

CSBA's Policy Services

2012 Policies in Review



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CSBA's Policy Services

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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 these update packets are CSBA's *Policy News*, policy briefs and fact sheets on important and emerging issues.

In 2012, Gov. Jerry Brown signed 137 bills that impact K-12 education. *2012 Policies in Review* provides an overview of the major policy issues addressed throughout the year. For a list of publications and continuing education opportunities provided in 2012 to support the board's policy development role, please see Appendices A and B. See Appendix C for the specific changes made to the sample policies and regulations. For a complete description of the various policy services offered by CSBA, go to Appendix D.

For further information, call CSBA's Member Services Department at (800) 266-3382 or email policy@csba.org.

Table of contents

Assessment	1	Safety	16
High school exit exam: Exemption for students with disabilities		Discrimination, harassment, intimidation and bullying	
At-risk students	3	Student wellness	17
Foster youth		Nutrition standards	
Truants		Student wellness policy	
Charter schools	5	Technology	19
Charter school performance		Responsible use of technology	
Charter school facilities		Appendix A	20
Curriculum and instruction	7	2012 Publications	
Common Core State Standards		Appendix B	21
Linked learning/work-based learning		2012 Leadership development	
Preschool		Appendix C	22
State Seal of Biliteracy		Policies/regulations/bylaws/exhibits issued in 2012	
Summer learning		Appendix D	35
Discipline	11	CSBA policy services	
Alternative and nondiscriminatory disciplinary strategies			
Discipline for students not yet identified for special education			
Fiscal issues	13		
Student fees			
Personnel	14		
Employee conduct			
Temporary employees			

Assessment

High school exit exam: Exemption for students with disabilities

(March, November 2012)

Pursuant to Education Code 60852.3, students with disabilities may be exempted from the high school exit examination until the State Board of Education (SBE) either implements an alternative means for students with disabilities to demonstrate achievement in the standards measured by the exam or determines that an alternative assessment to the exam is not feasible. In 2011 the SBE had determined that feasible alternatives to the exit exam were available for students with disabilities and set July 1, 2012 as the implementation date. However, it was later recommended that the implementation of these alternatives be deferred because of the uncertainty surrounding statewide testing in general. For instance, the Standardized Testing and Reporting program is scheduled to expire in July 2015, a group of states is developing a national test based on Common Core State Standards and Gov. Jerry Brown has expressed concern about the amount of testing in California classrooms.

At its March meeting, the SBE approved an emergency regulation (5 CCR 1216.1) which extended the deadline for implementing alternative means for students with disabilities to fulfill the exit exam requirement, thereby exempting such students from taking the exit exam through December 31, 2012. Subsequently, the governor signed AB 1705 (2012) which postpones implementation of the alternative tests until July 1, 2015 and allows the SBE to extend that date by up to one additional year if it determines that an extension is necessary. Thus, students with disabilities are exempted from the exit exam requirement until at least June 30, 2015.

CSBA's sample AR 6162.52 – High School Exit Examination reflects the exemption for students with disabilities and does not include a date for expiration of the exemption. Thus, CSBA determined it was not necessary to revise this administrative regulation to reflect the extension of the exemption.

Despite the exemption, a student with disabilities may be administered the exam with any test variations, accommodations or modifications specified in his/her individualized education program (IEP) (see BP/AR 6159 – Individualized Education Program as revised in March). The exemption also does not affect the ability of a district or county office of education (COE) to grant a waiver of the exit exam requirement to a student with disabilities who takes one or more sections of the exam with a modification that alters what the exam is intended to measure (e.g., use of a calculator on the math test or a spell checker on the writing test) and receives the equivalent of a passing score. As described in AR 6162.52, the use of any such modification generally would result in the student's score being marked "not valid." However, the principal may request that the board approve a waiver if the student's IEP or Section 504 plan requires the modification and the student has satisfactorily completed or demonstrated progress in high school level coursework sufficient to have attained the skills and knowledge otherwise needed to pass the exit exam.

At-risk students

Foster youth

(November 2012)

Two bills signed in 2012 affect the education of foster youth, and AR 6173.1 – Education for Foster Youth has been updated accordingly.

AB 1909 provides that if the court's jurisdiction is terminated while a foster youth is in high school, the student may continue in the school of origin (i.e., the school the foster youth attended when he/she was permanently housed or the last school in which he/she was enrolled) until he/she graduates. Previously, the law only required that a foster youth be allowed to continue in the school of origin through the duration of the academic school year if the court's jurisdiction was terminated before the end of the school year.

Discipline of foster youth is also addressed by AB 1909. Under the new law, the district is required to invite a foster youth's attorney and an appropriate county child welfare agency representative to any meeting to consider certain disciplinary measures, including expulsion, against a foster youth. Both AR 6173.1 and AR 5144.1 – Suspension and Expulsion/Due Process were updated to reflect this provision.

SB 121 specifies circumstances that may cause a district to be discharged from its duty to educate a foster youth in the least restrictive environment. According to the new legislation, the district will be discharged from that obligation if the student's parent/guardian or other person with the right to make educational decisions for the foster youth unilaterally decides to place the student in another educational program and he/she submits a written statement to the district indicating that (1) he/she is aware that the student has a right to attend a regular public school in the least restrictive environment; (2) the alternate educational program is a special education program, if applicable; (3) the decision to unilaterally remove the student from the district school and to place him/her in an alternate education program may not be financed by the district; and (4) any attempt to seek reimbursement for the alternate education program may be at the expense of the parent/guardian or other person holding the right to make educational decisions for the student.

The new law also prohibits a licensed children's institution from referring or placing a student in a nonpublic, nonsectarian school and explicitly prohibits placements outside of the IEP process. There had been complaints filed with the California Department of Education (CDE) in previous years alleging that foster youth were being improperly placed in nonpublic, nonsectarian schools before the determination was made by either the holder of educational rights or the IEP team.

Truants

(November 2012)

According to state law, a student will be classified as “truant,” “habitual truant” or “chronic truant” based on the number of times he/she is absent during the school year without a valid excuse. The number of truancies is then linked to a progressive set of consequences ranging from parent/guardian notification to referral to a school attendance review board to notification of a probation officer or district attorney.

For purposes of classifying a student as a truant, new law (AB 2616, 2012) defines “valid excuse” as an absence for any of the reasons specified in Education Code 48205 (illness, quarantine, medical appointment, funeral of immediate family member, jury duty, illness of his/her child, justifiable personal reasons, service on precinct board, time spent with immediate family member in military as specified), Education Code 48225.5 (work permit) or other reasons at the discretion of school administrators.

AB 2616 also revises the consequences associated with truancy. A new strategy is added for addressing a student’s initial classification as a truant, whereby the student and parent/guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student’s attendance. Furthermore, a written warning by a peace officer was eliminated from the list of responses to initial truancy and instead is listed as a possible response to a second truancy report. Finally, in the event of a fourth truancy report, AB 2616 permits but does not require the district to refer the student to a juvenile court and lowers the maximum amount of the fine (from \$100 to \$50) that the court may impose when a student is adjudged a ward of the court.

These new provisions are consistent with the Legislature’s goal to reduce disciplinary measures that exclude students from school. The sponsor of AB 2616, Public Counsel Law Center, notes that “there are situations where a school could find that sending the child into the juvenile justice system would not be of benefit to the child, particularly given the research showing that children with juvenile court involvement are as much as four times more likely to drop out of school. Generally, . . . rather than serving as a ‘wake-up call,’ aggressive criminal justice centered policies in and around schools are more likely to cause students to feel alienated from the educational system, causing further disengagement” (cited in Assembly Bill Analysis).

CSBA has updated BP/AR 5113.1 – Chronic Absence and Truancy to reflect the new law.

Charter schools

Charter school performance

(March, November 2012)

Districts/COEs that authorize a charter school are required by law to perform specified oversight duties, such as visiting the charter school at least once a year, monitoring the school's fiscal condition, ensuring the school submits all required reports, reviewing the school's academic performance and other components when the school submits a petition for renewal of its charter, and notifying the CDE when a charter renewal is granted or denied, a charter is revoked or a charter school ceases operation for any reason. It is important that governing boards have sound policies and practices in place to fulfill their responsibilities with respect to charter schools under their authority and to ensure that the schools are meeting the terms of their charters and providing a high-quality educational program for the students they serve.

After much discussion and delay, state regulations pertaining to charter renewal (5 CCR 19966.4) and charter revocation (5 CCR 11968.5.2-11968.5.3) were approved by the Office of Administrative Law in fall 2011. These regulations contain detailed processes, timelines and criteria that boards must follow. Boards cannot deny renewal or revoke a charter unless they make specific written factual findings. In order to make these determinations, boards must receive and review regular reports on the charter school's fiscal condition, academic performance and compliance with law and the terms of its charter.

In March, partially in response to the new state regulations, CSBA substantially revised and reorganized its sample policies and administrative regulations related to charter schools, including BP/AR 0420.4 – Charter School Authorization, BP/E 0420.41 – Charter School Oversight, BP 0420.42 – Charter School Renewal and BP 0420.43 – Charter School Revocation.

Then, in the fall, the governor signed SB 1290 (2012) which also impacts policies related to charter school authorization, renewal and revocation. The legislation adds a requirement that the charter school petition include a description of measurable student outcomes both schoolwide and for all groups of students served by the charter school, and requires the board to consider increases in student achievement for all groups of students served by the charter school as the most important factor in determining whether to renew or revoke a charter.

For these purposes, "all groups of students served by the charter school" include all numerically significant subgroups as defined in Education Code 52052(a)(3). In accordance with that code section, a "numerically significant subgroup" is a group which consists of at least 50 students with valid test scores and constitutes at least 15 percent of the total population of students who have valid test scores at a school. If the subgroup does not constitute 15 percent of the total population of students with valid test scores at the school, the group may be a numerically significant subgroup if it has at least 100 valid test scores.

By requiring decisions about charter schools to be based on increases in academic achievement for all numerically significant subgroups, SB 1290 aligns state law with the federal Public Charter Schools Grant Program. The CDE had received formal notice from the U.S. Department of Education in August 2011 that the state was out of compliance with the required program assurances because there was no explicit statutory or regulatory requirement that charter schools demonstrate improved student achievement.

For further information, see CSBA's recently updated publication *Charter Schools: A Manual for Governance Teams*.

Charter school facilities

(March, November 2012)

BP/AR 7160 – Charter School Facilities has been reorganized and updated to add information about applicable building standards and state funding programs and to clarify Proposition 39 requirements for districts/COEs to provide furnished, equipped, reasonably equivalent facilities to charter schools. The regulation reflects a recent appellate court decision (*Bullis Charter School v. Los Altos School District*) which concluded that, when considering nonteaching spaces, districts must consider all nonteaching spaces available at the comparison group schools, even if some facilities (e.g., tennis court, walkways, child care facilities) are present at some but not all of the comparison schools. The court further held that overall size, such as acres per student, must be considered and that calculations of the amount of space being occupied by the charter school must be reduced when the charter school is sharing a facility.

Districts should also be aware of legislation signed by the governor in June which affects charter school facilities. Under SB 1016, when districts want to sell or lease any surplus real property designed to provide direct instruction or instructional support, they must first provide a written offer for the sale or lease of the property to any charter school that has submitted a written request to be notified. CSBA has determined that it is unnecessary to revise sample BP 3280 – Sale or Lease of District-Owned Real Property at this time because that sample policy currently does not provide details regarding existing priorities; rather, it refers to the legal citations that contain this information. Furthermore, the provisions of SB 1016 apply only to real property identified as surplus property after July 1, 2012 and will become inoperative on June 30, 2013 unless additional legislation is passed to extend the date.

Curriculum and instruction

Common Core State Standards

(November 2012)

Two years ago the SBE adopted Common Core State Standards in English language arts and mathematics, including a set of nationwide standards developed by the National Governors Association Center for Best Practices and additional standards recommended by the California Academic Content Standards Commission (see BP 6011 – Academic Standards). As the state moves toward aligning its assessment system with these standards by the 2014-15 school year, districts/COEs need to begin implementing changes to prepare students and teachers for this transition, including changes involving standards and curriculum, teacher and administrator professional development, new instructional materials and district assessment systems.

CSBA continues to address the Common Core standards through sample board policies and administrative regulations as applicable. In November, both BP/AR/E 6161.1 – Selection and Evaluation of Instructional Materials and BP 6161.11 – Supplementary Instructional Materials were reissued to address the selection of instructional materials aligned with those standards.

The SBE has not yet adopted textbooks and instructional materials aligned to the Common Core standards because Education Code 60200.7 suspended state adoptions of instructional materials until the 2015-16 school year. To address this gap, AB 1246 (2012) authorizes school boards to adopt, for grades K-8, basic instructional materials that have not been approved by the SBE, provided those materials are aligned with state academic content standards or Common Core standards. As reflected in BP 6161.1, if the district wants to use materials not approved by the SBE, the majority of participants in the review process must be teachers assigned to the subject area or grade level for which the materials will be used.

In addition, state law requires the SBE to approve lists of supplementary instructional materials that are aligned to Common Core standards in English language arts and mathematics. AB 1719 (2012) added a requirement that the SBE develop a list of supplementary instructional materials aligned with the state English language development standards for English learners, as those standards were updated and approved by the SBE in November. The lists of supplementary instructional materials will be posted on the CDE's website and are informational only; districts are not required to purchase any of the supplementary materials. Districts may select other supplementary materials if they are reviewed by specified content experts and meet certain criteria.

To further support implementation of the Common Core standards at the local level, CSBA is publishing a series of policy briefs entitled "Governing to the Core." The first in the series (6/12) provides a timeline of key dates in implementation and applies the information to the school board's major areas of responsibility: setting direction, establishing structure, providing support to staff, ensuring accountability and providing community leadership. The second brief (9/12) focuses on the board's role in setting direction for the Common Core standards. The third in

the series (1/13) addresses the challenges of acquiring instructional materials aligned to the standards. These policy briefs are available at www.csba.org. Further information is also available through an archived webinar presented through the Education Insights @ CSBA series.

Linked learning/work-based learning

(March, July 2012)

“Linked learning” is an instructional approach that connects strong academics in high school with real-world experiences in a wide range of fields, helping students gain an advantage in career and college readiness.

The James Irvine Foundation awarded a \$400,000 grant to the California School Boards Foundation to support, over a two-year period, a number of activities that will help districts/COEs improve their understanding of the linked learning approach and effectively implement related instructional strategies. The grant supports the work of CSBA’s Linked Learning Task Force, which will provide guidance to the association on public policy recommendations and legislation stemming from the CDE’s *Multiple Pathways to Student Success Report* (2010) (available at www.cde.ca.gov/ci/gs/hs/mpfgen.asp). The task force is working to (1) identify and promote college and career readiness programs that assist in closing the achievement gap, (2) identify barriers to the continued effectiveness and implementation of college and career readiness programs including linked learning, and (3) identify and recommend guidelines for legislation and the implementation of legislation related to college and career readiness programs.

With the assistance of the Linked Learning Task Force, CSBA updated two related sample policies and administrative regulations. BP/AR 6178 – Career Technical Education was updated in July to include concepts related to linked learning. BP/AR 6178.1 – Work-Based Learning, which formerly focused on the work experience education program, was expanded in March to include other types of work-based learning (e.g., cooperative career technical education, community classrooms, job shadowing, student internships, apprenticeships, service learning, employment in social/civic or school-based enterprises, and technology-based or other simulated work experiences). As the work of the task force progresses, CSBA will continue to monitor implications for policy revisions.

For further information on linked learning, browse the websites of CSBA (www.csba.org), the James Irvine Foundation (<http://irvine.org>) and ConnectEd (<http://connectedcalifornia.org>).

Preschool

(November 2012)

State law authorizes districts/COEs to enter into a contract with the CDE to provide preschool/early childhood education programs under the California State Preschool Program (CSPP). Such programs serve children ages 3-4 and provide subsidized services to low-income or otherwise disadvantaged families.

The operation of CSPP programs is significantly impacted by SB 1016 (2012). As reflected in BP/AR 5148.3 – Preschool/Early Childhood Education, the new law:

- » Eliminates full-day preschool programs and defines CSPP programs to be part-day programs only

- » Encourages the provision of “wraparound child care services” which combine part-day preschool and general child care services to provide a full day of services for qualifying families
- » Requires that families be charged a fee for participation in part-day CSPP programs and/or supplemental wraparound services in accordance with the fee schedule established by the Superintendent of Public Instruction
- » Changes the age of preschool eligibility to align with new kindergarten start dates
- » Revises program components and requirements for family literacy services
- » Specifies the order of disenrolling families in child care programs when state funding is reduced

Although the order of disenrolling families in CSPP is the same as other child care programs, it is complicated by the fact that other state law gives enrollment priority to children who are age 4 over children who are age 3. The CDE issued Management Bulletin 12-08 (July 2012) to clarify the interaction of these requirements and spell out the order for disenrollment in CSPP.

State Seal of Biliteracy

(March 2012)

The State Seal of Biliteracy, established by AB 815 (2011), was available for the first time to eligible students who graduated from high school in 2012. This voluntary program recognizes graduates who have attained a high level of proficiency in speaking, reading and writing in one or more languages in addition to English. Criteria for the award have been added to BP/AR 5126 – Awards for Achievement.

It is the responsibility of the district/COE to identify eligible students and to submit an Insignia Request Form to the CDE each year listing the number of eligible students at each school and the languages in which the students are proficient. The CDE provides embossed, self-adhesive insignias which can be affixed to the students’ diplomas or transcripts. The Insignia Request Form is available on the CDE website (www.cde.ca.gov/sp/el/er/sealofbiliteracy.asp), along with a checklist for districts/COEs to use to identify eligible students, frequently asked questions and language resources.

Before the State Seal of Biliteracy was established, districts/COEs could create their own biliteracy awards based on their own criteria. Californians Together, an organization which promotes implementation of the award, reports that 6,000 students in 57 districts/COEs were given biliteracy awards in 2011. It is hoped that the availability of the state seal will encourage more students to study world languages.

Summer learning

(November 2012)

Studies have shown that learning loss over the summer vacation can be extensive, especially for children from low-income families who might not have access to educational resources during the summer months and for low-achieving students who need additional time to master academic content (Rand Corporation, *Making Summer Count*, 2011).

With support from a \$50,000 grant from the David and Lucile Packard Foundation, CSBA has begun to address this situation through activities designed to:

- » Raise the awareness of governance teams as to how districts can make summer part of the continuous learning cycle for students
- » Raise the awareness of governance teams as to how districts can improve the health and well-being of students by including after-school and summer nutrition and physical activities in their school wellness goals, practices and policies
- » Positively impact the learning environments of California's students by promoting and supporting policy development, implementation and monitoring/accountability around issues of student health, obesity prevention and the opportunities afforded in the after-school and summer setting

Toward these ends, CSBA will be reviewing and updating sample policies and administrative regulations as needed. Other proposed activities include development of a policy brief on the topic of summer learning and summer wellness, articles on summer program planning and resources, continuing analysis of a survey of board members conducted by CSBA and the Partnership for Children and Youth, presentations in various workshops and conferences, and in-district governance support (e.g., study sessions, policy development and monitoring assistance) to one or two school districts.

For further information, browse the websites of CSBA (www.csba.org), Partnership for Children and Youth (www.partnerforchildren.org) and National Summer Learning Association (www.summerlearning.org).

Discipline

Alternative and nondiscriminatory disciplinary strategies

(March, November 2012)

Issues related to student discipline received much attention this year in studies, news articles and the legislative session. Two prominent goals were to reduce disparities in suspension and expulsion rates across different student populations and to keep students in school as much as possible in order to maximize learning.

As reported in the April 2012 *Policy News*, a national study found that race/ethnicity, gender and disability are factors influencing suspension and expulsion rates, with African Americans, males and disabled students having significantly higher rates of suspensions and expulsions (U.S. Department of Education, Office of Civil Rights, Civil Rights Data Collection Summary, March 2012, <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>). Similar findings were documented in California, as reported in the legislative findings in AB 1729 (2012). For instance, the Legislature found that in 2006, the suspension rate for African American students in the state was more than double the rate for white, Hispanic or Asian students even though there is no evidence that they or any student populations misbehave at greater rates than their peers.

In AB 1729, the Legislature cited research showing that nonpunitive classroom discipline and in-school discipline strategies are more effective than suspension and expulsion for addressing the majority of student misconduct. It declared that the public policy guiding the development of discipline policies for California schools should be for the creation of safe, positive, supportive and equitable school environments which enable students to learn and should not be unnecessarily exclusionary. AB 1729 authorizes and encourages the use of age-appropriate alternatives to suspension and expulsion and provides alternative means of correction that should be used before students are suspended or expelled.

Such alternative methods include, but are not limited to, conferences with the student and his/her parents/guardians, referral to the school counselor or other support services personnel, use of study teams, referral for a comprehensive psychosocial or psychoeducational assessment, enrollment in a program for teaching prosocial behavior or anger management, participation in a restorative justice program, a positive behavior support approach with tiered interventions on campus during the school day, after-school programs that address specific behavior issues or expose students to positive activities and behaviors, or community service.

Other new legislation gives flexibility in expulsions for certain drug-related “zero tolerance” offenses and deletes imitation firearms from the list of mandated expulsions (AB 2537), prohibits denial of readmission based solely on a student’s contact with the juvenile justice system (SB 1088), and requires the educational liaison for a foster youth to notify the foster youth’s at-

torney and the county child welfare representative when a foster youth is undergoing certain disciplinary proceedings, including expulsion (AB 1909).

BP/AR 5144 – Discipline and BP/AR 5144.1 – Suspension and Expulsion/Due Process have been updated to assist districts/COEs in developing and implementing effective disciplinary strategies and in monitoring suspension/expulsion rates through the disaggregation of data.

For further information about suspension/expulsion and alternative disciplinary strategies, see the Winter 2012 issue of CSBA's magazine *California Schools* ("Out of Sight, Out of Mind?") and CSBA's guidebook *Safe Schools: Strategies for Governing Boards to Ensure Student Success*.

Discipline for students not yet identified for special education

(July 2012)

Two rulings issued by the state Office of Administrative Hearings (OAH) in May 2012 confirm that procedural protections applicable to students with disabilities in regard to disciplinary actions also extend in some cases to students not yet eligible for special education. In cases involving Anaheim Union High School District and Fairfield-Suisun Unified School District, the issue was whether school administrators had "knowledge" of the students' disabilities that might entitle the students to procedural safeguards under the Individuals with Disabilities Education Act. As defined in federal law and regulations, "knowledge" means that, before the occurrence of the misbehavior, one of the following occurred:

1. The student's parent/guardian had expressed concern, in writing, to a teacher, administrator or supervisor that the student is in need of special education or related services.
2. The parent/guardian requested an evaluation of the student for special education.
3. The student's teacher or other staff expressed specific concerns directly to the director of special education or other supervisory personnel about a pattern of behavior demonstrated by the student.

Thus, concerns expressed by staff during a Section 504 meeting or student study team meeting about a student's pattern of behavior may constitute "knowledge" of the student's disabilities. OAH held that concerns need not be raised solely to special education administrators, but to any other supervisory personnel.

Disciplinary procedures for students not yet eligible for special education are addressed in AR 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities), as reissued in March 2012. The new OAH rulings do not require any further revisions to that administrative regulation.

Fiscal issues

Student fees

(November 2012)

Issues related to student fees have been closely monitored by CSBA since 2010, when the American Civil Liberties Union filed litigation against the state of California alleging that districts were charging impermissible fees for students' participation in educational activities. Court decisions and Attorney General opinions have interpreted the "free school" guarantee in the California Constitution to extend to all activities which constitute an integral part of a student's education, including extracurricular activities, drama productions, vocal music groups, instrumental groups, cheerleading, elective classes and necessary school supplies such as band uniforms. Thus, student fees can be charged only when specifically authorized by law.

New legislation (AB 1575, 2012) codifies these rulings and opinions into law. In addition, it authorizes complaints about student fees to be filed under the uniform complaint procedures. It does not go as far as the legislation vetoed by Gov. Brown in 2011 which would have mandated a detailed notice in every classroom and specific complaint, hearing and audit procedures even when there have been no complaints and no evidence of any violation.

These requirements have been incorporated into BP/AR 3260 – Fees and Charges and BP/AR 1312.3 – Uniform Complaint Procedures.

Personnel

Employee conduct

(July 2012)

Due to several high-profile cases alleging sexual abuse of students by teachers, issues of employee misconduct have received much attention in the media and within districts/COEs this year. Nevertheless, several bills intended to make it easier for boards to dismiss employees for specified causes (SB 1059, SB 1530, AB 2028) failed to pass the Legislature. The bills had been opposed by employee unions which argued employees' due process rights should be protected and that current law already contains guidelines giving districts authority to immediately remove teachers from the classroom if they engage in serious sexual or immoral conduct.

CSBA has updated BP 4119.21/4219.21/4319.21 – Professional Standards to clarify and expand the list of employee behaviors that are inappropriate and therefore prohibited. New language includes, but is not limited to, prohibitions against (1) engaging in any conduct that endangers students, staff or others (e.g., physical violence, threats of violence, possession of weapon); (2) physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child; (3) possessing or viewing pornography on school grounds, or child pornography at any time; (4) using profane, obscene, or abusive language; (5) willfully disrupting district or school operations; and (6) possessing, using or distributing an illegal or unauthorized substance.

The updated policy also includes expanded material on discipline, including the possibility of referral to law enforcement and/or the Commission on Teacher Credentialing, and provides that an employee who has knowledge of misconduct but fails to report it may also be subject to discipline.

Temporary employees

(July 2012)

Several recent court decisions have addressed issues pertaining to temporary personnel and are now reflected in BP/AR 4121 – Temporary/Substitute Personnel. In *Stockton Teachers Association v. Stockton Unified School District* (2012), the court held that certificated employees hired to provide services in a categorically funded program or project for a period less than a full school year may be classified as temporary employees only if the period of employment will end at the expiration of that program or project (i.e., at the end of the contract between the district and agency providing funds, not the contract between the district and employee).

Classification issues were also addressed in *McIntyre v. Sonoma Valley Unified School District* (2012), in which the court clarified that a district is not required to grant probationary status to an employee based solely on the fact that he/she served as a temporary employee for more than one year if the employee is released and reemployed as a temporary employee for the following year to fill the position of a regularly employed person absent from service. In the same case, the court clarified that a district's ability to classify an employee as temporary pursuant to Education Code 44920 is not dependent upon a one-to-one match of temporary employees to employees on leave; rather, all that is required is that the number of temporary teachers not exceed the total number of employees on leave at any one time.

Finally, in *Neily v. Manhattan Beach Unified School District* (2011), the court held that a temporary athletic team coach who holds no other position in the district is deemed a temporary employee as expressly stated in law, even if the employee did not receive a written notification of his/her classification as a temporary employee pursuant to Education Code 44916. Furthermore, the court interpreted the statutory deadline for such notifications to be June 30, not the last day that students and teachers are in their classrooms.

Safety

Discrimination, harassment, intimidation and bullying

(March, July, November 2012)

Effective July 1, 2012, state law (AB 9, 2011) requires districts/COEs to adopt policy prohibiting discrimination, harassment, intimidation and bullying based on actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation or any other characteristic listed in Penal Code 422.55 or Education Code 220, or association with a person or group with one or more of these actual or perceived characteristics. AB 9 also establishes an expectation that school personnel who witness an act of discrimination, harassment, intimidation or bullying immediately intervene when safe to do so.

CSBA has revised BP 5131 – Conduct, BP 5145.3 – Nondiscrimination/Harassment and BP/AR 5145.7 – Sexual Harassment to reflect these requirements, and also has created a new sample policy BP 5131.2 – Bullying to provide greater focus on bullying prevention and intervention strategies. BP/AR 5117 – Interdistrict Attendance has been revised to reflect AB 1156 (2011), which requires that students who are victims of an act of bullying be given priority for transfer under interdistrict attendance agreements between the governing boards of two districts (also called “reciprocal agreements”). Previously, BP 0450 – Comprehensive Safety Plan had been updated to reflect a provision of AB 1156 which encourages comprehensive safety plans to include policies and procedures aimed at the prevention of bullying.

Following the signing into law of AB 9 in 2011, there has been much debate on the question of whether or not uniform complaint procedures must be used to investigate alleged incidents of discrimination, harassment, intimidation and bullying. Correspondence sent by the CDE to district and county superintendents in September states the CDE’s opinion that such complaints should be addressed through uniform complaint procedures and indicates the CDE’s intention to monitor districts/COEs to ensure compliance. Thus, to help districts remain compliant, BP/AR 1312.3 – Uniform Complaint Procedures is being revised to include the CDE requirements. CSBA will continue to review and revise other related policies as needed.

For further information from CSBA about anti-bullying strategies, see the guidebook *Safe Schools: Strategies for Governing Boards to Ensure Student Success* and the policy briefs *Providing a Safe, Nondiscriminatory School Environment for All Students*, *Cyberbullying: Policy Considerations for Boards* and *Addressing the Conditions of Children: Focus on Bullying*, all available at www.csba.org. In addition, the Gay, Lesbian & Straight Education Network has issued a new toolkit, *Ready, Set, Respect! GLSEN’s Elementary School Toolkit* (2012), which provides information designed to help elementary school educators prepare themselves for teaching about and modeling respect for all students.

Student wellness

Nutrition standards

(March, July 2012)

Effective July 1, 2012, federal regulations align meal patterns and nutrition standards for the National School Lunch Program with the Dietary Guidelines for Americans as required by the Healthy, Hunger-Free Kids Act of 2010. These standards (1) increase the amount of fruits, vegetables and whole-grain products required; (2) specify that all milk offered must be low-fat or fat-free; (3) limit the amount of sodium and saturated fat; (4) prohibit trans fat; and (5) set minimum and maximum calorie levels. New standards for the School Breakfast Program will go into effect beginning with the 2013-14 school year.

The new standards also affect schools that do not participate in the National School Lunch or Breakfast program because state law (Education Code 49550) requires all schools to provide at least one nutritionally adequate meal each school day to students who qualify for free and reduced-price meals, and defines a “nutritionally adequate meal” as one that meets federal child nutrition program regulations.

CSBA has updated AR 3550 – Food Service/Child Nutrition Program to reflect the changes in federal nutrition standards.

With support from The California Endowment, CSBA’s policy brief *Nutrition Standards for Schools: Implications for Student Wellness* was updated and expanded in April to reflect the new federal regulations, current state law and growing knowledge of best practices (see www.csba.org). As revised, the policy brief now addresses:

- » Federal meal patterns and nutrition standards for the National School Lunch and Breakfast Programs
- » A decision by the U.S. Department of Agriculture to disallow the use of the state’s Shaping Health as Partners in Education (SHAPE) meal planning option for schools participating in the National School Lunch or Breakfast Program and to instead require that such schools follow the single food-based menu planning approach
- » Upcoming federal standards for foods sold outside the meal programs
- » Changes in requirements for local wellness policies pursuant to the Healthy, Hunger-Free Kids Act (P.L. 111-296)
- » State and federal law requiring the provision of free, fresh drinking water during meal times
- » Nutrition standards related to summer meal programs, after-school programs and child care programs

Policy considerations for boards, other actions that boards can take to support student nutrition and a list of additional resources are also included.

Student wellness policy

(November 2012)

Districts/COEs participating in any federal child nutrition program are required by federal law to adopt a policy on student wellness with specified components (see BP 5030 – Student Wellness) and to periodically measure and make available to the public a description of progress made in attaining the goals of the wellness policy.

To assist districts/COEs in the implementation and assessment of student wellness policies, CSBA updated two comprehensive publications in fall 2012.

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide reflects new information gained over the past six years on the impact of student health on academic achievement, as well as new best practices. The guide also contains CSBA's most recent sample policies and policy briefs related to nutrition and physical activity.

The retitled *Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies* provides information to help the board measure the implementation of its student wellness policy and evaluate progress toward achieving the goals in the policy. The guide has been updated and reorganized to reflect the required policy components as revised by the Healthy, Hunger-Free Kids Act of 2010. For each wellness goal, the guide references related law and/or CSBA sample policy language, suggests information that might be addressed in the assessment report, and lists possible data sources. The appendices provide data collection forms, a sample format for the implementation report and related CSBA sample policies.

In addition, both publications include a new focus on the alignment of all relevant district activities, including summer learning opportunities, before- and after-school programs, preschool and child care programs and any other district-sponsored programs.

Updating of these guidebooks was supported by grants from The California Endowment and the David and Lucile Packard Foundation. Both publications may be downloaded at www.csba.org.

Technology

Responsible use of technology

(March, July 2012)

CSBA's Policy Services staff have been engaged in a statewide initiative, ON[the]LINE, which is designed to provide sample policies, guidelines and tools to help districts/COEs prepare both students and staff to be responsible, technology-empowered citizens. These resources are available at onthelineCA.org. New resources will be continually identified and added to the clearinghouse.

The initiative recognizes the challenge that districts/COEs face to incorporate rapidly advancing technologies into existing policies and practices. The goal of the project is to shift the focus away from individual technologies and onto desired outcomes, such as student or staff behavior or effective communications with the public. For example, if districts/COEs have policies that prohibit academic dishonesty, disruptions and bullying, they probably do not need other policy to prohibit academic dishonesty, disruptions and bullying committed via technology. Furthermore, criteria for the content of district communications may be similar regardless of whether the district is communicating through the district's website, social media or a printed newsletter.

Consistent with this initiative, CSBA has begun to review its policies and administrative regulations related to technology, student conduct and staff conduct. The goal of this review is to help districts/COEs promote responsible use of technology without creating unnecessary "scatter" of related principles throughout the policy manual.

This approach was used when CSBA revised its two sample policies related to student conduct (BP 5131 – Conduct and BP 5131.2 – Bullying) in March. In addition, CSBA updated its policy addressing employee codes of conduct (BP 4119.21/4219.21/4319.21 – Professional Standards) in July to incorporate key principles of professional conduct, including conduct related to employee use of technology.

In addition to CSBA, other sponsors of the initiative include the Santa Clara County Office of Education, Association of California School Administrators, California County Superintendents Educational Services Association, California Educational Technology Professionals Association, Technology Information Center for Administrative Leadership, Computer-Using Educators Inc. and the law firm of Fagen, Friedman and Fulfroest LLP.

Further information is provided in CSBA's new policy brief, *A New Approach to Technology Policies*, available at www.csba.org. This brief includes a policy development worksheet to help guide the board's discussion of these issues.

Appendix A

2012 Publications

Books

- » *2011 Policies in Review* (1/12)
- » *Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide* (11/12)
- » *Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies* (11/12)

Newsletters

- » *Policy News* (4/12, 8/12, 12/12)

Policy Advisories and Briefs

- » *Nutrition Standards for Schools: Implications for Student Wellness* (4/12)
- » *A New Approach to Technology Policies* (8/12)

Appendix B

2012 Leadership development

CSBA offered a number of continuing education opportunities on major policy issues throughout 2012. See the Events calendar at www.csba.org for upcoming workshops, webinars and other training events in 2013. Call 800-266-3382 for further information.

Go green! Go online!

This complimentary, two-hour 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 district'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 districts maximize the benefits they receive from CSBA's policy services. Participants explore and discuss best practices and procedures for keeping the district'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

Districts 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 and Trade Show

CSBA's 2012 Annual Education Conference and Trade Show included numerous sessions on policy issues, the policy development process and CSBA policy services.

Appendix C

Policies/regulations/bylaws/exhibits issued in 2012

0000 Series: Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0410 – Nondiscrimination in District Programs and Activities (3/12)

Policy updated to reflect new law (AB 887 and SB 559, 2011) which expands the prohibited bases of discrimination to include genetic information, gender expression, and gender identity. Policy also reflects federal regulations which (1) require newly constructed district facilities to comply, starting March 15, 2012, with the 2010 Americans with Disabilities Act Standards for Accessible Designs and (2) require districts to permit an individual with a disability to be accompanied by a service animal on district premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a district program or activity.

BP/AR 0420.4 – Charter School Authorization (3/12, 11/12)

Retitled policy and regulation address processes for submission of a charter petition to the district and for the board's review and approval/denial of the petition. Policy updated in March to describe (1) the circumstances under which petitioners may submit a petition directly to the county board of education or the State Board of Education (SBE), either directly or upon denial of the petition by the district board, and (2) parents/guardians' rights under the Parent Empowerment Act to submit a petition to convert a school into a charter school. Regulation updated in March to detail the closure procedures that must be included in a petition, delete outdated material in section "Location of Charter School," and revise the role of the petition review committee. Regulation updated in November to reflect new law (SB 1290, 2012) which requires the petition to include a description of measurable student outcomes both schoolwide and for all "numerically significant" student subgroups served by the charter school, as defined.

BP/E 0420.41 – Charter School Oversight (3/12)

New policy contains material formerly in BP/AR 0420.4 regarding the board's responsibility for monitoring the performance of any charter school it authorizes, approving any material revisions to the charter, and ensuring that notifications are provided in the event the school closes for any reason. Policy also includes new material on appointing a representative to the governing body when the school is, or is operated by, a nonprofit public benefit corporation, deletes material formerly in section on "Waivers" which reflected law that has been repealed, and reflects state regulation regarding the timeline for notification to California Department of Education (CDE) of school closure. Exhibit reflects legal requirements for charter schools formerly in AR 0420.4, updated to add new items on student fees (item #6), transitional kindergarten (item #11), and students' freedom of expression (item #23) and to delete date in item #26 that has already passed.

BP 0420.42 – Charter School Renewal (3/12, 11/12)

New policy contains material formerly in AR 0420.4 regarding submission and review of a petition for charter renewal. As issued in March, policy reflects new state regulations (Register 2011, No. 43) which (1) require that the board grant or deny the renewal petition within 60 days of receiving the petition, unless extended to 90 days by mutual agreement, and (2) provide that the petition will be automatically renewed if the board fails to act within this timeline. Policy also reflects the charter school’s right to petition the county board and then the SBE if the district denies the renewal. Policy updated in November to reflect new law (SB 1290, 2012) which requires the board to consider increases in student achievement for all “numerically significant” student subgroups served by the charter school as the most important factor in determining whether to grant a charter renewal. Policy also reflects provision of SB 1290 requiring that, when making a written finding that the charter school failed to attain its Academic Performance Index (API) growth target, the board must base its finding on the API growth target in the prior year or in two of the last three years, rather than in the aggregate for the prior three years.

BP 0420.43 – Charter School Revocation (3/12, 11/12)

New policy contains material formerly in AR 0420.4 regarding grounds for revocation of a charter and required notifications. As issued in March, policy reflects a new court decision which found that a charter school is not entitled to any additional evidentiary hearing by a neutral third party. Policy also reflects new state regulations (Register 2011, No. 1 and No. 46) which establish procedures for revocation by the board or the SBE, specify alternative procedures to use to immediately revoke a charter when there is a severe and imminent threat to student health or safety, and address the charter school’s right to appeal the revocation to the county board and then the SBE. Policy was updated in November to reflect new law (SB 1290, 2012) which requires the board to consider increases in student achievement for all “numerically significant” student subgroups served by the charter school as the most important factor in determining whether to revoke a charter.

1000 Series: Community Relations

BP 1250 – Visitors/Outsiders (3/12)

Updated policy adds new section regarding the presence on campus of registered sex offenders, including those who are parents/guardians of district students, based on their right to participate in their children’s education.

BP/AR 1312.3 – Uniform Complaint Procedures (3/12)

Mandated policy updated to reflect new law (AB 887 and SB 559, 2011) which expands the prohibited bases of discrimination subject to uniform complaint procedures (UCP) to include genetic information, gender expression, and gender identity. Mandated regulation revised to add, pursuant to the CDE’s Federal Program Monitoring procedures, that the annual written notification should include a statement that copies of UCP will be provided free of charge. Regulation also revised to (1) require agreement of all parties (not just the complainant) before proceeding to mediation and (2) clarify that only complaints of discrimination based on state law are subject to the requirement that the complainant wait until after 60 days of filing an appeal with the CDE before pursuing a civil law remedy.

3000 Series: Business & Noninstructional Operations

BP/AR 3260 – Fees and Charges (11/12)

Mandated policy updated to reflect new law (AB 1575, 2012) which clarifies the prohibition against charging of student fees, prescribes the use of UCP for filing a complaint when the charging of an impermissible fee is alleged, and requires information about student fees to be included in the annual UCP notification. Regulation updated to reflect new law (SB 1016, 2012) which requires the district to charge a fee to families enrolled in part-day preschool programs and/or wraparound child care services in accordance with the fee schedule established by the Superintendent of Public Instruction.

BP/AR 3511.1 – Integrated Waste Management (7/12)

Updated policy and regulation reflect new law (AB 341, 2011) which requires schools that generate more than four cubic yards of solid waste per week to arrange for recycling services in accordance with law. Policy also references resources available through the California Department of Resources Recycling and Recovery (CalRecycle), links integrated waste management to the broader goal of green school operations, and adds language related to program monitoring and evaluation.

AR 3515.2 – Disruptions (3/12)

Regulation updated to reflect new law (AB 123, 2011) which makes it a misdemeanor for a person to willfully or knowingly create a disruption with the intent to threaten the immediate physical safety of any student in grades K-8.

AR 3543 – Transportation Safety and Emergencies (11/12)

Mandated regulation updated to reflect new law (AB 1536, 2012) which allows the use of voice-operated and hands-free electronic wireless communications devices for text-based communications while driving a motor vehicle, including a school bus or student activity bus. Regulation also expanded to reflect existing law related to daily safety inspections of buses, bus driver's obligation to report accidents, and placement of fire extinguishers in wheelchair school buses.

AR 3550 – Food Service/Child Nutrition Program (7/12)

Updated regulation reflects new federal regulations (77 Fed. Reg. 17) which revise the nutrition standards for the National School Lunch and Breakfast Program. Regulation also deletes separate item prohibiting artificial trans fat since the new federal regulations now include this prohibition, and deletes the state's Shaping Health as Partners in Education (SHAPE) menu planning option as an alternative based on U.S. Department of Agriculture action to disallow this option. Section on "Drinking Water" expanded to include CDE recommendations for satisfying legal requirement to provide free drinking water during meal service.

4000 Series: Personnel

BP 4030 – Nondiscrimination in Employment (3/12, 11/12)

Policy updated in March to reflect new law (SB 559 and AB 887, 2011) which expands categories of prohibited discrimination to include genetic information, gender expression, and gender identity. Policy also reflects new court decision which clarifies that a third party may file a suit alleging retaliation for a complaint by another person to whom the third party is related. Policy updated in November to reflect new law (AB 1964, 2012) which prohibits discrimination against an employee or job applicant based on the person's religious beliefs, observances, or dress or grooming practices unless the district can demonstrate that it has explored available reasonable alternative means of accommodating the person but is unable to do so. Policy also updated to reflect new law (AB 2386, 2012) which, for purposes of prohibiting discrimination in employment, revises the definition of "religious creed" to include religious dress and grooming practices and defines "sex" to include breastfeeding and related medical conditions.

BP 4111/4211/4311 – Recruitment and Selection (7/12)

Updated policy reflects new court decisions which found that districts could be vicariously liable for negligence of administrators and supervisors in hiring, training, and supervising. Policy also revised to update board philosophical statement.

AR 4112.6/4212.6/4312.6 – Personnel Files (7/12)

Updated, reorganized regulation reflects law giving districts the authority to refuse to disclose personnel records when doing so would constitute an unwarranted invasion of privacy, and reflects new court decision which found that the public's right to know outweighed an employee's right to privacy in cases of "substantial" and "well-founded" complaints against public employees. Regulation also clarifies which laws and district regulation address maintenance and access to personnel files for district police or security officers and adds language regarding retention of personnel records.

BP/E 4112.9/4212.9/4312.9 – Employee Notifications (7/12)

New policy contains board philosophical statement regarding the importance of clear communications with staff and the circumstances under which employees will be asked to sign an acknowledgment that they have received notifications. Regulation deleted and replaced with new exhibit listing notifications required by law, categories of employees who must be provided each notification, applicable legal citations, and the board policy and/or administrative regulation that addresses the notification requirement.

BP 4119.1/4219.1/4319.1 – Civil and Legal Rights (7/12)

Updated policy reflects new court decision which held that supervisors with authority to take personnel actions may be held liable for their acts of retaliation against employees who disclose improper governmental action, and adds statement about the right of an employee to seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against him/her. Policy also revised to reflect law providing that an employee is not protected against liability if his/her misconduct occurred during background investigations or other actions involved in the employee's hiring.

BP 4119.21/4219.21/4319.21 – Professional Standards (7/12)

Updated, reorganized policy clarifies expectations for appropriate employee conduct and expands list of prohibited conduct. Material addressing discipline adds the possibility of report to the Commission on Teacher Credentialing (CTC) or referral to law enforcement, and provides that an employee who has knowledge of misconduct but fails to report it also may be subject to discipline.

BP 4119.41/4219.41/4319.41 – Employees with Infectious Disease (7/12)

Updated policy adds board philosophical statement, definitions of infectious and communicable infectious disease, legal requirement for job applicants to provide evidence that they are free of communicable disease prior to beginning employment, new material on disease prevention and on addressing communicable disease outbreaks in the district's emergency preparedness plan, and legal requirement to report communicable infectious disease to local health officer. Material regarding reasonable accommodation revised for consistency with AR 4032 – Reasonable Accommodation.

BP/AR 4121 – Temporary/Substitute Personnel (7/12)

New policy contains material formerly in AR that reflects requirements for board action. Policy also reflects (1) new court decision which clarifies that the number of temporary teachers cannot exceed the total number of employees on leave at any one time and that a district is not required to grant probationary status to an employee based solely on the fact that he/she served as a temporary employee for more than one year, (2) new court decision which held that an employee in a categorically funded program cannot be terminated through procedures applicable to temporary employees if the employee is being terminated before the end of the contract between the district and agency providing categorical funds, and (3) new court decision which determined that June 30 is the date by which temporary employees must be notified of the district's decision not to reelect them for the following school year. Section on "Salary and Benefits" updated to reflect new law (AB 501, 2011) which allows all public school employees, including substitute and temporary employees, to be represented by a bargaining unit. Updated regulation reflects new court decision which held that temporary athletic team coaches may be an exception to the classification notice requirement because their temporary status is expressly stated in law. Regulation also adds requirement to notify substitute employees about their eligibility for the retirement plan and reflects restrictions in the assignment of persons holding emergency substitute teaching permits.

BP/AR 4154/4254/4354 – Health and Welfare Benefits (7/12)

Updated policy and regulation delete material related to temporary premium subsidies for COBRA/Cal-COBRA for "assistance eligible individuals" who were involuntarily terminated, as the date for program eligibility has now passed. Policy also reflects the federal Patient Protection and Affordable Care Act which prohibits employers from providing higher benefits to "highly compensated" individuals, as defined. Regulation also reflects legal requirement that an eligible retiree or surviving spouse may be denied the opportunity to enroll for benefits if he/she does not do so within 30 days of losing active coverage, and reflects change of age at which person ceases to be a "dependent child" for purposes of eligibility for COBRA/Cal-COBRA.

AR 4161.2/4261.2/4361.2 – Personal Leaves (11/12)

Mandated regulation updated to reflect new law (AB 1203, 2012) which (1) requires the district to grant a paid leave of absence to a reasonable number of classified employees serving as un-elected members of an employee organization for the purpose of attending important organizational activities authorized by the organization and (2) requires the employee organization to provide reasonable prior notification to the district and to reimburse the district within 10 days of receiving certification of the district’s payment of compensation to the employee.

AR 4217.3 – Layoff/Rehire (11/12)

Regulation updated to reflect new law (AB 1908, 2012) which changes the timeline for notifying classified employees when they are subject to layoff due to lack of work or lack of funds. Regulation also revised to reflect new law (AB 2307, 2012) which provides that laid-off classified employees who are reemployed in a new position but fail to complete the probationary period for the new position shall be returned to the reemployment list for the remainder of the 39-month reemployment eligibility period.

BP 4312.1 – Contracts (3/12)

Policy updated to reflect new law (AB 1344, 2011) which prohibits the board from calling a special meeting to consider the salary or other compensation of management employees, prohibits automatic renewal of a contract with a provision for automatic increase that exceeds the cost-of-living adjustment, and requires contracts executed or renewed after January 1, 2012, to contain a provision requiring an employee to reimburse the district in the event he/she is convicted of a crime involving abuse of his/her office or position. Policy also adds statement regarding board deliberation of employment contract in closed session.

E 4319.21 – Professional Standards (7/12)

Updated exhibit reproduces the entire California Professional Standards for Educational Leaders, as issued by the California School Leadership Academy at WestEd and the Association of California School Administrators.

5000 Series: Students

BP/AR 5112.3 – Student Leave of Absence (7/12)

Mandated policy updated to clarify authority to grant student leaves of absence and to encourage enrollment in independent study. Regulation updated to more directly reflect law, add legal citations, and clarify the signature requirements for the written agreement.

BP/AR 5113.1 – Chronic Absence and Truancy (11/12)

Policy updated to provide information about available tools for tracking attendance, add school health services as a strategy for preventing attendance problems, expand list of agencies and individuals with whom the district might collaborate to identify and address problems, reflect legislative intent to use alternatives to suspension or expulsion with truants, and update representatives on the school attendance review board to reflect current law. Mandated regulation updated to reflect new law (AB 2616, 2012) which defines “valid excuse” for purposes of identifying truants and revises the interventions to be implemented at various stages of truancy.

BP/AR 5117 – Interdistrict Attendance (7/12)

Policy and regulation revised to distinguish the requirements of the interdistrict attendance agreement between the boards of two districts and the permit granted to an individual student. Updated policy also adds board role to approve the agreement and staff role to approve individual permits based on the terms of the agreement, and deletes criteria for denial of the permit that are repeated in AR. Section on “Limits on Student Transfer out of the District to a School District of Choice” revised to reflect new court decision which defines “for the duration of the program” for purposes of capping outbound transfers. Regulation updated to reflect new law (AB 1156, 2011) which requires that priority for interdistrict attendance agreements be given to students who are victims of an act of bullying, new law (AB 1085, 2011) which gives county boards in larger counties more time to resolve appeals, and legal requirement regarding provisional enrollment pending a decision of the two districts or during the term of appeal.

AR 5125 – Student Records (11/12)

Mandated regulation updated to reflect new law (AB 733, 2012) which, in many respects, conforms state law to federal law with regard to persons authorized to access student records. Regulation also reflects new law (AB 1799, 2012) which requires a student’s records to be transferred, within 10 school days of receiving a request, to another school in which the student is enrolled or intends to enroll.

BP/AR 5126 – Awards for Achievement (3/12)

Policy updated to reflect new law (AB 815, 2011) which establishes a State Seal of Biliteracy to recognize high school graduates who have attained a high level of proficiency in one or more languages in addition to English. Policy also contains optional language for districts that choose to provide “pathway awards” recognizing benchmarks toward biliteracy at earlier grade levels. Mandated regulation updated to reflect eligibility criteria and other requirements for State Seal of Biliteracy as added by AB 815. Regulation also adds optional general rules governing student applications for the district’s scholarship and loan fund and optional notifications to inform students of eligibility requirements for various awards.

BP 5131 – Conduct (3/12)

Policy updated to reflect new law (AB 9, 2011) which requires policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics and new law (AB 1156, 2011) which encourages the inclusion of bullying prevention strategies in comprehensive safety plans. Material on prevention and intervention of bullying and cyberbullying moved to BP 5131.2 – Bullying. Policy also expands item #4 to clarify that the district is not responsible for students’ personal belongings brought on campus or to a school activity, replaces section on cell phone possession and use with new item #6 which prohibits use during instructional time with specified exceptions, and adds referral to student success team or counseling services as possible consequences for violation of school rules.

BP 5131.2 – Bullying (3/12)

New policy contains material formerly in BP 5131 – Conduct regarding strategies for prevention and intervention of bullying. Policy reflects new law (AB 9, 2011) which requires policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics, new law (AB 1156, 2011) which encourages the inclusion of bullying prevention strategies in comprehen-

sive safety plans, and new law (AB 746, 2011) which expands the definition of bullying committed by means of an electronic act to include posting of messages on social media networks. Policy also expands topics for related student education, adds strategies for supervision and security, and adds language regarding reporting of incidents.

BP 5131.61 – Drug Testing (7/12)

Updated, reorganized policy reflects settlement agreement in *Brown v. Shasta Union High School District* and clarifies the circumstances under which districts may perform random drug testing of students participating in athletics or other extracurricular activities. Policy also adds language regarding informing students and parents/guardians of the random drug testing and/or voluntary drug testing program.

AR 5141.31 – Immunizations (11/12)

Regulation updated to reflect new law (AB 2109, 2012) which requires that, when a parent/guardian submits a written statement that one or more immunization requirements are contrary to his/her beliefs, the statement must document which immunizations have been given and specify which ones are contrary to his/her beliefs. Regulation also reflects a provision of AB 2109 that, effective January 1, 2014, the personal beliefs affidavit must include a signed attestation by a health care practitioner indicating that he/she has provided the parent/guardian with information regarding the benefits and risks of the immunization and the health risks associated with the communicable disease.

BP 5141.33 – Head Lice (7/12)

Updated policy reflects new guidance from the California Department of Public Health (CDPH) on head lice prevention and control in schools by (1) deleting routine screening by schools and the school's responsibility to check siblings of infected students, (2) adding provision of information to parents/guardians to encourage at-home screening and inspection, (3) allowing student found with active head lice to stay in school until the end of the school day, and (4) giving discretion to principal or designee to determine whether to send notification and information to parents/guardians when students in a class or school are found infested with head lice.

BP/AR 5141.6 – School Health Services (3/12)

Policy updated to reflect new law (AB 499, 2011) which allows a minor age 12 and older to consent to medical care related to the prevention of a sexually transmitted disease, and existing law which provides that minors age 12 and older can consent to mental health services under certain conditions. Policy also adds optional language giving priority for services to schools with the greatest need and language addressing the involvement of school nurses, as appropriate, in planning and implementing school health services. Reorganized regulation (1) deletes material on hours of operation since these may vary by site, (2) reflects legal requirement to cooperate with county program to offer fluoride dental treatments to all school-age children, (3) adds option to provide service for substance abuse, and (4) adds requirement to submit annual report as a condition of continued participation as a Medi-Cal provider.

BP/AR 5144 – Discipline (11/12)

Policy and regulation updated to reflect new law (AB 1729, 2012) which provides alternative methods of discipline that should be considered before suspension is imposed. Policy and regulation add preventative and positive conflict resolution strategies, such as conferences with students and their parents/guardians; use of study, guidance, or other intervention-related teams; enrollment in a program teaching prosocial behavior or anger management; and participation in a restorative justice program.

BP/AR 5144.1 – Suspension and Expulsion/Due Process (3/12, 7/12, 11/12)

Mandated policy and mandated regulation updated to (1) require fair, consistent enforcement of suspension and expulsion rules in response to U.S. Department of Education Office for Civil Rights report finding disproportionate rates of suspension/expulsion by race and ethnicity, gender, and disability, and (2) reflect new law (AB 1729, 2012) which prohibits suspension of a student for certain specified violations unless other means of correction have failed to bring about proper conduct. Regulation also updated to reflect (1) new law (AB 746, 2011) which expands the definition of bullying committed by means of an electronic act to include posting of messages on social media networks; (2) new law (AB 1732, 2012) which identifies specific conduct that would constitute a post on a social network Internet website for purposes of identifying an act of bullying; (3) new law (AB 143, 2011) which requires that, when law enforcement officials are notified of certain acts by students with disabilities, they must certify that specified student records will not be disclosed without prior written consent; (4) new law (AB 2537, 2012) which broadens the authority of school administrators to determine when expulsion should be recommended for certain offenses, clarifies that a student's possession of an imitation firearm does not require expulsion, and clarifies that a student's over-the-counter or prescribed medication is not considered possession of controlled substances when determining grounds for suspension or expulsion; (5) new law (AB 1909, 2012) which requires the district to invite a foster youth's attorney and an appropriate county child welfare agency representative to any meeting to consider certain disciplinary measures, including expulsion, against a foster youth; and (6) new law (SB 1088, 2012) which prohibits the district from denying readmission of an expelled student solely because of his/her contact with the juvenile justice system.

AR 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities) (3/12)

Regulation updated to reflect new law (AB 143, 2011) which requires that, when law enforcement is notified of certain acts by students with disabilities, law enforcement officials must certify that specified student records will not be disclosed without prior written parental consent. Revised regulation also clarifies that students with disabilities are subject to the same suspension and expulsion procedures as nondisabled students unless otherwise specified.

BP 5145.3 – Nondiscrimination/Harassment (3/12)

Mandated policy updated to reflect new law (AB 9, 2011) which requires policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics, including gender identity and gender expression. Policy also adds language (1) prohibiting retaliation against students who file a complaint or report, and (2) requiring related training of students, parents/guardians, and employees.

BP/E 5145.6 – Parental Notifications (3/12, 11/12)

Policy updated in November to reflect new law (AB 2262, 2012) which allows the annual parental notifications to be sent electronically upon request by the parent/guardian and requires that any notifications sent electronically be written both in English and in the family's primary language when required by law. Policy also reflects existing law prohibiting schools from undertaking specified activities if parents/guardians are not notified. Exhibit reorganized and updated in March to include new notifications regarding (1) how each graduation requirement does or does not satisfy a-g college entrance criteria, including list of career technical education courses that satisfy a-g criteria, as required by new law (AB 1330, 2011); (2) information to parents/guardians of student athletes on concussions and head injuries, as required by new law (AB 25, 2011); (3) availability of topical fluoride dental treatment; (4) identification of a student for a program for English learners; (5) when parental attendance is required when student removed from class; and (6) when student's achievement will be measured with California Modified Assessment.

BP/AR 5145.7 – Sexual Harassment (3/12)

Mandated policy updated to reflect new OCR guidance which clarifies that (1) sexual violence (e.g., rape, sexual assault, sexual battery, sexual coercion) is a form of sexual harassment that must be addressed by districts in the same way as other forms of sexual harassment; (2) districts should provide information about the rights of students and parents/guardians to file a criminal complaint of sexual harassment as applicable; and (3) districts should respond to sexual harassment that comes to their attention even when a victim requests anonymity. Regulation updated to add sexual assault, sexual battery, and sexual coercion to examples of sexual harassment per new OCR guidance. Regulation also reflects information in the OCR guidance that districts may have an obligation to respond to student-on-student sexual harassment which occurs off school grounds or outside school-sponsored or school-related programs or activities, since the sexual harassment may still create a hostile environment for the victim at school.

BP/AR 5148.3 – Preschool/Early Childhood Education (11/12)

Policy and mandated regulation updated to reflect new law (SB 1016, 2012) which eliminates full-day preschool programs under the California State Preschool Program and encourages the provision of "wraparound child care services" which combine part-day preschool programs with general child care services to provide a full day of services for qualifying families. Regulation also reflects provisions of SB 1016 which change the age of preschool eligibility to align with kindergarten start dates, specify the order in which families must be disenrolled when state funding is reduced, amend requirements for family literacy services, and require the district to charge a fee to families enrolled in part-day preschool programs and/or supplemental wraparound services.

6000 Series: Instruction

BP/AR 6145 – Extracurricular and Cocurricular Activities (3/12)

Mandated policy updated to clarify that no fee may be charged to students for participation in extracurricular and cocurricular activities related to the educational program, unless specifically authorized by law, and that a district policy allowing for waivers of the fee based on financial need does not render the fee constitutional. Regulation updated to clarify the applicability of legal definitions of extracurricular and cocurricular activities and to add section on "Supervision" reflecting required qualifications of staff and others who work with students in a student activity program.

AR 6146.2 – Certificate of Proficiency/High School Equivalency (7/12)

Updated regulation reflects new law (SB 461, 2011) which authorizes the issuance of a high school equivalency certificate to a student who completes a dropout recovery high school's instructional program and meets other specified criteria.

AR 6159 – Individualized Education Program (3/12)

Reorganized, mandated regulation reflects repeal of law which previously required districts to request participation of a county mental health agency in the individualized education program (IEP) team before referring a student to the county mental health agency. Regulation also clarifies membership of IEP team, possible alternative student assessments for students with disabilities and current exemption from high school exit examination, and parental right to examine student records, and reorganizes material for IEP development and review into applicable sections.

BP 6161 – Equipment, Books and Materials (7/12)

Policy deleted due to redundancy with BP 6161.1 – Selection and Evaluation of Instructional Materials.

BP/AR/E 6161.1 – Selection and Evaluation of Instructional Materials (11/12)

Policy, regulation, and exhibit updated to reflect new law (AB 1246, 2012) which allows the district to adopt instructional materials for grades K-8 that have not been approved by the SBE, provided that the materials are aligned with state academic content standards or Common Core standards and have been reviewed by a group consisting mostly of teachers assigned to the subject area or grade level for which the materials will be used. Policy and regulation also delete material related to the Instructional Materials Funding Realignment Program, repealed by AB 1246.

BP 6161.11 – Supplementary Instructional Materials (11/12)

Policy updated to reflect new law (AB 1719, 2012, and SB 140, 2011) which requires the SBE to approve and publicize lists of supplementary materials aligned with the state's Common Core standards in English language arts, mathematics, and English language development. Policy also revised to reflect the definition of supplementary instructional materials in law and to address the selection process, criteria, and funding.

AR 6173.1 – Education for Foster Youth (11/12)

Regulation updated to reflect (1) new law (SB 121, 2012) which specifies conditions that must be satisfied for the district to be discharged from its duty to educate a foster youth in the least restrictive environment necessary for his/her educational achievement; (2) new law (SB 1568, 2012) which authorizes a former foster youth to continue in the school of origin until high school graduation after the court's jurisdiction is terminated; and (3) new law (AB 1909, 2012) which requires the district to invite a foster youth's attorney and an appropriate county child welfare agency representative to any meeting to consider certain disciplinary measures, including expulsion, against a foster youth.

BP/AR/E 6174 – Education for English Language Learners (11/12)

Mandated policy and mandated regulation revised to reflect new law (AB 2193, 2012) which defines “long-term English learner” and “English learner at risk of becoming a long-term English learner” and requires the CDE to annually report to the district and school on the number of students so classified. Policy also reflects new law (AB 124, 2012) which required the SBE to align the state English language development standards with Common Core standards and new law (AB 1719, 2012) which requires the SBE to approve a list of supplementary instructional materials aligned to the updated standards. Policy clarifies that a student must be placed in an English mainstream classroom at the request of his/her parents/guardians and that the waiver process is not needed in such circumstances. Regulation expands material related to identification and assessment of English learners and redesignation of English learners as fluent English proficient. Exhibits containing sample forms to obtain parental waiver requests deleted and replaced with a single combined form reflecting all types of allowable parental waivers.

BP/AR 6178 – Career Technical Education (7/12)

Mandated policy updated to list types of career technical education (CTE) programs that may be offered, reflect concepts of linked learning based on definition in new law (AB 790, 2011) which establishes a pilot project, reflect new law (AB 1330, 2011) which allows districts to establish CTE as an optional graduation requirement, and reflect new law (AB 1304, 2012) which authorizes the CTC to issue a “recognition of study in linked learning” following a teacher’s completion of an approved course. Updated policy also (1) includes a goal to focus on high-skill, high-wage, high-demand occupations; (2) provides examples of work-based learning opportunities; (3) expands language regarding collaboration with postsecondary institutions; and (4) reflects requirement to disaggregate program evaluation data. Updated regulation (1) revises section on Perkins basic grants to focus on program requirements rather than components of the district plan, (2) includes new section on linked learning reflecting concepts of AB 790, (3) revises section on partnership academies to add student eligibility criteria and revise program components in accordance with current law, (4) revises section on apprenticeship programs to change “pre-apprenticeship program” to “orientation to apprenticeships” for consistency with Department of Industrial Relations materials, and (5) adds new section on regional occupational centers/programs linking to BP 6178.2 – Regional Occupational Center/Program.

BP/AR 6178.1 – Work-Based Learning (3/12)

Retitled policy and regulation updated to address a broad range of work-based learning opportunities in addition to work experience education (WEE). Policy also encourages involvement of businesses in program planning and implementation, reflects law requiring written training agreements with employers, adds material on program evaluation, and includes material formerly in AR regarding work permits, applicable labor laws, teacher qualifications, and records. Updated regulation reflects new state regulations (Register 2011, No. 12) changing the name of the career technical WEE program, and adds new sections reflecting requirements of cooperative career technical education/community classroom programs and job shadowing.

7000 Series: Facilities

BP 7110 – Facilities Master Plan (3/12)

Policy updated to add (1) role of the board in approving the facilities master plan, (2) regular review and updating of the plan, (3) plan components, (4) a list of minimum general standards for school facilities, (5) other applicable standards including green building standards and the Americans with Disabilities Act, and (6) consideration of joint use of facilities.

BP/AR 7160 – Charter School Facilities (3/12)

Updated policy adds philosophical statement, requirement that proposed charter school facilities be addressed in the charter petition, applicable building standards, and state funding programs for charter school facilities. Policy also more directly reflects law concerning Proposition 39 requirement for districts to provide furnished, equipped, reasonably equivalent facilities to charter schools. Updated, reorganized regulation adds definitions of “reasonably equivalent facilities” and “conversion school” and reflects new court decision addressing consideration of all non-teaching space and overall size in determining reasonable equivalence.

BP/AR 7214 – General Obligation Bonds (3/12, 11/12)

Policy updated in March to include material formerly in AR regarding appointment of the citizens’ oversight committee for bonds approved under the 55 percent threshold, reflect new law (SB 423, 2011) which establishes a date by which audits must be given to the committee, and provide option for districts to establish citizens’ oversight committee for bonds approved under the 66.67 percent threshold. Sections on “Certificate of Results” and “Resolution Regarding Sale of Bonds” moved from AR to BP since board action is required. Updated regulation revises section on “Citizens’ Oversight Committee” to clarify that the legal requirements apply only to bonds approved under 55 percent threshold and more directly reflect law regarding the committee’s duties. Policy updated in November to clarify material related to bond elections and resolutions regarding the sale of bonds and to add new section on bond anticipation notes, which may be issued to finance a facilities project on an interim basis in anticipation of the sale of bonds that has been approved by the voters. Regulation updated to reflect new law (AB 1199, 2012) which authorizes members of a citizens’ oversight committee to serve for three consecutive terms rather than two.

9000 Series: Board Bylaws

BB 9321 – Closed Session Purposes and Agendas (7/12)

Updated bylaw reflects new Attorney General opinion which concludes that only three specified subjects related to real property negotiations may be considered in closed session. Bylaw also (1) includes board philosophical statement expressing commitment to transparency and compliance with open meeting laws, (2) includes requirement to reconvene in open session to report decisions of closed session with link to BB 9321.1 – Closed Session Actions and Reports, and (3) revises section on “Pending Litigation” to add definitions of “party” and “significant exposure to litigation.”

BB 9322 – Agenda/Meeting Materials (11/12)

Mandated bylaw revised to update material related to the consent agenda/calendar, including deleting outdated information and reflecting new law (SB 1003, 2012) which requires the board to have a separate agenda item (not on consent agenda) when it is considering approving or rescinding its unconditional commitment to refrain from taking certain actions in violation of the Brown Act.

BB/E 9323.2 – Actions by the Board (11/12)

Bylaw updated to reflect new law (SB 1003, 2012) which expands the types of past board actions that may be challenged by the district attorney or other interested person, provided that certain requirements are met, including the sending of a “cease and desist” letter to the board within nine months of the alleged violation. New exhibit provides a sample letter that the board may use to respond to the cease and desist letter with an unconditional commitment to desist from repeating the past action, which would prevent the district attorney or other interested person from filing an action in court.

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 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 650 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 to word processing 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 district's policy manual. Rest assured that everyone is accessing the most current policies and don't worry about managing and monitoring paper policy manuals at all sites.

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 over 150 of the district'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 district will receive a report that identifies those policies that the district does not have or that do not reflect the latest revision by CSBA. This report will help the district identify priority areas for policy updating and give an indication as to the overall status of the district's manual. The district will also receive copies of the necessary CSBA sample policies.

Policy Development Workshop

Policy Development Workshops will bring together the expertise and experience of district administrators and/or board members with a CSBA consultant to produce a district policy manual that complies with state and federal law and meets local needs. At a facility provided by the district and with facilitation and assistance of the CSBA consultant, district 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

District staff sometimes have difficulty finding time to maintain policies. CSBA's Manual Maintenance service provides policy updates, ongoing consultation and word processing services. Districts 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.



California School Boards Association

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