that, in accordance with court decisions and an Attorney General opinion, students at any grade level cannot be required to provide parent/guardian consent before being absent from school for purposes of receiving confidential medical services. Policy also adds language regarding the effect of excessive unexcused absences on a student’s grades. Mandated regulation updated to reflect new law (AB 387, 2011) which provides that a student absence will be considered an excused absence when the purpose is to spend time with an immediate family member who is an active duty service member who has been deployed, is on leave from, or has immediately returned from deployment to a combat zone or combat support position.

BP/AR 5116.1 – Intradistrict Open Enrollment (3/11)

Mandated policy revised to reflect new law (SBX5 4, 2010) which allows a student attending a school identified by the CDE as an “open enrollment school” to transfer to another school that has a higher Academic Performance Index. Policy contains language giving priority for admission to students attending an identified school who wish to transfer to another school within the district. Policy and regulation also revised to create an application window in order to allow the district to grant priorities consistent with the requirements in the Open Enrollment Act.

AR 5125 – Student Records (11/11)

Mandated, reorganized regulation reflects new law (AB 143, 2011) which (1) permits a minor’s legal counsel to access student records for specified purposes and (2) requires recipients of student records for specified purposes to provide written certification that the records will not be disclosed to another party without parental consent. Regulation also reflects law authorizing agreements to share information with county placing agencies and requirement to provide specified records to law enforcement when a student with disabilities commits certain acts. Regulation reflects new federal regulations (76 Fed. Reg. 75604) which clarify the circumstances under which districts may disclose student records for purposes of audit, evaluation, or compliance activities related to state and federally funded programs.

AR/E 5125.1 – Release of Directory Information (11/11)

Mandated regulation and accompanying Exhibit updated to reflect new law (AB 143, 2011) which changes the definition of “directory information” to include students’ email addresses and exclude students’ place of birth. Regulation and Exhibit also revised to reflect federal regulation excluding social security numbers and student identification numbers from the definition of directory information but allowing use of a personal identifier in specified circumstances. Regulation reflects new federal regulations (76 Fed. Reg. 75604) which authorize districts to limit the applicability of this policy to specific parties and/or for specific purposes.

BP 5131.62 – Tobacco (3/11)

Policy revised to provide examples of prohibited tobacco products in accordance with law and to add prohibition of nicotine delivery devices such as electronic cigarettes, consistent with new law (SB 882, 2010) which makes it unlawful for a person to sell or furnish an electronic cigarette to a minor. Policy also authorizes the use of intervention services as an alternative to suspension for tobacco possession and reflects requirement of TUPE program that the district not accept materials, advertisements, or funds from the tobacco industry.

BP/AR 5131.7 – Weapons and Dangerous Instruments (11/11)

Mandated policy and accompanying regulation updated to renumber legal cites pursuant to new law (SB 1080, 2010), effective Jan. 1, 2012. Policy also deletes material specifying the term of the suspension or expulsion of students who violate this policy, which is repeated in AR 5144.1 – Suspension and Expulsion/Due Process. Regulation also reflects law prohibiting the carrying of ammunition or reloaded ammunition onto school grounds without permission of the superintendent or designee.

BP/AR 5141.21 – Administering Medication and Monitoring Health Conditions (11/11)

Policy updated to reflect new law (SB 161, 2011) which authorizes districts to train volunteer, nonmedical district employees to provide emergency medication to students suffering from epileptic seizures when licensed health care professionals are not available onsite. Regulation includes related requirements pertaining to the health provider’s written statement, notifications to staff and parents/guardians, staff training, and other arrangements for assisting students with epilepsy who may suffer a seizure at school.

BP/AR 5142.1 – Identification and Reporting of Missing Children (7/11)

Unnecessary policy deleted and legal requirements regarding fingerprinting program moved to AR. Regulation revised to more directly reflect law regarding posting the Department of Justice (DOJ) poster on missing children and reviewing the DOJ’s quarterly missing person bulletin. Regulation also adds new material related to the “Amber Alert” system and to actions to be taken in the event an employee recognizes a child who has been reported as missing or witnesses an abduction.

BP/AR 5144 – Discipline (3/11)

Revised policy expands goal statement to focus on correcting student behavior while avoiding an adverse effect on student learning or health. Policy also broadens related staff development topics to include assisting staff to establish cooperative relationships with parents/guardians. Regulation expands disciplinary strategies to include option to restrict or disqualify student from participation in extracurricular activities, and provides that teachers will first try disciplinary measures other than recess restriction when recess restriction would result in withholding of physical activity.

BP 5145.11 – Questioning and Apprehension by Law Enforcement (7/11)

Policy updated to reflect new court decision (*Greene v. Camreta*) which vacated the Ninth Circuit Court of Appeal’s decision that required law enforcement to have parental consent, warrant, or other court order to interview a student

in school absent exigent circumstances. Exhibit containing sample form for recording the source of law enforcement's authority for the interview is no longer necessary.

E 5145.6 – Parental Notifications (3/11)

Exhibit adds listings for parental notifications related to (1) student transfers under the Open Enrollment Act (AR 5118); (2) administration of survey about health risks and behaviors of students in grades 7-12 (AR 5022); (3) substantive change in district's privacy policy (AR 5022); (4) selection of household for verification of eligibility for free or reduced-price meals (AR 3553); and (5) procedural safeguards for students eligible for Section 504 services (AR 6164.6). Exhibit also revises listing related to the required distribution of type 2 diabetes information, which is now addressed in AR 5141.3. Corrections in legal citations and references to CSBA sample policies/regulations made throughout Exhibit.

BP/AR 5148 – Child Care and Development (7/11)

Mandated policy revised to delete reference to school-age community child care services (repealed), add language addressing facilities for child care and development services, delete options related to ages of children served (now addressed in AR) and hours of operation, and revise material on program evaluation to more directly reflect state requirements. Mandated regulation updated to reflect new law (AB 2084, 2010) which establishes beverage standards for licensed child care centers effective Jan. 1, 2012. Section on "Enrollment" (1) reflects new law (SB 70, 2011) which changes the income threshold for subsidized services; (2) reflects new law (AB 114, 2011) which restores the pre-SB 70 age limit for eligibility for subsidized services; (3) adds legal requirements pertaining to subsidized services for children ages 11-12; and (4) explains that, since the "centralized eligibility list" is not currently funded by the state, it is only available if a county chooses to provide this service at its own expense.

6000 Series: Instruction

BP 6111 – School Calendar (7/11)

Updated policy reflects new law (SB 70, 2011) which extends, until the end of the 2014-15 school year, authorization for districts to reduce the length of the school year without incurring financial penalties.

BP/AR 6143 – Courses of Study (11/11)

Mandated policy includes expanded language on the articulation of courses of study across grade levels and with postsecondary institutions, and clarifies requirement to offer secondary students a course of study that prepares them to meet the prerequisites for college admission and to attain entry-level employment skills. Material regarding notifications to students in grades 9-12 moved to AR. Updated regulation reflects new law (SB 48, 2011) which requires social sciences instruction at the appropriate elementary and secondary grade levels as determined by the district to include a study of the contributions of lesbian, gay, bisexual, and transgender (LGBT) Americans, persons with disabilities, European Americans, and members of other cultural groups to the development of California and the United States. Regulation also revised to reflect new law (AB 199, 2011) which encourages secondary social sciences instruction to include the role of Filipinos in World War II. New section on "Certification of College Preparatory Courses" added to address the process of seeking certification of a-g courses by the University of California.

BP/AR 6145.2 – Athletic Competition (11/11)

Policy and regulation updated to reflect new law (AB 25, 2011) which requires districts to distribute information on concussions and head injuries to student athletes and their parents/guardians and requires that a student athlete who is suspected of sustaining a concussion be immediately removed from the athletic activity and not returned until a health care provider provides written clearance. Policy also reflects (1) new court decision regarding liability for failure to provide equivalent athletic opportunities for males and females even if the females did not provide notice of their disadvantageous treatment; (2) new law (SB 107, 2011) which extends the operation of the California Interscholastic Federation (CIF) until 2017; and (3) CIF bylaws related to student eligibility for interscholastic athletic programs, including bylaws limiting eligibility of students in home schooling or home study/independent study programs. Updated regulation clarifies requirements related to ensuring that equivalent athletic opportunities are provided to both sexes.

BP/AR 6146.1 – High School Graduation Requirements (11/11)

Policy updated to reflect new law (AB 1330, 2011) which authorizes governing boards, beginning in the 2012-13 school year, to accept a course in career technical education (CTE) as an alternative to completion of a visual or performing arts or foreign language course for satisfaction of high school graduation requirements. Regulation reflects requirement that any district allowing CTE as an alternative graduation requirement provide specified information in its annual parent/guardian notification pertaining to the alignment of district CTE courses with college entrance course requirements.

BP/AR/E 6161.1 – Selection and Evaluation of Instructional Materials (11/11)

Policy updated to reflect new law (SB 70, 2011) which extends flexibility for the use of Instructional Materials Funding Realignment Program funds through the 2014-15 fiscal year, provided the board continues to hold a public hearing on the sufficiency of instructional materials. Policy also reflects new law (SB 509, 2011) which authorizes districts, until July 1, 2015, to purchase the newest adopted instructional materials for schools in deciles 1-3 of the Academic Performance Index without purchasing them for other schools. Updated regulation reflects (1) new law (SB 70) which prohibits the State Board of Education (SBE) from adopting K-8 instructional materials until the 2015-16 school year; (2) new law (AB 114, 2011) which provides that districts are not required, through the 2014-15 fiscal year, to provide students with instructional materials within 24 months of the SBE's adoption; (3) new law (SB 140, 2011) which requires the CDE to prepare a list of K-8 supplemental instructional materials that are aligned with the Common Core Standards; and (4) new law (SB 48, 2011) which prohibits the use of instructional materials that adversely reflect upon persons based on their religion, sexual orientation, or other specified characteristics and which requires instructional materials to include the role and contributions of LGBT, disabled, and European American individuals. Exhibit updated to reflect new law (SB 70) which extends the current definition of "sufficiency" through the 2014-15 fiscal year.

AR 6162.51 – Standardized Testing and Reporting Program (11/11)

Regulation updated to reflect new state regulations (Register 2011, No. 15) which (1) list criteria that should be considered in determining whether a student with disabilities should be assessed using the California Modified Assessment; (2) lengthen the testing window to 25 instructional days, which includes 12 days before and after completion of 85 percent of the school's instructional days; (3) address the handling of exemptions from the testing requirement requested by parents/guardians after testing has begun; (4) make a number of changes related to allowable testing variations; (5) authorize the appointment of a contractor to administer the assessments; and (6) specify the qualifications of test proctors and translators.

BP 6163.1 – Library Media Centers (3/11)

Updated policy reflects new state standards adopted by the SBE, including program standards which describe staffing, resources and infrastructure recommended for effective school library programs as well as academic standards for library instruction. Policy also adds new section on "Staffing" and new language on criteria for acceptance of donated library materials.

BP/AR 6163.2 – Animals at School (3/11)

Policy and mandated regulation reorganized and revised to reflect new federal regulations (75 Fed. Reg. 178) which require the district to modify its policy, practices and procedures to permit an individual with a disability to use a service animal at school, when the work or task performed by the service animal is directly related to the individual's disability. Material moved from BP to AR regarding (1) obtaining permission to bring an animal to school and (2) notifying parents/guardians before bringing animal to school for instructional purposes in order to verify student allergies, asthma, or other health condition. Regulation adds new section on "Use of Service Animals by Individuals with Disabilities" which includes the definition of "service animal," the reasons that a student may be asked to remove his/her service animal from school, and the conditions under which use of miniature horses as service animals may be allowed at school.

BP 6170.1 – Transitional Kindergarten (11/11)

New policy reflects new law (SB 1381, 2010) which requires districts to establish "transitional kindergarten" programs beginning in the 2012-13 school year for children whose admission to kindergarten is delayed due to changes in law affecting the age criterion for admission to kindergarten. Policy addresses student eligibility for the program, curriculum and instruction, staffing, and students' continuation to kindergarten at the completion of the transitional kindergarten program.

AR 6173.1 – Education for Foster Youth (11/11)

Regulation updated to reflect new law (AB 709, 2011) which aligns Health and Safety Code with Education Code provisions requiring districts to immediately enroll foster youth even if immunization records normally required for enrollment are not available, and to subsequently work to obtain these records to ensure that foster youth are properly immunized. Regulation also reflects new law (SB 578, 2011) which requires districts to accept coursework satisfactorily completed by a student in foster care while attending another school and to award full or partial credit for such coursework as specified.

7000 Series: Facilities

BP 7310 – Naming of Facility (7/11)

Updated policy includes new section on "Naming Rights" which authorizes the board to enter into a written agreement granting any person or entity the right to name any district building or facility. Section on "Memorials" expanded to include commemorative trees, monuments, or other district facilities.

9000 Series: Board Bylaws

BB 9123 – Clerk (3/11)

Bylaw revised to clarify which boards are required by law to appoint a clerk from among their members at the annual organizational meeting, and to clarify duties of the clerk.

BB 9140 – Board Representatives (3/11)

Revised bylaw recognizes that participation of board members on district or community committees supports the board's community leadership role. Bylaw also adds responsibility of board representative to report back to the board regarding committee activities and/or actions, and clarifies which boards must designate a voting representative to elect members of the county committee on school district organization.

BB 9150 – Student Board Members (7/11)

Updated bylaw clarifies that student board members must be selected by district high school students. Bylaw also includes new section on "Student Board Member Development" which (1) authorizes student board members to participate in trainings, workshops and conferences at district expense to enhance their knowledge, understanding and performance of board responsibilities; and (2) authorizes the superintendent to provide an orientation to student board member candidates regarding board responsibilities.

BB 9223 – Filling Vacancies (11/11)

Bylaw updated to reflect new law (AB 334, 2011) which allows governing boards to approve a board member's out-of-state absence for illness or urgent necessity for an unlimited duration. Updated bylaw also reflects law which provides that, when an interim board member is appointed to fill an absence created by a member's military deployment that exceeds six months, the term of the interim member cannot extend beyond the return of the absent board member or beyond the next regularly scheduled election for that office, whichever occurs first.

BB 9320 – Meetings and Notices (11/11)

Mandated bylaw updated to reflect new law (AB 1344, 2011) which prohibits boards from calling special meetings to address the salaries, salary schedules, or other compensation of the superintendent, assistant superintendent, or other specified employees. Bylaw also reflects requirement added by AB 1344 to post the agenda for a regular meeting and the notice of a special meeting on the district website, if there is one.

BB 9323.2 – Actions by the Board (3/11)

Bylaw updated and reorganized to clarify the circumstances under which the Brown Act permits the board to discuss or take action on items that are not on the posted agenda. Bylaw also revised to delineate the board's options upon a receipt of a demand to "cure and correct" an alleged Brown Act violation.

APPENDIX D

CSBA POLICY SERVICES

CSBA offers a wide array of products and services to assist governance teams in school districts and county offices of education. Please see www.csba.org/Services/Services/PolicyServices.aspx or contact CSBA at (800) 266-3382 for subscription and ordering information.

THE CSBA ONLINE BOARDROOM

GAMUT™ Online

GAMUT™ Online provides easy access to CSBA sample policies, regulations and bylaws, pertinent laws and other resources. GAMUT™ Online is updated continuously. It includes all of CSBA's more than 800 samples, the entire Education Code, Title 5, other relevant state and federal code sections, California Department of Education advisories, a keyword index and the ability to easily download sample policies and regulations for editing. Free 30-day trial offer available.

Policy Online

Combining the benefits of Policy Manual Maintenance and GAMUT™ Online services, Policy Online provides Internet access to the LEA's policy manual to ensure that everyone has access to the most current policies and no one has to worry about managing and monitoring paper policy manuals.

AgendaOnline

AgendaOnline is an electronic board meeting agenda service. It is a Web-based application that allows development of and access to board meeting information including agendas, supporting documents and minutes from any computer that has Internet access. Board members, staff and the public have access to information based on user type. Features include meeting and item templates, ability to attach multiple background documents, ability to link to documents already posted on the Web, "sticky note" option for board members and staff, recording of minutes including votes, printing of agenda and minutes, a district goal scorecard, and more.

BRINGING POLICY MANUALS INTO COMPLIANCE

Policy Audit Program

Keeping a policy manual current can be an overwhelming task. Hundreds of new laws are passed by the state Legislature and Congress every year and policies can quickly become out of date. Through CSBA's Policy Audit Program, a CSBA consultant will review more than 150 of the LEA's policies, including mandated policies and others that contain important legal requirements, to determine if they reflect current law and the CSBA sample. Once CSBA has completed this analysis, the LEA will receive a report that identifies those policies that the LEA does not have or

that do not reflect the latest revision by CSBA. This report will help the LEA identify priority areas for policy updating and give an indication as to the overall status of the LEA's manual. The LEA will also receive copies of the necessary CSBA sample policies.

Policy Development Workshop

Policy Development Workshops bring together the expertise and experience of LEA administrators and/or board members with a CSBA consultant to produce an LEA policy manual that complies with state and federal law and meets local needs. At a facility provided by the LEA and with facilitation and assistance of the CSBA consultant, LEA review teams customize CSBA's core sample policy manual to reflect local philosophy and practice. The draft policy manual is returned to CSBA for production and, after adoption by the board, is returned to CSBA for final production.

CSBA also offers a consortium workshop to assist small school districts with policy development. Several small school districts may come together in a central location in a workshop which follows the same basic format as the individual district policy development process.

KEEPING POLICY MANUALS UPDATED AND IN COMPLIANCE

Policy Manual Maintenance

LEA staff sometimes have difficulty finding time to maintain policies. CSBA's Manual Maintenance service provides policy updates, ongoing consultation and word processing services. LEAs are eligible to contract for the service if they have completed a Policy Development Workshop or maintained an up-to-date manual using CSBA's policy services and copyrighted policy numbering system.