

CSBA's Policy Services

2013 Policies in Review



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

Three times each year (April, August and December), 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 2013, CSBA also issued a special edition of Policy Update in October consisting of six policies related to the implementation of the new Local Control Funding Formula, including a new sample policy and regulation BP/AR 0460 - Local Control and Accountability Plan.

In this first year of the 2013-14 legislative session, Governor Jerry Brown signed approximately 800 bills, over 90 of which may impact K-12 education. *2013 Policies in Review* provides an overview of the major policy issues addressed throughout the year. While the issues highlighted in this annual summary are those that affect policy in school districts, many of these issues are also applicable to county offices of education.

For a list of publications and continuing education opportunities provided in 2013 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.

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Accountability

Local Control and Accountability Plan

(August, October 2013)

When AB 97 (2013) established the new Local Control Funding Formula (LCFF) granting greater local flexibility in the use of resources to improve student outcomes (see “Fiscal Issues” below), it also added new requirements for a comprehensive local planning process. By July 1, 2014, and annually thereafter, districts and county offices of education (COEs) must develop a Local Control and Accountability Plan (LCAP) that aligns with their annual budget and identifies actions they will take to meet state priorities pertaining to teacher qualifications, implementation of the Common Core State Standards, parental involvement, student achievement, student engagement, school climate, student access to the course of study and student outcomes in those courses. COEs must also address the coordination of instruction for expelled students and coordination of services for foster youth. The plan must be consistent with a template provided by the State Board of Education (SBE).

AB 97 requires that the plan be developed through a process that includes consultation with teachers, principals, administrators, other school personnel, parents and students. In addition, boards must establish a parent advisory committee that includes parents/guardians of English learners, foster youth and students eligible for free or reduced-price meals, as applicable. An English learner advisory committee must be established in any district in which district enrollment includes at least 15 percent English learners and at least 50 students who are English learners.

Boards must hold at least one public hearing to solicit recommendations and comments from the public regarding the specific actions and expenditures to be included in the LCAP. To ensure alignment of the LCAP and the district budget, AB 97 requires that the public hearing on the LCAP be held at the same meeting as the public hearing required prior to the adoption of the district budget. On a different date, the LCAP and budget must be adopted at the same meeting, with the LCAP being adopted first.

Once a plan is adopted, it must be posted on the district/COE website and submitted to the county superintendent of schools or, in the case of a COE, to the Superintendent of Public Instruction (SPI).

CSBA developed a new sample policy and administrative regulation BP/AR 0460 - Local Control and Accountability Plan reflecting legal requirements and best practices for the development of the LCAP. In addition, because complaints of noncompliance regarding plan development must be addressed through uniform complaint procedures, CSBA is reviewing the implications of AB 97 for BP/AR 1312.3 - Uniform Complaint Procedures.

Charter schools have similar requirements. AB 97 requires that charter petitions include annual goals aligned with the specified state priorities and any additional priorities established by the charter school and to identify specific annual actions to achieve the goals. CSBA has updated AR 0420.4 - Charter School Authorization to reflect these requirements.

Technical assistance and intervention

(August, October, December 2013)

Because the LCAP must be updated each year, it is important to monitor the district’s progress toward attaining each goal identified in the LCAP and to make any necessary revisions to the LCAP based on the evaluation data. Districts will be assisted in this effort by evaluation rubrics which, pursuant to AB 97 (2013), must be adopted by the SBE by October 1, 2015. The rubrics will include all of the state priorities that must be addressed by the LCAP and the SBE’s standards for district and school performance in regard to those state priorities.

At the request of the district board, or if the county superintendent of schools does not approve the district’s LCAP or a subsequent update of the plan, the county superintendent must provide technical assistance to help the district reach its LCAP goals and improve student achievement. Such assistance may include identification of

the district’s strengths and weaknesses, assignment of academic expert(s) to help the district identify and implement effective programs and/or referral to the California Collaborative for Educational Excellence (CCEE) for advice and assistance. The SPI may provide technical assistance to COEs under the same conditions.

Districts may ultimately be subject to state intervention based on persistent or acute inadequate performance or failure or inability to implement the recommendations of the CCEE. The SPI or his/her designated academic trustee may make changes to the district’s LCAP and/or impose a budget revision or rescind district actions in order to improve outcomes for target student groups.

Districts have a responsibility to provide technical assistance to any charter school they sponsor which, in three out of four consecutive school years, fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three, in regard to one or more state or school priorities identified in the charter. In such cases, the district must provide technical assistance using the SBE evaluation rubric and may request that the SPI assign the CCEE to

provide advice and assistance to the school. If the charter school fails to implement the recommendations of the CCEE or continues to demonstrate persistent or acute inadequate performance, then the sponsoring district must “consider” revocation of the charter.

CSBA has updated BP 0500 - Accountability, BP/E 0420.41 - Charter School Oversight and BP 0420.43 - Charter School Revocation to reflect new law.

Curriculum and instruction

Common Core State Standards

(August, December 2013)

Continual progress is being made at the state and local levels toward implementation of the Common Core State Standards. Since adoption of the standards in 2010, the state has moved to align the state assessment system with these standards (see “Student Assessment” below) and is working to update curriculum frameworks and instructional materials. AB 86 (2013) allocated funds to districts, COEs and charter schools to support the integration of the new standards. It requires adoption of a plan delineating how the funds will be spent and a report to the California Department of Education (CDE) in 2015 on specific purchases made and the number of staff members receiving professional development.

CSBA has updated BP 6142.91 - Reading/Language Arts Instruction to add material calling for the alignment of districts’ reading/

language arts programs with the Common Core State Standards for English language arts.

A webcast on the Common Core State Standards, “Navigating the Implementation of Common Core,” was aired in June and is available on CSBA’s website at www.csba.org/ArchivedWebcastsWebinars.aspx.

In this webcast, presenters from CSBA, WestEd and two school districts examined policies, issues and impacts of implementing the standards. They shared successes and challenges on the road to full implementation and tips to align both financial and human resources to support implementation.

In addition, CSBA published three more issues in the *Governing to the Core* series of governance briefs, focusing on related instructional materials, professional development and issues to consider in the coming year.

Continuation education

(December 2013)

Under current law, districts that maintain high schools are mandated to adopt policy addressing the involuntary transfer of students into a continuation education program. New law (AB 570, 2013) now mandates districts to adopt policy and procedures if they choose to allow students to voluntarily enroll in a continuation education program. Such policy and procedures must govern the identification, placement and intake procedures for students, based on a finding that the voluntary placement of students will promote their educational interests. Among other things, the policy and procedures must ensure that:

» Voluntary placement in continuation school is not used as an alternative to expulsion, except as specified.

- » No specific group of students is disproportionately enrolled in the district’s continuation education programs.
- » The policies and procedures are provided to students whose voluntary transfer is under consideration and to the parents/guardians of those students.
- » Before a student is transferred, the student and his/her parent/guardian may meet with a counselor, principal or administrator from the student’s current school and the continuation school to determine if transferring is the best option for the student.

CSBA is reviewing and expects to revise BP/AR 6184 - Continuation Education.

Summer learning

(April, August, December 2013)

Responding to growing evidence of learning loss over the summer break from school, particularly among children from low-income families, CSBA has been engaging in several efforts to assist districts in providing high-quality summer programs. These activities are supported by a grant from the David and Lucile Packard Foundation and are being conducted in collaboration with the Partnership for Children and Youth, a nonprofit organization that oversees the statewide Summer Matters campaign.

In April, CSBA updated and retitled BP 6177 - Summer Learning Programs to address summer learning opportunities in addition to summer school. At the same time, concepts related to summer wellness were added to BP 5030 - Student Wellness. BP 6177 was updated again in December to reflect AB 97 (2013), which redirects supplemental instruction program funding that could be used for summer school into the LCFF, and to provide for the alignment of summer programs with the goals in the district's LCAP.

CSBA also issued a policy brief on summer learning and wellness, *School's Out, Now What? How Summer Programs Are Improving Student Learning and Wellness*, which is available on CSBA's website at www.csba.org/summerlearning. The policy brief presents research findings on the negative impacts of summer

break on student learning and wellness, examines the extent to which summer programs are currently being offered throughout California, describes characteristics of effective programs and possible sources of program funding, and suggests actions that governing boards could take to promote and facilitate the provision of summer programs.

A special Summer Learning Series of articles was launched in order to bring greater focus to specific topics related to summer learning and wellness. Issue 1 presents an overview of research findings demonstrating that many students lose ground academically and physically over summer break. Issue 2 focuses on characteristics of effective summer programs, Issue 3 focuses on available sources of funding, and Issue 4 presents three case studies of effective programs.

In August, these materials were compiled into the *Summer Learning and Wellness Resource Guide*. In addition, the guide includes a timeline for developing and implementing summer programs, a facilitator's guide for conducting a "Summer Matters" workshop, and an annotated literature review which describes useful resources related to summer learning and wellness. The guide is available at www.csba.org/summerlearning.

Fiscal issues

Local Control Funding Formula

(August, October, December 2013)

Along with the adoption of a new state budget in the summer came a new formula for funding K-12 education beginning in the 2013-14 fiscal year. AB 97 (2013) and SB 97 (2013) replace the existing revenue limit and categorical funding structure with the LCFF, which not only changes the way that state education funding is allocated but also provides increased local flexibility for spending the funds and increased accountability for improving student achievement. A number of policies and administrative regulations will need to be updated to implement these provisions.

The LCFF continues to provide a base grant to districts based on average daily attendance. Then, toward the goal of helping to close the achievement gap, the LCFF adds supplemental grants based on the unduplicated count of English learners, foster youth and students qualifying for free or reduced-price meals. In districts where such students comprise 55 percent or more of

total enrollment, the district receives additional funding through a concentration grant. Funding for COEs is based on a two-part formula that considers the cost of providing regional services and alternative education programs.

As boards begin making decisions about new budget and programmatic priorities, they should review and align their policies accordingly. CSBA has begun a full-scale effort to prepare districts for the changes brought about by the new funding formula. A number of sample policies and regulations impacted by the LCFF were issued in a special October edition of Policy Update as well as the December edition. Materials will be updated on a continual basis as new provisions of law become effective, new state guidance is available, any follow-up legislation is passed and best practices are identified.

Among the issues that are expected to impact policy are:

- » **Budget:** Adoption of the district's budget must be aligned with the adoption of the district's LCAP or annual update of the LCAP. In addition, consistent with state regulations governing expenditures of supplemental and concentration grant funds, district budgets will need to reflect an increase or improvement in services for target student groups in proportion to their increase in apportioned funds. Audit reports will need to ensure that LCFF funds have been properly expended. In addition, new budget standards and criteria adopted by the SBE will be applicable starting in the 2014-15 fiscal year. CSBA has updated BP/AR 3100 - Budget and BP 3110 - Transfer of Funds and expects to revise BP/AR 3460 - Financial Reports and Accountability.
- » **Categorical programs:** AB 97 redirects funding for specified categorical programs into the LCFF, including many "Tier 3" categorical programs that had been subject to temporary flexibility through the 2014-15 school year. Thus, districts have considerable flexibility to eliminate or implement these programs at their discretion, consistent with any applicable federal requirements and collective bargaining agreements. A list of categorical programs folded into the LCFF is included in the Legislative Analyst's Office report *An Overview of the Local Control Funding Formula*, available at www.lao.ca.gov/reports/2013/edu/lcff/lcff-072913.pdf. CSBA is reviewing the numerous sample policies and administrative regulations pertaining to these programs and will revise them as necessary. Until this process can be completed, a new Cautionary Notice has been placed at the top of all affected policies to advise districts that some provisions of the policy are no longer required.
- » **Class size:** Under the LCFF, districts will need to make progress toward maintaining an average class size of no more than 24 students in grades K-3 as a condition of receiving an additional adjustment to the base grant for those grade levels. That ratio must be achieved when LCFF is fully implemented in accordance with Education Code 42238.03(b)(4), unless a different ratio is negotiated with employee organizations. CSBA is reviewing BP/AR 6151 - Class Size.
- » **Deferred maintenance funds:** AB 97 repeals a number of deferred maintenance funding requirements (Education Code 17584-17584.2, 17585, 17587), which also affects (1) the duties that may be assigned to a citizens' oversight committee established whenever a general obligation bond is approved under the 55 percent threshold and (2) the board resolution required when excess deferred maintenance funds are transferred. CSBA deleted BP 3111 - Deferred Maintenance Funds, updated BP/AR 7214 - General Obligation Bonds and is reviewing E 9323.2 - Actions by the Board.

CSBA has also issued a policy brief, *Impact of Local Control Funding Formula on Board Policies*, which describes a new approach to policy development that is focused on student outcomes and is aligned with the goals in the LCAP. It discusses key policy issues raised by LCFF, the impact of the elimination of categorical program requirements, and questions that governance teams should consider when reviewing district policies to identify needed changes.

This policy brief and other helpful resources and best practices have been combined into an LCFF Toolkit available on CSBA's website at www.csba.org/LCFF. New resources will continue to be added.

Governance

Reports of board votes

(December 2013)

SB 751 (2013) requires that boards publicly report any action taken and the vote or abstention of each board member present for the action. Previously, the Brown Act only required the votes of individual board members to be reported for actions taken during closed sessions and meetings conducted by teleconference.

Under the new law, it is no longer sufficient to report only the number of ayes, nays and abstentions on any action taken. While the law is silent on how unanimous votes should be reported, it

is recommended that, as a best practice, the name and vote or abstention of each member be included in the minutes for each action taken.

CSBA is reviewing BB 9323.2 - Actions by the Board and BB 9324 - Minutes and Recordings.

Personnel

Pregnancy disability leave

(August 2013)

CSBA's sample AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave has been updated to reflect state law and amended state regulations (Register 2012, No. 48) governing pregnancy disability leave (PDL).

The updated administrative regulation addresses the issues of overlap and concurrence created by the different treatment of PDL under federal law, in which it is part of the Family and Medical Leave Act (FMLA), and under state law, in which it is separate and distinct from the California Family Rights Act (CFRA). Under federal law, a female employee's use of leave for purposes of pregnancy, childbirth or a related medical condition counts against her FMLA leave. The PDL and any other use of FMLA leave cannot total more than 12 work weeks during a 12-month period. However, state law and regulations grant an employee up to four months of PDL, which may be followed by up to 12 work

weeks of CFRA leave for the birth of the child. Where there is a conflict between state and federal law, the law that grants the greatest benefits generally controls.

As amended, 2 CCR 7291.9 clarifies that the four months of PDL to which an employee is entitled under state law means the number of days or hours that the employee would normally work within one-third of a year. For a full-time employee who works 40 hours per week, "four months" equals 693 hours of leave entitlement (i.e., 40 hours per week times 17 1/3 weeks). For a part-time employee, the four months is calculated on a proportional basis (e.g., 20 hours per week times 17 1/3 weeks).

Districts are encouraged to consult legal counsel as necessary when there is a question regarding the amount of leave to which an employee is entitled or any other provision related to such leave.

Safety

Hazardous substances

(April 2013)

Whenever employees may potentially be exposed to hazardous substances in the workplace, state regulations (8 CCR 5194) require that the employer develop and implement a written hazard communications program. As reflected in BP/AR 3514.1 - Hazardous Substances, the district's program must include components related to container labeling, safety data sheets, employee information and training, a list of hazardous substances present in the workplace, hazardous nonroutine tasks, and provision of information to contractors.

8 CCR 5191 establishes additional requirements for any employer maintaining workplaces where there is laboratory use of hazardous chemicals, such as science laboratory classes at any grade level. Such districts are required to have a written "chemical hygiene plan" which must provide for employees working in laboratories to receive information and training on topics which are largely the same as those addressed in the hazard communications program. In addition, the plan is required to include control measures to reduce exposure to hazardous chemicals

(such as engineering controls, the use of personal protective equipment and hygiene practices) and provisions for medical consultations and examinations in the event of exposure to a hazardous chemical. BP/AR 3514.1 was updated in April to include requirements for the chemical hygiene plan. Also see the CDE's *Science Safety Handbook for California Public Schools* (available at www.cde.ca.gov/pd/ca/sc) for further information about safe handling of potentially hazardous substances in science laboratory classes.

CSBA, in partnership with 3E Company, offers a HazMat Communications service that relieves districts and COEs of the time-consuming and expensive maintenance of safety data sheet binders and helps them comply with requirements for hazardous material use, transportation and storage. For further information, see www.csba.org/ProductsAndServices/AllServices/HazMatCommunicationsProgram.aspx.

Student assessment

New state assessment system

(December 2013)

AB 484 (2013) replaces the state's Standardized Testing and Reporting (STAR) program with the Measurement of Academic Performance and Progress, now designated by the CDE as the California Assessment of Student Performance and Progress (CAASPP). The new assessment system is intended to align state achievement tests with the Common Core State Standards. Although U.S. Secretary of Education Arne Duncan initially expressed opposition to California's planned assessments, the CDE is continuing to seek a waiver of federal testing requirements while moving ahead with plans to switch to the CAASPP. Applicable Title 5 regulations are being revised to conform to the new assessment system.

During the spring of 2014, a field test of English language arts and mathematics assessments which were developed by the multi-state Smarter Balanced Assessment Consortium will be conducted. The field test is designed to "test the tests" and will not produce individual student test results or school or district reports. The first full administration of CAASPP will occur in the 2014-15 school year unless the SBE determines that the assessments cannot be fully implemented at that time.

In addition to establishing the use of the Smarter Balanced assessments, AB 484 requires the SBE to adopt a primary language assessment that will be administered no later than the 2016-17 school year. During the transition period, districts may administer the Standards-Based Test in Spanish (STS) at their discretion. Districts also may, at their discretion and expense, administer the STAR tests in 2013-14 and 2014-15 if they desire to use these tests for accountability or diagnostic purposes.

AB 484 does not affect the high school exit examination or the California Alternate Performance Assessment for students with disabilities. Furthermore, California Standards Tests in science will continue to be administered at grades 5, 8 and 10 until a new science assessment is available that is aligned with the Next Generation Science Standards which were adopted by the SBE in September 2013.

CSBA has updated and retitled BP/AR 6162.51 - State Academic Achievement Tests to reflect the new law. In addition, CSBA has updated BP 5123 - Promotion/Acceleration/Retention and BP 6179 - Supplemental Instruction to delete STAR results from the criteria triggering retention or supplemental instruction. CSBA will continue to evaluate the implications of AB 484 for other policies that include references to the STAR tests.

Student health and wellness

Drinking water

(April, August 2013)

State and federal law require schools to make free, fresh drinking water available for consumption during meal service. Districts also should encourage water consumption since it impacts student health and obesity prevention and therefore impacts student learning. To help districts effectively and efficiently increase students' access to drinking water, CSBA has issued a policy brief (*Increasing Access to Drinking Water in Schools, April 2013*) which provides information about the legal requirements, the extent to which schools are complying with those legal requirements, strat-

egies for providing water, board actions and resources. The policy brief is available at www.csba.org/PNB.

Federal regulations issued in June 2013 implement existing federal law (42 USC 1758) requiring schools that participate in the National School Lunch Program to make free drinking water available during lunch service. They also amend 7 CFR 220.8 to require the availability of drinking water during breakfast, but only when breakfast is served in the cafeteria. Schools are encouraged

to provide water during breakfast in other settings and to provide water during after-school programs.

The provision of drinking water is addressed in AR 3550 - Food Service/Child Nutrition Program and has now been added to BP 5030 - Student Wellness. As updated in April, BP 5030 also includes optional language regarding school gardens, provision

of nutrition education and physical activity in summer learning programs, and other school-based wellness activities such as professional development, school health services and bullying prevention. Material related to program evaluation was updated for consistency with CSBA's publication *Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies* (2012).

Drug testing

(August 2013)

CSBA's sample BP 5131.61 - Drug Testing has been updated to reflect greater privacy protections provided to students under the California Constitution compared to the U.S. Constitution. The previous version of the policy relied on U.S. Supreme Court precedents which found it lawful for districts to require students to submit to random, suspicionless drug testing (i.e., probable cause or reasonable suspicion need not be established prior to the test) as a condition of their participation in athletic programs or extracurricular activities on the basis that districts' custodial responsibility for students entrusted to their care outweighs the students' privacy right under the U.S. Constitution (*Vernonia School District v. Acton* and *Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls*). However, a California case calls into question whether the district's drug testing program can be extended beyond the context of athletics without some compelling justification.

In the unpublished California case, the court of appeal upheld a preliminary injunction against a district's drug testing program

which required students who participated in certain competitive, nonathletic extracurricular activities to be subject to random, suspicionless drug tests. In granting the injunction, the court analyzed the district's policy under Article 1, Section 1 of the California Constitution which provides more individual privacy protection than the U.S. Constitution.

The implication is that a drug testing program which may be allowed under federal law may nevertheless violate California law, if the district does not have a compelling reason for drug testing students. While safety of students participating in athletics is well recognized as justification for drug testing athletes, districts will need to show evidence of drug use or other justification for testing students in other contexts such as extracurricular activities. It is recommended that districts consult legal counsel prior to adopting student drug testing policy or procedures.

Electronic cigarettes

(December 2013)

In correspondence to county Tobacco Use Prevention Education coordinators, the CDE has called attention to the growing problem of electronic cigarettes on school campuses and has shared information about the dangers of e-cigarettes which provide an inhalable dose of nicotine and other chemicals through a vaporized solution. The correspondence encourages boards to adopt policy prohibiting student or adult use, on district property or in district vehicles, of e-cigarettes and other vapor-emitting electronic devices that mimic the use of tobacco products (e.g., electronic hookah), whether or not they contain nicotine content.

Although state law does not define "tobacco products" for purposes of the district's tobacco-free schools policy, CSBA's sample BP 3513.3 - Tobacco-Free Schools and BP 5131.62 - Tobacco currently contain optional language that prohibits the use of nicotine delivery devices such as e-cigarettes.

Health and Safety Code 119405 makes it unlawful for a person to sell or otherwise furnish an e-cigarette to a minor under age 18, but does not specifically make it unlawful for a minor to use such

products. Proposal legislation (SB 648) would prohibit the use of any product containing tobacco or nicotine products, including e-cigarettes, by students while on campus, while attending school-sponsored activities or while under the supervision of district personnel, but that bill failed to reach the governor's desk in 2013.

The CDE acknowledges that few scientific studies on the health implications of e-cigarettes are available, but points out that e-cigarettes generally contain nicotine which may be addictive and other toxic chemicals that irritate airways and may lead to allergic reactions. Furthermore, others who are exposed may experience adverse health effects because of the emission of fine and ultrafine inhalable liquid particles, nicotine and cancer-causing substances into indoor air.

For further information related to e-cigarettes and tobacco prevention efforts, see the CDE website at www.cde.ca.gov/ls/he/at/tupe.asp.

Food allergies

(August 2013)

Reflecting 2012 guidance from the U.S. Department of Education's Office for Civil Rights (OCR), BP/AR 5141.27 - Food Allergies/Special Dietary Needs has been updated to describe the circumstances under which students with a food allergy that substantially limits one or more major life activities may be considered to be "disabled" under Section 504 of the federal Rehabilitation Act (29 USC 794).

The definitions of "disability" and "substantially limits" for Section 504 purposes were revised when the Americans with Disabilities Act was amended in 2008. As defined in 42 USC 12102, a determination of disability must be made without regard to the ameliorative effects of any mitigating measures (e.g., allergy shots, frequent hand washing, bringing lunch from home, or other measures). If a student's allergy would substantially limit a major life activity such as respiratory function without those mitigating measures, then he/she meets the definition of "disabled."

Prior to 2008, fewer students with food allergies were identified as disabled because their allergies could be controlled. With mitigating factors no longer a consideration, the number of students with food allergies qualifying as "504 disabled" has grown considerably.

Whenever a student meets the definition of "disabled" under Section 504, the district needs to evaluate the student to determine if he/she needs related services and to develop an accommodation plan if necessary. Regardless of whether any services are needed, a student identified as disabled is protected against discrimination, harassment, intimidation and bullying under Section 504 and other federal and state laws; see BP 0410 - Nondiscrimination in District Programs and Activities, AR 1312.3 - Uniform Complaint Procedures, BP 5131.2 - Bullying and BP 5145.3 - Nondiscrimination/Harassment. In addition to ensuring that staff intervenes when bullying incidents occur and consistently enforcing established complaint procedures, districts should consider providing health education to students regarding the dangers that some students face when exposed to certain foods.

To read the OCR's guidance on these issues, see the Dear Colleague letter at www2.ed.gov/about/offices/list/ocr/letters/colleague-201109.html and the accompanying Questions and Answers at www2.ed.gov/about/offices/list/ocr/docs/dcl-504faq-201109.html.

Insulin administration in schools

(December 2013)

A recent ruling by the California Supreme Court (*American Nurses Association v. Torlakson*) clarifies who may administer insulin at school to students with diabetes and under what circumstances. The court held that California law allows trained school personnel who do not possess a medical license to administer insulin at school when no medical personnel is available, as long as the student's parent/guardian consents to the provision of care by unlicensed school personnel and submits the physician statement required by law. The California Supreme Court decision resolves a battle that has been going on for many years, beginning with a class action lawsuit brought by the American Diabetes Association in 2005 accusing the state of failing to provide students with diabetes health care services, including insulin administration, necessary to enable them to obtain free appropriate public education.

Schools that desire to permit unlicensed school personnel to administer insulin or other medications to students must comply with applicable provisions of state law, including requirements that the school:

- » Obtain written statements from both the student's parent/guardian and physician requesting that the school assist the student and containing other specified information.
- » Provide appropriate training to school personnel designated to administer medication. At a minimum, such training must include how and when the medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures and the proper documentation and storage of medication.
- » Ensure that unlicensed school personnel who are designated to administer medication are supervised by and provided with immediate communication access to a school nurse, physician or other appropriate individual.

CSBA has updated BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions to reflect the new ruling. In addition, these samples were updated to reflect new Title 5 regulations with respect to training employees who volunteer to administer emergency antiseizure medications to students who suffer from epileptic seizures.

Nutrition standards for outside food sales

(August, December 2013)

Generally, foods and beverages sold outside of the district's food services program, such as through vending machines, a la carte sales, student stores or fundraisers by student organizations or other groups, are subject to the same nutrition standards required for the food services program. However, foods and beverages that do not comply with state nutrition standards may be sold outside of the district's food services program under certain conditions. AB 626 (2013) has amended related state law to require that any such sales of noncompliant foods and beverages be allowed only if they take place off and away from school premises or, if on school premises, then at least one-half hour after the end of the school day. As amended, state law now applies the same requirements to sales of both foods and beverages and to all grade levels.

Schools that participate in the National School Lunch or Breakfast program are also subject to federal requirements pertaining to foods and beverages sold outside of the meal programs. Previously the U.S. Department of Agriculture (USDA) only had authority to regulate nutrition standards during mealtimes, but the Healthy, Hunger-Free Schools Act of 2010 required the USDA to develop standards, consistent with the most recent Dietary Guidelines for Americans, for all food sales at any time during

the school day. The "Smart Snacks in School" standards, incorporated into 7 CFR parts 210 and 220, must be implemented beginning July 1, 2014. The federal regulations allow states, at their discretion, to create special exemptions from the nutrition standards for infrequent school-sponsored fundraisers; however, California has chosen not to provide any such exemption. The complete federal rules are available at www.fns.usda.gov/cnd/Governance/Legislation/allfoods_interimfinal.pdf.

It is important to note that state and federal standards are not entirely consistent. In such cases, schools participating in a federal meal program should implement the stricter standard.

CSBA has updated AR 3554 - Other Food Sales to reflect new state law and federal regulations.

For additional information about nutrition in schools, see CSBA's *Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide* and *Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies*, available at www.csba.org/GovernanceAndPolicyResources/ConditionsOfChildren/StudentPhysicalHealthWellness/StudentWellnessPolicy.aspx.

Physical activity

(August 2013)

A new fact sheet from CSBA, *New Study Examines Best Practices for Supporting Physical Activity in Schools*, summarizes the findings, conclusions and recommendations of University of California San Diego researchers who surveyed nearly 100 elementary schools in southern California regarding their physical activity policies and practices.

The study assessed how the number of minutes of physical activity of students ages 6-10 years was impacted by various school physical activity practices, including whether the school had a physical education teacher, provided the minimum required amount of PE (100 or more minutes per week), had an adequate PE class size (30 or fewer students per teacher), trained teachers to provide moderate to vigorous physical activity in PE, had recess supervised by a non-classroom teacher, provided 20 or more minutes per recess period, had an adequate student-to-supervisor ratio in recess (75 or fewer students per supervisor), provided

activities during recess, and had classroom teachers implement classroom physical activity breaks.

Results of the study showed that students at schools implementing multiple practices had twice as much physical activity per day than students at schools implementing only one practice.

Furthermore, schools with higher socioeconomic families were more likely to have a PE teacher and to provide more physical activity opportunities than lower SES schools. The fact sheet is available at www.csba.org/PNB.

Students

English learners

(October, December 2013)

Districts that receive LCFF supplemental and concentration grants based on their unduplicated count of English learners, foster youth and/or low-income students pursuant to AB 97 (2013) are required to use those funds to increase or improve services for the target student groups. Their LCAP must describe annual goals, aligned with state priorities, for all students and for each numerically significant student subgroup, as reflected in CSBA's new sample BP/AR 0460 - Local Control and Accountability Plan. As part of this effort, districts should examine disaggregated data on student achievement and other desired outcomes for their population of English learners, review research and best practices, and develop strategies to help close the achievement gap. CSBA is reviewing the new law for implications for BP/AR 6174 - Education for English Language Learners.

In addition, the 2013 legislative session produced new guidance addressing the assessment of English language proficiency of students who are English learners. SB 201 calls for updated English language proficiency assessments that are aligned with the Common Core State Standards in English language development adopted by the SBE in November 2012. Under the new law, two assessments will be developed: one to be used to conduct an initial screening to identify English learners and another to serve

as an annual summative assessment to measure proficiency. The CDE has begun work on the new English Language Proficiency Assessments for California (ELPAC). Once the new assessments are in place, the existing California English Language Development Test (CELDT) will no longer be used.

In addition, SB 201 authorizes the SBE to adopt, no later than November 30, 2015, instructional materials for grades K-8 that are aligned to the Common Core State Standards for language arts and English language development. Although these materials may not be adopted before the new assessments are in place, districts will have access to a list of standards-aligned supplemental instructional materials that are approved by the SBE; this list will be available by June 30, 2014. An updated English Language Arts/English Language Development state curriculum framework is expected to be available for use in the 2014-15 school year.

Other new legislation (AB 899) addresses further revision of state standards for English language development. Currently those standards are aligned to Common Core State Standards for English language arts, but AB 899 further requires modifications to link the English language development standards to state standards for mathematics and science by August 1, 2015.

Foster youth

(October, December 2013)

CSBA has updated BP/AR 6173.1 - Education for Foster Youth to reflect AB 97 (2013), which establishes foster youth as a target student group within the LCFF and LCAP. Specifically, AB 97 establishes a definition of "foster youth"; provides that districts may be eligible to receive supplemental and/or concentration grants based on their unduplicated count of foster youth, English learners and low-income students; requires such funds to be used to increase or improve services for these student groups; requires annual goals to be included in the LCAP for any numerically significant student subgroup; and requires districts to monitor the educational progress of those student subgroups.

The update of AR 6173.1 also reflects two key issues affecting foster youth who transfer into the district or between district schools at the secondary level:

1. **Graduation requirements.** AB 216 (2013) requires districts to exempt from any district-adopted graduation requirements a foster youth who transfers into the district or between district high schools after completing the second year of high school, unless the district finds that the youth is reasonably able to complete the requirements in time to graduate by the end of his/her fourth year of high school. This new law has been added to AR 6146.1 - High School Graduation Requirements as well as AR 6173.1.

2. **Partial credits.** When a foster youth transfers into the district or between schools, state law requires the district to award partial credit for partial coursework completed by the student in the previous school, when the previous school is a public school, juvenile court school or nonpublic nonsectarian school or agency. The student is then required to take the portion of the course that he/she did not complete at the previous school, and may be required to retake the portion he/she already completed only if the district finds, in consultation with the holder of educational rights for the student, that he/she would be reasonably able to complete the requirements in time to graduate from high school.

However, the law does not provide any uniform system for calculating and awarding partial credits to foster youth. A survey by CSBA reveals that many districts in California do not have a formalized policy for the award of partial credits. The California Child Welfare Council (CCWC) established a Partial Credit Workgroup, including several CSBA staff representatives, to study the issue and develop policy recommendations to ensure consistency in the treatment of foster youth.

The resulting recommendations, contained in the CCWC's September 2013 *Partial Credit Model Policy and Practice Recommendations* (available at <http://bit.ly/19fCfvL>), propose that partial credit be awarded on the basis of 0.5 credits for every seven class periods attended per subject, based on an assumption that the district awards five credits per course. If the district assigns a different number of credits per course, it should convert the number of credits accordingly. Under this model, the length of the class period is irrelevant for calculating partial credits unless a student is in a block schedule in which each class period is 90 minutes or longer. In such cases, each block schedule class period attended should be counted as two regular class periods per subject.

The CCWC also recommends that this model policy be used as guidance for all populations of students who transfer at any time during the school year, particularly highly mobile students such as homeless students, migrant students and students from military families.

Homeless students

(December 2013)

Several new laws address the needs and rights of homeless students. SB 177 (2013) requires that a homeless student seeking enrollment in a district, COE or charter school be deemed to meet residency requirements and be immediately enrolled, thereby aligning state law with federal law (42 USC 11432) which already required immediate enrollment of homeless students. SB 177 also adds a duty of the district liaison for homeless students to ensure that public notice of the rights of homeless students is disseminated in all district schools that provide services pursuant to the federal McKinney-Vento Homeless Assistance Act.

AB 1068 (2013) permits a student who is both homeless and an unaccompanied minor 14 years or older to have access to his/her student records without parental consent. Generally, students must be age 16 years or older or have completed grade 10 in order to be granted access to student records. AB 1068 also prohibits the release of directory information regarding a homeless student without written consent of the student's parent/

guardian or a student afforded parental rights in accordance with the federal Family Educational Rights and Privacy Act. "Directory information" is defined in Education Code 49061 and 34 CFR 99.3 but it is the responsibility of each district to adopt policy identifying those categories of records that it may generally release unless notified of a parent/guardian's refusal.

AB 652 (2013) clarifies that the fact that a student is homeless or is classified as an unaccompanied minor is not, in itself, a basis for reporting child abuse or neglect. According to the bill's author, Assembly Member Tom Ammiano, this law removes a barrier that keeps many unaccompanied minors from seeking services such as education, shelter, health care, food and employment due to the fear of being referred to law enforcement or child welfare.

CSBA is reviewing BP/AR 6173 - Education for Homeless Children, AR 5125 - Student Records, BP/AR 5125.1 - Release of Directory Information and 5141.4 - Child Abuse Prevention and Reporting.

Nondiscrimination based on gender identity

(December 2013)

AB 1266 (2013), which requires districts to permit transgender students to participate in sex-segregated school programs and activities (e.g., athletic teams, sports competitions, and field trips) consistent with their gender identity and to use facilities consistent with their gender identity, was scheduled to take effect on January 1, 2014. However, its implementation was delayed by an effort to repeal AB 1266 by placing a referendum on the No-

vember 2014 state ballot. A random check of the validity of the petition signatures fell between 95 and 110 percent of the number required to qualify the referendum for the ballot, triggering an automatic full count of all submitted signatures to determine whether or not the issue would be placed on the ballot. In February 2014 it was determined that there were not enough valid signatures to qualify for the ballot.

Even before the outcome of the referendum effort was known, CSBA encouraged districts to address these issues because both state and federal law prohibit discrimination on the basis of gender identity. In July 2013, OCR and the U.S. Department of Justice's Civil Rights Division resolved a complaint against Arcadia Unified School District reinforcing a transgender student's right to use facilities and to participate in activities consistent with the student's gender identity.

In addition, schools participating in the California Interscholastic Federation (CIF) are subject to CIF bylaw 300.D which provides that all students should have the opportunity to participate in CIF activities in a manner that is consistent with their gender identity (see www.cifstate.org).

CSBA is issuing a special edition of Policy Update that includes a new sample administrative regulation AR 5145.3 - Nondiscrimination/Harassment and revisions of BP 0410 - Nondiscrimination in District Programs and Activities and AR 6145.2 - Athletic Competition. Along with the special edition of sample policies and regulations, CSBA is updating and retitling its policy brief that provides information and strategies to prevent discrimination against transgender and gender-nonconforming students (*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students*), available at www.csba.org/PNB.aspx.

For further information about AB 1266, see CSBA's *Interim Guidance Regarding Transgender Students, Privacy and Facilities* at www.csba.org/~media/CSBA/Files/Advocacy/ELA/2013_0927_TransgenderInterimGuidance.ashx.

Students with disabilities: behavioral interventions

(December 2013)

By amending state law and requiring the SPI to repeal specified Title 5 regulations, AB 86 (2013) eliminates state requirements to conduct a functional behavioral assessment and develop a behavioral intervention plan for a special education student who exhibits a "serious behavioral problem" that significantly interferes with the implementation of the goals and objectives in his/her individualized education program (IEP). Under new law, districts are instead required to address any student behavior that impedes the student's own learning or the learning of others. As a result, behavioral interventions for students with disabilities are now more closely aligned with the federal Individuals with Disabilities Education Act and its implementing regulations.

In any such situation, the IEP team must identify strategies and consider the use of positive behavioral interventions and supports that are consistent with 20 USC 1414(d) to address the student's

behavior. AB 86 clarifies that an emergency intervention may only be used to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the student with a disability or others and that cannot be immediately prevented by a less restrictive response. Some interventions are prohibited and may never be used. Such interventions include those that are designed or likely to cause pain (e.g., electroshock); subject students to verbal abuse, humiliation or ridicule; deprive students of any of their senses or of sleep, food, water or shelter or proper supervision; or involve the use of noxious sprays or substances. Certain other interventions (e.g., restraint and seclusion) are allowed under limited circumstances but only by agencies licensed and authorized to use such interventions.

CSBA has updated AR 6159.4 - Behavioral Interventions for Special Education Students to reflect new law.

Students with disabilities: extracurricular athletics

(April 2013)

In a Dear Colleague letter issued Jan. 25, 2013, OCR clarifies the responsibilities of districts under Section 504 of the Rehabilitation Act of 1973 regarding the provision of extracurricular athletics to students with disabilities (see www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.pdf).

The OCR guidance was issued in response to an earlier report published by the U.S. Government Accountability Office which found that students with disabilities are not being afforded an equal opportunity to participate in extracurricular athletics in public elementary and secondary schools. *Students with Disabilities: More Information and Guidance Could Improve Opportunities in Physical Education and Athletics* (2010), available at www.gao.gov/assets/310/305770.pdf, highlights the health and social benefits of participation in extracurricular athletic op-

portunities, including improved teamwork and leadership skills, socialization and fitness.

Existing federal law and regulations require districts to provide all qualified students with disabilities an equal opportunity to participate in district programs. For purposes of Section 504, a person with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment or is regarded as having such an impairment.

As the OCR guidance clarifies, districts may still require a level of skill or ability for a selective or competitive program and hold students with disabilities to the same standard, as long as the selection or competition criteria are not discriminatory: "Equal opportunity does not mean, for example, that every student with a

disability is guaranteed a spot on an athletic team for which other students must try out.” However, districts may not operate their program or activity on the basis of generalizations, assumptions, prejudices or stereotypes about disabilities. They must also make reasonable modifications and provide those aids and services that are necessary to ensure an equal opportunity to participate, unless the district can show that doing so would be a fundamental alteration to the program.

According to the examples provided in the OCR guidance, a modification might constitute a “fundamental alteration” if it alters such an essential aspect of the activity or program that it would be unacceptable even if it affected all competitors equally (such as adding an extra base in baseball) or if it gives a particular player with a disability an unfair advantage over others. The district may not use that modification but would still be required

to determine if other modifications might be available that would permit the student’s participation.

“Unnecessarily” providing totally separate or different services for students with disabilities would be considered discriminatory. However, students with disabilities who cannot participate in the existing extracurricular athletics programs, even with reasonable modifications or aids and services, should have an opportunity to receive the benefits of such programs. In such cases, the district should create additional opportunities for those students with disabilities. Districts are encouraged to work with their community and athletic associations to develop opportunities to include students with disabilities in all extracurricular athletic activities.

CSBA has updated BP/AR 6164.6 - Identification and Education Under Section 504 to reflect the OCR guidance.

Miscellaneous

Advertisements

(April 2013)

CSBA has updated BP 1325 - Advertising and Promotions to clarify that the policy applies to advertisements on school facilities and in school-sponsored publications by nonschool groups (i.e., businesses, organizations or other outside entities).

As updated, BP 1325 also clarifies the distinction between a “nonpublic forum” and a “limited public forum” for purposes of accepting advertisements or distributing materials. If the board chooses to establish its schools as a nonpublic forum, it may choose to prohibit all forms of advertising. If it chooses to establish its schools as a limited public forum, it may accept some advertising and establish reasonable rules to achieve its intended purpose for the forum, as long as the rules do not discriminate against members of the public based on their viewpoints. For example, in a limited forum, the board may adopt policy that allows distribution of noncommercial materials about special events while prohibiting distribution of commercial materials. It may decide to allow advertising in student yearbooks but not on scoreboards, or it may allow advertising at its high schools while prohibiting advertising at elementary schools.

Whether district schools are nonpublic or limited public forums, it is important that school officials enforce the district’s policy in a consistent manner. In making rulings about the appropriateness of district actions pertaining to advertising, courts look beyond district policy and consider the actual practice of school officials to determine whether a district facility or publication is in fact a nonpublic or limited public forum.

Because of the complexity of law in this area, districts are encouraged to consult legal counsel prior to adopting policy pertaining to advertising.

Appendix A

2013 Publications

The following publications, available at www.csba.org, are among those issued by CSBA in 2013 to provide information and guidance to boards on major policy issues.

Books/Guides

Summer Learning and Wellness Resource Guide (9/13)

2012 Policies in Review (2/13)

Newsletters

Policy News (1/13, 4/13, 8/13)

Policy Briefs

Impact of Local Control Funding Formula on Board Policies (11/13)

Summer Learning Series

Issue 1: Why Do Summer Learning and Wellness Programs Matter? (4/13)

Issue 2: What Constitutes an Effective Summer Program? (5/13)

Issue 3: How Can Boards Provide Leadership and Funding for Summer Programs? (5/13)

Issue 4: Effective Summer Learning Programs: Case Studies (8/13)

School's Out, Now What? How Summer Programs Are Improving Student Learning and Wellness (4/13)

Increasing Access to Drinking Water in Schools (4/13)

Legal Guidance

Interim Guidance Regarding Transgender Students, Privacy and Facilities (9/13)

Governance Briefs

Children and Youth Experiencing Homelessness (12/13)

Defining Governance

Issue 1: Committed to Strengthening Local Governance (10/13)

Governing to the Core

Issue 3: Acquiring Instructional Materials (1/13)

Issue 4: Professional Development for Common Core (5/13)

Issue 5: The Year Ahead (11/13)

Supporting Student Achievement

Issue 1: Student Assessment System in Flux (6/13)

Health Policy—Implications of Covered California for School Boards, Districts and Personnel (1/13)

Fact Sheets

Common Core Technology Considerations (11/13)

New Study Examines Best Practices for Supporting Physical Activity in Schools (8/13)

California School Shootings: The Brutal Facts (7/13)

California High School Graduation and Dropout Rates (5/13)

SB 1458: Changes to the Academic Performance Index (5/13)

Appendix B

2013 Leadership Development

CSBA offered a number of continuing education opportunities on major policy issues throughout 2013. See the events calendar at www.csba.org for upcoming workshops, webinars and other training events in 2014. Call 800-266-3382 for further information.

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.

Agenda Online Webinar

This no-obligation webinar showcases CSBA's Agenda Online service which enables easy development and dissemination of board meeting information. The webinar explains features of the service, such as creating meeting templates, electronic submission of agenda items from staff, attaching and linking supporting documents, recording minutes and more. Attendees learn how districts and county offices of education are saving time and money using this service.

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 2013 Annual Education Conference and Trade Show included numerous sessions on policy issues, the policy development process and CSBA policy services.

Webcasts

The following archived webcasts are available at www.csba.org/TrainingAndEvents/OnlineLearningOpportunities/Archived-WebcastsandWebinars.aspx:

Education Insights Legal Update (10/13)

2013 Back-to-School Webcast (9/13)

Navigating the Implementation of Common Core (6/13)

2013 Forecast Webcast (1/13)

Appendix C

Policies/regulations/bylaws/exhibits issued in 2013

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

BP/AR 0420 | School Plans/Site Councils (8/13)

Policy and regulation revised to delete material related to school plans for school site block grants since they are no longer operational and to delete material related to categorical block grants since funding for the Pupil Retention Block Grant and School and Library Improvement Block Grant has been redirected into the local control funding formula (LCFF) pursuant to new law (AB 97, 2013). Policy also adds language, reflecting California Department of Education (CDE) guidance, requiring the board to communicate specific reasons to the school site council when it disapproves the Single Plan for Student Achievement. Regulation also updated to reflect CDE guidance re: (1) selection of school site council members, including clarification of membership requirements in middle schools, and (2) the process of developing the Single Plan for Student Achievement, including data sources, consultation with advisory groups and new budget planning and evaluation tools.

AR 0420.4 | Charter School Authorization (10/13)

Regulation updated to reflect new law (AB 97, 2013) which requires charter petitions to include annual goals aligned with specified state priorities and any additional priorities established by the charter school and to identify specific annual actions to achieve the goals. Regulation also reflects provisions of AB 97 which (1) add foster youth to the definition of “numerically significant student subgroups” and change the number of students constituting a numerically significant subgroup and (2) require measures of student outcomes for state priorities to be consistent with the way information is reported in a school accountability report card to the extent practicable.

BP/E 0420.41 | Charter School Oversight (10/13)

Policy updated to reflect new law (AB 97, 2013) which (1) adds foster youth to the definition of “numerically significant student subgroups” and changes the number of students constituting a numerically significant subgroup, (2) requires the district to ensure that the charter school submits an annual update of goals and actions aligned with state priorities, (3) requires the provision of technical assistance to a charter school under certain conditions, (4) requires the district’s board to consider revocation of a charter whenever it finds that the

charter school failed to implement the recommendations of the California Collaborative for Educational Excellence or continues to demonstrate persistent or acute inadequate performance, and (5) requires the use of uniform complaint procedures for complaints of noncompliance with the annual update of goals and actions or with technical assistance or intervention. Exhibit updated to reflect new requirements for charter schools, including submission of an annual update of school goals and actions (AB 97) and provision of information about concussions and head injuries to student athletes and their parents/guardians (AB 588, 2013).

BP 0420.43 | Charter School Revocation (12/13)

Policy updated to reflect new law (AB 97, 2013) which (1) requires a board to consider revocation of a charter whenever the California Collaborative for Educational Excellence advises and assists the charter school and subsequently makes specified findings to the board and (2) authorizes the State Board of Education (SBE), even if it is not the chartering authority, to revoke the charter of any charter school if it finds that the school failed to improve student outcomes across multiple state and school priorities identified in the charter. Policy also reflects new court decision confirming that the revocation process prescribed in the Education Code provides a charter school with sufficient due process.

BP/AR 0460 | Local Control and Accountability Plan (10/13)

New policy and regulation reflect the requirements of new law (AB 97 and SB 97, 2013) related to the development of a three-year Local Control and Accountability Plan (LCAP) by July 1, 2014, and an update of the LCAP on or before July 1 of each subsequent year. Policy addresses the importance of comprehensive planning, optional local priorities to add to the state priorities specified in law, requirements for consultation with specified groups on plan development, board adoption of the LCAP, submission of the approved LCAP to the county superintendent, the board’s role in monitoring district progress, and circumstances under which the district may receive technical assistance or intervention to improve student outcomes. Regulation describes required contents of the LCAP and the annual update to the LCAP, consistency with existing

collective bargaining agreements, and posting of the LCAP on the district's website.

BP 0500 | Accountability (10/13)

Policy updated to reflect new law (AB 97, 2013) which changes the definition of "numerically significant student subgroups" for purposes of the state accountability system, establishes a new system of technical assistance and intervention for districts that meet certain criteria, and repeals law that required an annual discussion of each school's Academic Performance Index (API) at a board meeting. Policy also reflects new law (AB 484, 2013) which authorizes the SBE to suspend the API in the 2013-14 and 2014-15 school years while the state is transitioning to a new state assessment system. New optional language

addresses the use of program evaluation results as a basis for revising district or school goals and comprehensive plans.

AR 0520.2 | Title I Program Improvement Schools (8/13)

Regulation updated to reflect the Parent Empowerment Act, which authorizes parents/guardians in certain Year 3 Program Improvement schools to petition the board to implement one of four specified intervention models or an alternative governance arrangement. Updated regulation also clarifies the timeline and content of the required notice to parents/guardians regarding the opportunity to transfer their child to another school and reflects additional requirements pertaining to supplemental educational services, including development of a student learning plan and safeguards against conflict of interest.

1000 Series: Community Relations

BP 1325 | Advertising and Promotion (4/13)

Policy updated to clarify its applicability only to advertisements and promotions by nonschool groups, not to student speech. Policy also clarifies the distinction between a nonpublic forum and limited public forum, addresses advertisements on district-sponsored websites and social media, and prohibits distribution of materials or advertisements that are lewd or proselytize or position the district on any side of a controversial issue.

BP/AR/E 1330 | Use of School Facilities (4/13)

Mandated policy reflects new law (SB 1404, 2012) which (1) modifies the definition of "direct costs" that may be charged for community use of school facilities or grounds and (2) includes the YMCA and religious organizations/churches that arrange for and supervise youth sports league activities among the nonprofit organizations, clubs and associations that may be allowed the use of school facilities or grounds without charge. Policy also adds statements on joint use of school facilities, includes material formerly in AR regarding the authority to

grant the use of facilities on those days on which the school is closed, and references BP 1325 – Advertising and Promotion for guidance on advertisements on school facilities. Mandated regulation clarifies responsibilities of groups or organizations using school facilities, including a requirement to provide evidence of insurance against claims arising out the group's own negligence. Updated Exhibit provides a sample form for requiring a group or organization to (1) indicate its agreement to expressly undertake to comply with district restrictions on the use of facilities and (2) indicate its recognition of its liability for any damage or injury caused by its negligence.

BP 1431 | Waivers (8/13)

Policy updated to add steps for consideration of a district waiver request prior to its submission to the SBE, including public hearing and notice requirements and board approval. Policy also reflects requirements for renewal of a general waiver and adds information on the CDE's online waiver request system and its guidance to expedite waiver requests.

2000 Series: Administration

BP 2210 | Administrative Discretion Regarding Board Policy (12/13)

Policy updated to delete section on "Tier 3 Categorical Flexibility" since new law (AB 97, 2013) repealed law granting flexibility in the use of Tier 3 categorical program funding and redirected most categorical program funding into the LCFF. Policy also adds consultation with legal counsel, the chief busi-

ness official or other district staff as necessary regarding the exercise of the superintendent's authority to act on behalf of the district.

3000 Series: Business & Noninstructional Operations

BP/AR 3100 | Budget (10/13)

Policy updated to reflect new law (AB 97, 2013) which requires that (1) the board must adopt the LCAP prior to adopting the district budget; (2) the budget must include the expenditures necessary to implement the LCAP or the annual update to the LCAP; (3) supplemental and concentration grant funds under the LCFF must be used to increase or improve services for students who are eligible for free or reduced-price meals, English learners and/or foster youth; and (4) state standards and criteria for district budgets must be adopted by the SBE by January 1, 2014, to reflect the requirements of the LCAP. Regulation updated to reflect a provision of AB 97 which requires the public hearing on the budget to be held at the same meeting as the public hearing on the LCAP. Regulation also reflects new law (SB 97, 2013) which provides that, beginning in the 2014-15 fiscal year, the county superintendent of schools cannot call for the formation of a budget review committee for disapproved budgets if his/her sole reason for disapproving the budget is that he/she has not approved the district's LCAP or the annual update to the LCAP.

BP 3110 | Transfer of Funds (10/13)

Policy updated to delete section on "Tier 3 Categorical Flexibility" since new law (AB 97, 2013) repeals the law providing this flexibility and redirects most categorical program funding into the LCFF. Policy also reflects the repeal, pursuant to AB 97, of the law providing a process for the transfer of excess local funds in the deferred maintenance fund to any other expenditure classifications whenever state funds for deferred maintenance are insufficient to fully match local funds. Revised policy adds items reflecting circumstances under which the board may transfer monies between funds or accounts.

BP 3111 | Deferred Maintenance Funds (12/13)

Policy deleted since new law (AB 97, 2013) repealed requirements pertaining to deferred maintenance categorical funds. Pursuant to AB 97, such funds have been redirected into the LCFF and the board has exclusive authority over the use of the funds.

BP/AR 3311 | Bids (8/13)

Policy and mandated regulation updated to reflect new law (AB 1565, 2012) which requires (1) prequalification of all general contractors and electrical, mechanical and plumbing subcontractors for public projects of \$1 million or more awarded on or after January 1, 2014, if School Facilities Program funds or other future state school bonds are used; and (2) a uniform system of rating bidders based on completed questionnaires and model guidelines developed by the Department of Industrial Relations. Policy also reflects court decision highlighting the importance of disclosing all material information in bid

specifications. Regulation also (1) adds step for notifying the bidder when a bid is disqualified as nonresponsive (i.e., does not conform to specifications) in order to give the bidder an opportunity to respond to the information; (2) reflects law allowing districts to facilitate the participation of women, minorities, disabled veterans and small businesses in contracts; and (3) reflects law allowing purchase of surplus property from the federal government without taking estimates or advertising for bids.

BP 3350 | Travel Expenses (8/13)

Policy revised to prohibit use of a district credit card for personal expenses, even if the employee intends to reimburse the district. Policy also adds language on types of reimbursable travel expenses and nonreimbursable personal expenses, alignment of district mileage reimbursement rate with the Internal Revenue Service rate, options for reimbursement of meal costs, submission and approval of expense claims, the employee's responsibility for costs incurred on improper claim, and repayment to the district if actual costs are less than a cash advance received by the employee.

BP/AR 3460 | Financial Reports and Accountability (4/13)

Policy updated to reflect new law (AB 2662, 2012) which gives the county superintendent of schools the authority, upon receipt of a district's interim fiscal report, to change the district's qualified certification to a negative certification. Policy also contains material formerly in AR which refers to board actions regarding the statement of unaudited actual receipts and expenditures, Gann appropriations limit resolution, interim reports, and audit report. Regulation updated to reflect current law regarding restoration of the reserve threshold and to add material regarding submission of the audit report pertaining to federal funds to the federal Office of Management and Budget.

AR 3514 | Environmental Safety (8/13)

Regulation revised to add new sections on safe drinking water and mercury exposure, add optional language regarding the installation of carbon monoxide detectors, expand material requesting staff and students to refrain from bringing or using fragrances and other common irritants, and reflect the requirement to install filters in diesel buses to reduce emissions. Material on vehicle idling shortened since the detailed requirements are now addressed in AR 3542 – School Bus Drivers.

BP/AR 3514.1 | Hazardous Substances (4/13)

Policy and regulation updated to reflect requirements for a chemical hygiene plan, as required by state regulations for any employer that maintains a workplace where there is laboratory use of hazardous chemicals, such as a district that offers

science laboratory classes. Policy also adds board philosophy statement and reflects the CDE's Science Safety Handbook for California Public Schools. Regulation also adds definition of "hazardous substance," adds material related to the storage and disposal of chemicals, updates material related to the hazard communications program to more directly reflect law and new terminology, and adds information about CSBA's HazMat Communications service.

AR 3542 | School Bus Drivers (8/13)

Mandated regulation expands "Qualifications" section to include (1) a requirement for any bus driver initially applying for or renewing a commercial driver's license or school bus certificate to present evidence of having obtained a medical examination and (2) a requirement for the district to notify the driver when his/her license, certificate or medical certification is expiring. Regulation also adds the identification of staff development needs, prohibitions against cell phone use and texting except under specified conditions, duty of the driver to report on the condition of the bus and on his/her duty status (e.g., hours on duty), section on "Vehicle Idling" formerly in AR 3514 – Environmental Safety, and reports that must be maintained by the district pertaining to each driver.

BP/AR 3551 | Food Service Operations/Cafeteria Fund (12/13)

Policy updated to (1) clarify the requirement for districts participating in the National School Lunch and/or Breakfast Program to ensure that appropriate personnel receive annual training on administrative practices, (2) reflect the U.S. Department of Agriculture's guidance on indirect costs, and (3) add

material on program monitoring and evaluation reflecting new state Administrative Review process. Regulation updated to (1) provide for the use of an alternative tracking system when a student reports an excessive number of lost or stolen meal tickets, (2) add measures to prevent potential identity theft in food services accounts, (3) reflect new law (AB 86, 2013) which repealed section of law authorizing the establishment of a cafeteria equipment reserve fund, and (4) add material on indirect costs and on limitations for net cash resources in the nonprofit school food service.

AR 3554 | Other Food Sales (12/13)

Mandated regulation updated to reflect new law (AB 626, 2013) addressing the circumstances under which foods and beverages that do not comply with state nutrition standards may be sold outside of the district's food services program. Regulation also reflects new federal regulations (78 Fed. Reg. 125) applicable to districts participating in the National School Lunch and/or Breakfast Program which, effective July 1, 2014, require all foods sold on campus at any time of the school day to comply with applicable nutrition standards.

BP/AR 3580 | District Records (4/13)

Policy updated to include actions to be taken in the event of any known or suspected breach of the security of district records containing confidential personal information. Regulation updated to add material addressing the classification, retention and/or purging of district-related and personal electronically stored information.

4000 Series: Personnel

BP 4111/4211/4311 | Recruitment and Selection (12/13)

Policy updated to delete requirements for recruitment incentives under the Professional Development Block Grant, as the funding for that block grant has been redirected into the LCFF pursuant to new law (AB 97, 2013). New optional material authorizes the superintendent, with board approval, to provide incentives to recruit teachers, administrators or other employees to work in low-performing schools or in hard-to-fill positions.

BP/AR 4112.42/4212.42/4312.42 | Drug and Alcohol Testing of Bus Drivers (8/13)

Mandated policy revised to more directly reflect law prohibiting drug and alcohol use and to clarify that alcohol testing conducted under the federal testing program should follow federal law regarding the blood alcohol concentration level that triggers specified consequences. Policy also adds material on confidentiality of test results, reporting to the Department of Motor Vehicles, the option to impose rehabilitation or a return-to-duty program, and the option to establish a voluntary self-identification program. New mandated regulation

reflects requirements pertaining to pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Regulation also adds definitions of key terms and designation of a "designated employer representative" and expands material on driver notifications formerly in BP.

E 4112.9/4212.9/4312.9 | Employee Notifications (4/13)

Exhibit updated to (1) reflect new law (AB 1575, 2012) requiring the uniform complaint procedure notice to include information about complaints regarding student fees; (2) add notice regarding automated external defibrillators; (3) reflect new law (AB 1908, 2012) revising the timing of the notice of layoff and reemployment rights of classified personnel; (4) add notice of bus drivers regarding vehicle idling limitations; and (5) add notices related to the chemical hygiene plan and hazard communications program.

AR 4117.14/4317.14 | Postretirement Employment (4/13)

Regulation revised to reflect new law (AB 340, 2012) which exempts a retired individual who has attained the normal

retirement age from the prohibition against returning to post-retirement employment for at least six months after retirement, provided that certain conditions are met. Regulation deletes postretirement earning limitation exemptions based on expired law, including those for retirees employed to provide specified instructional services or employed in an emergency situation to fill a vacant administrative position requiring highly specialized skills. Regulation also deletes material describing exemptions for certain state-appointed trustees/administrators and appointees of the county superintendent of schools, since those assignments are not the responsibility of the district.

BP/AR 4131 | Staff Development (12/13)

Policy updated to reflect the self-repeal of the Math and Reading Professional Development program. Policy also expands goals for staff development to include the ability to meet the needs of foster youth and reflects new law (AB 97, 2013) which redirects funding for the Professional Development Block Grant into the LCFF. Regulation formerly reflecting the requirements of the Math and Reading Professional Development program deleted since the program self-repealed.

AR 4161.11/4261.11/4361.11 | Industrial Accident/Illness Leave (8/13)

Mandated regulation recoded to merge former AR 4161.11/4361.11 – Industrial Accident/Illness Leave for certificated and administrative/supervisory employees and AR 4261.11 – Industrial Accident/Illness Leave for classified employees. Revised regulation clarifies that the district must set the maximum number of days allowed for such leave (which must be at least 60 working days in one fiscal year for the same industrial accident or illness) and provides options for the district regarding the process of issuing salary payments that take into account the amount of the employee’s workers’ compensation check. Regulation also clarifies retention of status and benefits, notification when leave is exhausted, and placement on a reemployment list when the employee is not medically able to resume his/her duties after all available leave is exhausted.

AR 4161.8/4261.8/4361.8 | Family Care and Medical Leave (8/13)

Regulation updated to reflect state law and new state regulations (Register 2012, No. 48) related to pregnancy disability leave, including clarification of the calculation of the four months to which employees are entitled. Regulation also reflects a new court decision finding unconstitutional the definition of marriage, for purposes of benefits under federal law, as a “union between a man and a woman.” Section on “Military Family Leave Resulting from Qualifying Exigencies” updated to reflect new federal regulations (78 Fed. Reg. 25) which revise the definitions of “military member” and “covered active duty,” increase allowable exigency leave for rest and recuperation from five to 15 days, allow use of such leave to care for a military member’s parent under specified conditions, and expand the list of information which a district may require an employee to provide. Section on “Military Caregiver Leave” updated to reflect new federal regulations (78 Fed. Reg. 25) amending the conditions that must be present for a veteran’s injury or illness to qualify as a “serious injury of illness” for purpose of this leave and expanding the definition of “authorized health care provider” qualified to certify the need for the leave.

BP/AR 4231 | Staff Development (12/13)

Policy updated to reflect new law (SB 590, 2013) which (1) requires any district that expends funds for staff development for any school site staff to consider the staff development needs of its classified school employees and (2) lists topics that may be included in staff development for classified staff. Policy also adds optional paragraph regarding staff development for classroom instructional aides and reflects new law (AB 97, 2013) which redirects funding for the Professional Development Block Grant into the LCFF. Unnecessary regulation deleted.

BP/AR 4331 | Staff Development (12/13)

Policy updated to reflect the self-repeal of the Administrator Training Program and the redirection of that funding into the LCFF pursuant to new law (AB 97, 2013). Policy also adds topics for staff development for district and school administrators. Regulation formerly reflecting requirements of the Administrator Training Program deleted since the program self-repealed.

5000 Series: Students

BP 5030 | Student Wellness (4/13)

Mandated policy updated for consistency with CSBA’s publications *Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies* and *Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide* (both updated in fall 2012). Policy revises section on “Goals for Nutrition, Physical Activity, and Other Wellness Activities” to add material related to school gardens, summer programs as opportunities for nutrition education and physical activity, professional development, school health services and bully-

ing prevention. Section on “Nutritional Guidelines for Foods Available at School” adds notes on new nutrition standards for the National School Lunch and Breakfast Programs and outside food sales, and includes new language on access to drinking water during mealtimes. Policy also revises suggested indicators for program evaluation and adds optional language establishing the frequency of program evaluation.

AR 5111.2 | Nonresident Foreign Students (8/13)

Regulation updated to add requirements related to obtaining certification and recertification of district eligibility to enroll nonimmigrant foreign students, conditions under which nonresident foreign students may be admitted and recordkeeping requirements.

BP/AR 5123 | Promotion/Acceleration/Retention (12/13)

Mandated policy updated to reflect the mandate that the policy provide for students to be identified for retention as early in the school year, and as early in their school careers, as possible. Policy reflects new law (AB 484, 2013) which establishes a new state assessment system, impacting the indicators that may be used to identify a student for retention. Policy also reflects new law (AB 97, 2013) which redirects funding for supplemental instruction into the LCFF, including supplemental instruction for students in grades 2-9 who have been retained or recommended for retention (without eliminating the district's responsibility to provide supplemental instruction for such students) and for students in grades 2-6 who have been identified as being at risk of retention. Policy contains material formerly in AR regarding the grade levels at which students will be identified for retention, the subjects that will be used as the basis for identifying students for retention, responsibility for the retention decision when the student has more than one teacher, and the requirement for an appeals process. Mandated regulation updated to reflect CDE's recommendation regarding the timing of approving a student's continuation in kindergarten for an additional year and to clarify the process for parent/guardian appeal of a teacher's decision to promote or retain a student.

BP 5131.2 | Bullying (4/13)

Policy updated to ensure compliance with CDE decision that uniform complaint procedures must be used to receive and investigate student complaints involving discrimination, harassment, intimidation and bullying based on the characteristics covered within Education Code 234.1.

BP 5131.61 | Drug Testing (8/13)

Policy updated to delete material related to random, suspicionless drug testing of students participating in nonathletic extracurricular activities, in accordance with the greater privacy protections provided under the California Constitution which require a compelling reason (i.e., evidence of drug use or other justification) for testing students in contexts other than athletics.

BP/AR 5141.21 | Administering Medication and Monitoring Health Conditions (12/13)

Policy updated to reflect a new court decision which held that state law permits trained, nonmedical school personnel to administer insulin to students in school in accordance with a written health care provider statement and parental consent. Policy and regulation also updated to reflect Title 5 regulations related to the administration of emergency antiseizure medication.

BP/AR 5141.27 | Food Allergies/Special Dietary Needs (8/13)

Policy and regulation revised to reflect federal law which requires that a determination of disability, for purposes of Section 504 of the federal Rehabilitation Act, be made without regard to the ameliorative effects of mitigating measures, which may result in more students with severe food allergies needing to be evaluated under Section 504 to determine if they need accommodations or services. Policy also prohibits discrimination and bullying based on a food allergy and adds referral to appropriate complaint procedures. Regulation revised to add material on the development of a health plan to manage the needs of a student with a food allergy and adds measures to be taken when a student with a known food allergy will be off school grounds, such as on a field trip.

BP 5145.3 | Nondiscrimination/Harassment (4/13)

Mandated policy updated to ensure compliance with CDE decision that uniform complaint procedures must be used to receive and investigate student complaints involving discrimination, harassment, intimidation and bullying based on the characteristics covered within Education Code 234.1.

E 5145.6 | Parental Notifications (4/13)

Exhibit updated to (1) reflect new law (AB 1575, 2012) which requires the uniform complaint procedure notice to include information about complaints regarding student fees; (2) add notice regarding the process for reclassifying English learners as fluent English proficient and the opportunity for parents/guardians to participate in that process; (3) consolidate and clarify notifications related to the education of English learners; (4) add notice of the failure to achieve annual measurable achievement objectives for English learners; and (5) add notice regarding a student's assignment to a supervised suspension classroom.

BP/AR 5146 | Married/Pregnant/Parenting Students (12/13)

Policy updated to reflect new law (AB 97, 2013) which redirects funding for the California School Age Families Education (CalSAFE) program into the LCFF and thereby eliminates the mandate for program participants to adopt related policy. Material related to pregnancy prevention also deleted since the issue is

appropriately addressed in other policies. In addition, policy revised to (1) require the use of uniform complaint procedures for complaints regarding discrimination on the basis of a student's marital, pregnancy or parental status; (2) add material on program evaluation; (3) reflect new U.S. Department of Education (USDOE) guidance regarding reasonable accommodations to enable pregnant and parenting students to access the educational program; and (4) reflect federal regulations addressing the circumstances under which a student may be required to obtain medical certification in order to participate in a program or activity. Regulation deleted since funding for the Cal-SAFE program was redirected into the LCFF pursuant to AB 97.

AR 5148 | Child Care and Development (4/13)

Mandated regulation updated to add material reflecting new law (SB 1016, 2012) and new CDE management bulletin which address the order of disenrolling families from subsidized child

care and development programs when funding levels are reduced. Regulation also reflects a provision of SB 1016 which encourages wraparound child care services in conjunction with part-day preschool programs and specifies that the fees for these services are subject to the same fee schedule adopted by the Superintendent of Public Instruction for general child care services. Material describing program components includes requirement to provide access to drinking water throughout the day and adds optional component promoting physical activity opportunities. Regulation also reflects new law (AB 1991, 2012) which revises the criteria for "public recreation programs" to be exempted from licensure.

AR 5148.1 | Child Care Services for Parenting Students (12/13)

Regulation deleted since new law (AB 97, 2013) redirects funding for the Cal-SAFE program into the LCFF.

6000 Series: Instruction

BP/AR 6112 | School Day (4/13)

Policy updated to reflect the option for districts receiving incentive funding to reduce instructional minutes, through the 2014-15 school year, without incurring financial penalties. Policy also adds material regarding the length of the school day for students with disabilities and the minimum amount of recess time in elementary schools, and moves material from AR to BP regarding requirements for board consultations and public hearings prior to establishing a block schedule. Regulation updated to clarify legal requirements pertaining to the minimum and maximum school day at various grade levels and to reflect the minimum number of courses in which high school seniors must be enrolled. Regulation also expands material on exceptions to the 240-minute minimum school day for grades 9-12 to include regional occupational centers, concurrent enrollment in colleges classes, evening high schools, and, as added by new law (SB 1316, 2012), early and middle college high schools.

BP/AR 6117 | Year-Round Schedules (8/13)

Policy updated to delete material regarding Concept 6 year-round programs since related law has sunsetted. Policy also incorporates material formerly in AR, expands issues that boards may consider when establishing a year-round program, and adds language on program evaluation, parent/guardian appeals of their child's assignment to a track, and the public's right to submit a petition to the county superintendent of schools requesting that a year-round schedule not be established. Regulation deleted and incorporated into BP.

BP 6142.6 | Visual and Performing Arts Education (12/13)

Policy updated to delete program requirements related to Arts and Music Block Grants since new law (AB 97, 2013) redirects funding for these grants into the LCFF. Revised policy also

reflects law which allows districts to select non-SBE-approved instructional materials for grades K-8 provided the materials are aligned to state standards and selected through a process involving a majority of teachers.

BP/AR 6142.91 | Reading/Language Arts Instruction (12/13)

Policy updated to align the district's reading/language arts program with Common Core State Standards for English language arts. In addition, policy deletes material related to the Professional Development Block Grant, the Math and Reading Professional Development Block Grant and the intensive reading program for grades K-4 funded through the Pupil Retention Block Grant since new law (AB 97, 2013) redirects funding for those programs into the LCFF. Regulation deleted since AB 97 redirects Pupil Retention Block Grant funding for the grade K-4 intensive reading program into the LCFF and the federal Reading First program is no longer funded.

BP/AR 6144 | Controversial Issues (8/13)

Policy updated to incorporate material formerly in AR, reference policy that addresses appropriateness of supplementary instructional materials, add consultation with the superintendent or designee as needed to determine appropriateness of the subject matter or resource, add prior parental notification when required or deemed advisable and add reference to appropriate complaint procedures. Regulation deleted and incorporated into BP.

BP 6146.1 | High School Graduation Requirements (12/13)

Policy updated to reflect new law (AB 216, 2013) which requires districts to exempt from any district-adopted graduation requirements a foster youth who transfers into the district or between district high schools after completing his/her second

year of high school, unless the district finds that the youth is reasonably able to complete the requirements in time to graduate by the end of his/her fourth year of high school. Policy also reflects new law (AB 97, 2013) which redirects funding for supplemental instruction into the LCFF, including supplemental instruction for students who do not demonstrate “sufficient progress” toward passing the high school exit examination (without eliminating the district’s responsibility to provide supplemental instruction for such students) and funding for intensive intervention and services for students who have not passed one or both parts of the exit exam by the end of grade 12.

BP/AR 6159.2 | Nonpublic, Nonsectarian School and Agency Services for Special Education (4/13)

Mandated policy and regulation updated to reflect new law (SB 121, 2012) which prohibits referring or placing a student with a disability in a nonpublic, nonsectarian school without the student’s individualized education program (IEP) team’s agreement. Policy also adds material on out-of-state placements, applications for state waivers of legal requirements, and district verification of the school/agency’s certification to provide special education and related services. Regulation also reorganized and updated to clarify requirements for the master contract with a nonpublic, nonsectarian school or agency, including the process of making changes to the master contract.

AR 6159.4 | Behavioral Interventions for Special Education Students (12/13)

Regulation updated to reflect new law (AB 86, 2013) which, in effect, repeals specified state regulations pertaining to behavioral interventions for special education students, deletes the requirement for a behavioral intervention plan when a student with a disability exhibits a “serious behavioral problem” that significantly interferes with the implementation of the goals and objectives of his/her IEP, and instead requires the district to address any student behavior that impedes the student’s own learning or the learning of other students.

BP/AR 6162.51 | State Academic Achievement Tests (12/13)

Retitled policy and regulation updated to reflect new law (AB 484, 2013) which establishes a new state assessment system, designated by the CDE as the California Assessment of Student Performance and Progress, beginning in the 2013-14 school year. Policy also reflects new law (SB 247, 2013) which requires the CDE to identify existing tests that may be used by classroom teachers for diagnostic purposes in grade 2. Policy reflects new law (AB 97, 2013) which repeals a section of law that encouraged boards to examine state assessment results by school, grade and student subgroup during their annual discussion of each school’s API, but which still requires demonstration of comparable improvement in academic achievement by numerically significant student subgroups. Regulation also reflects the SBE’s authorization to use the Standards-Based

Test in Spanish (STS) to assess students in a dual language immersion program. Details of allowable testing variations deleted, but reference added to related Title 5 regulations and guidelines from the Smarter Balanced Assessment Consortium.

BP/AR 6162.6 | Use of Copyrighted Materials (8/13)

Policy updated to reflect new court decision reaffirming that federal criteria for determining “fair use” of copyrighted material must be weighed together on a case-by-case basis and do not exclude consideration of other factors. Policy also adds material defining categories of works that may be copyrighted, stating the need to get permission to use a copyrighted work unless the criteria for fair use or another exception are met, and prohibiting students from copying and distributing copyrighted works. Material regarding compliance with software license agreements moved to AR. Regulation reorganized and expanded to reflect (1) the need to seek permission of copyright holder before widely distributing a copyrighted work through a website or other method of communications accessible to the public; (2) the four factors specified in law that must be considered when determining whether an intended use of a copyrighted work meets criteria for “fair use” as clarified in new court decision; and (3) an exception in federal law pertaining to the performance or display of copyrighted works (e.g., motion picture or other audiovisual work) in the course of face-to-face instruction. Regulation also revised to include information about identifying the holder of a copyright and to more directly reflect nonbinding guidelines for copying text, sheet or recorded music, and television programming as stated in U.S. Copyright Office guidance.

BP 6163.1 | Library Media Centers (4/13)

Policy updated to reflect new Title 5 regulations (Register 2013, No. 3) which revise the authorized duties of credentialed teacher librarians and add a new special class authorization for departmentalized instruction in information literacy, digital literacy and digital citizenship. Policy also deletes references to the use of Instructional Materials Funding Realignment Program funds for the purchase of classroom library materials, as that program was repealed by new law (AB 1246, 2012). Policy references an SBE document identifying alignment of library instruction standards with Common Core State Standards and expands material on program evaluation.

BP/AR 6164.2 | Guidance/Counseling Services (12/13)

Policy updated to reflect new law (AB 97, 2013) which redirects funding for the Supplemental School Counseling Program for grades 7-12, and for the 10th-grade counseling program formerly funded through the Pupil Retention Block Grant, into the LCFF. Policy also expands material on (1) the qualifications of employees providing school counseling, school psychology or school social work services; (2) mental health counseling; and (3) the teacher-based advisory program. Regulation deleted since funding for the

Supplemental School Counseling Program was redirected into the LCFF. Some material moved from AR to BP.

BP/AR 6164.6 | Identification and Education Under Section 504 (4/13)

Policy updated to reflect new guidance from the USDOE's Office for Civil Rights (OCR) clarifying districts' responsibility to provide opportunities for students with disabilities to participate in extracurricular athletic and other nonacademic programs or activities that constitute the overall educational program. Policy also adds new material regarding compliance with procedural safeguards and required notifications and contains material formerly in AR regarding maintenance of a list of impartial hearing officers qualified to conduct Section 504 hearings. Regulation updated to reflect OCR guidance which clarifies the extent to which the Americans with Disabilities Act affects the definitions of "disability" and "substantially limits" for Section 504 purposes. Regulation also adds the designation of a district employee to serve as the district's Section 504 Coordinator, updates definitions of key terms to ensure consistency with federal law and streamlines the material on procedural safeguards.

BP/AR 6173.1 | Education for Foster Youth (12/13)

Policy updated to reflect new law (AB 97 and SB 97, 2013) which provides grants within the LCFF based on the number and concentration of unduplicated counts of foster youth, English learners and low-income students and requires the district's LCAP to include annual goals for all students and each "numerically significant" student subgroup including foster youth. Regulation updated to reflect provisions of AB 97 which define "foster youth" and require districts to monitor the educational progress of foster youth. Regulation also reflects new law (AB 216, 2013) which requires districts to exempt from any district-adopted graduation requirements a foster youth who transfers into the district or between district high schools after completing the second year of high school, except under

specified circumstances. Section on "Transfer of Coursework and Credits" updated to reflect California Child Welfare Council recommendations regarding the calculation of partial credits.

BP/AR 6176 | Weekend/Saturday Classes (12/13)

Updated policy reflects new law (AB 97, 2013) which redirects funding that could be used for Saturday programs, including supplemental instruction programs and intensive reading and algebra programs funded through the Pupil Retention Block Grant, into the LCFF. Policy also adds material regarding the assignment of teachers to weekend classes and provision of meals during Saturday session. Regulation deleted and concepts moved to BP.

BP 6177 | Summer Learning Programs (4/13, 12/13)

Policy retitled in April and updated to include components of effective summer programs, add material on evaluation of summer school programs, and describe summer learning opportunities in addition to summer school. Policy updated in December to reflect new law (AB 97, 2013) which redirects funding that could be used for summer school, including supplemental instruction programs and intensive reading and algebra programs funded through the Pupil Retention Block Grant, into the LCFF. Revised policy also provides for alignment of summer programs with goals in the district's LCAP.

BP/AR 6179 | Supplemental Instruction (12/13)

Mandated policy updated to reflect new law (AB 97, 2013) which redirects funding for supplemental instruction programs into the LCFF while retaining the requirement to provide supplemental instruction for certain purposes. Policy also reflects new law (AB 484, 2013) which establishes a new state assessment system, thereby affecting the criteria that may be used to determine student eligibility for supplemental instruction based on lack of sufficient progress toward passing the high school exit exam. Regulation deleted since funding for supplemental instruction programs was redirected into the LCFF.

7000 Series: Facilities

BP/AR 7214 | General Obligation Bonds (12/13)

Policy updated to reflect new law (AB 182, 2013) which requires greater transparency for the use of capital appreciation bonds and other bonds that allow for compounding of interest. Policy also reflects new law (SB 581, 2013) which requires that performance and financial audits be submitted to the citizens' oversight committee at the same time they are submitted to the district and requires the board to respond

to all findings, recommendations and concerns within three months of receiving the audits. Regulation updated to delete requirement for certain reports based on repeal of law pursuant to AB 97 (2013).

BB 9010 | Public Statements (8/13)

Bylaw updated to add concepts related to communicating the district's message in a manner that promotes public confidence in the board's leadership, refraining from disclosing confidential information, and adhering to the same standards and protocols established for other board communications when participating on social networking sites, blogs or other electronic media.

BB 9130 | Board Committees (4/13)

Bylaw updated to clarify the applicability of the Brown Act to board-created committees, describe the circumstances under which committees may meet in closed session, and reflect an Attorney General opinion that a committee created through a collective bargaining agreement is not a committee created by the board and thus is not necessarily subject to open meeting requirements. Bylaw also revised to specify decisions that will be made at the time a committee is established and address who is responsible for appointing committee members.

BB 9220 | Governing Board Elections (4/13)

Bylaw updated to reflect new law (AB 2410, 2012) which provides that a person is ineligible to hold public office if he/she has been convicted of a felony involving bribery, offering of a bribe, embezzlement or theft of public funds, extortion, perjury or conspiracy to commit any of these crimes. Bylaw also adds material addressing the methods of electing board members (i.e., by trustee area, at-large election, or at-large election but candidate resides in trustee area) and reflects the California Voting Rights Act which prohibits the use of the at-large voting method when its use prevents members of a protected class (voters of a minority race, color, or language group) from being elected to the board.

BB/E 9250 | Remuneration, Reimbursement and Other Benefits (8/13)

Bylaw updated to (1) delete material requiring the district to establish a minimum percentage of the board meeting that must be attended in order for a board member to receive compensation, (2) clarify that student board members do not receive compensation, and (3) reflect the legal requirement to announce any additional compensation received whenever a quorum of board members serves as another legislative body which will meet simultaneously or in serial order to a board meeting. Section on "Reimbursement of Expenses" revised to give examples of authorized travel and to prohibit use of district credit card for personal expenses even if the board member intends to reimburse the district. Material on health and welfare benefits updated to clarify the circumstances under which the district may offer health and welfare benefits to former board members and to reflect current law which provides that the age at which a person ceases to be a dependent child is age 26 years or higher as specified in the health plan. New exhibit added to provide a sample board resolution, as required by law in order to authorize compensation for a board member who missed meeting(s) because he/she was performing other designated duties on behalf of the district at the time of the meeting, was ill or on jury duty, or had another hardship deemed acceptable by the board.

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/PolicyServices 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.

Agenda Online

Agenda Online 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.