



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

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Customer satisfaction is our goal

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

A. New state laws, federal regulations impact policies

As the 2006 legislative session came to a close, Governor Schwarzenegger had signed 910 bills and vetoed 262. CSBA's Policy Services staff has analyzed the signed bills to determine which ones impact K-12 education and to consider the implications for district policies and regulations. Some of the major issues are addressed in CSBA's November policy updates, and others will be addressed in future editions.

In addition, in August the U.S. Department of Education issued the long-awaited federal regulations implementing the 2004 reauthorization of the Individuals with Disabilities Education Act (IDEA). The nearly 100 pages of regulations and over 200 pages of the accompanying "Analysis of Comments and Changes" have resulted in changes to a number of sample policies and regulations pertaining to special education, as noted below.

Special Education

Effective October 13, 2006, the new federal regulations are intended to provide clarification and further guidance for districts in implementing the 2004 IDEA. A copy of the final regulations and the accompanying "Analysis of Comments and Changes" can be found at www.ed.gov/policy/speced/guid/idea/idea2004.html.

The U.S. Department of Education has also developed model forms, including a sample individualized education program (IEP) and procedural safeguards notice, which can be found at the same link. Note that the federal model forms may need to be modified to reflect any additional requirements of California law.

In 2005, the Governor signed AB 1662 which made changes to California's special education statutes to bring them into conformity with the 2004 federal reauthorization. Unfortunately, because Education Code sections reference federal regulations by specific number, new state legislation will again be necessary to bring state law into conformity with these new federal regulations.

However, because the new federal regulations are effective now, districts should adopt the revised samples in order to ensure that their district policies are compliant with current law.

In addition to reviewing CSBA's policy updates, local education agencies may find it useful to review summaries of the law available from the National School Boards Association (www.nsba.org/site/docs/39200/39165.pdf) and to consult with their special education local plan area or special education director regarding policy, budget and other program implications.

CSBA policy revisions:

The November edition of CSBA's policy updates includes BP/AR 0430 - Comprehensive Local Plan for Special Education, AR 5144.2 - Suspension and Expulsion/ Due Process (Students with Disabilities), AR 6159 - Individualized Education Program and BP/AR 6159.1 - Procedural Safeguards and Complaints for Special Education. It is anticipated that the March 2007 packet will include BP/AR 6164.4 - Identification of Individuals for Special Education, and also may need to include new or revised policies addressing parentally placed private school students and response to intervention.

CSBA's sample materials have been revised several times to reflect amendments to special education laws in 2004, 2005, and 2006. In some instances, changes to notes or legal references have been made through the technical revision packet. Because the changes were not substantive, the revised policy or regulation did not need to be adopted by the board. In other instances where the amended law required changes in policy language, CSBA reissued the entire policy or regulation in which case the board does need to adopt the policy and/or the regulation.

Teacher Transfers

SB 1655 (Ch. 518, Statutes of 2006) added two new provisions that are intended to give districts more control over teacher transfers. As added, Education Code 35036 allows principals to refuse voluntary transfers of teachers into schools ranked in deciles 1-3 on the Academic Performance Index (API). In addition, Education Code 35036 prohibits transfer policies from giving priority to voluntary transfers over other qualified teachers after April 15 prior to the school year that a transfer would become effective.

In most districts, transfer policies are collectively bargained. In such districts, the new provision will become effective upon expiration of the current bargaining agreement, or sooner if the union and district agree. In districts without collective bargaining agreements addressing teacher transfers, the provisions are effective January 1, 2007.

SB 1655 was a response to a report issued in 2003 by The New Teacher Project, a national nonprofit organization whose mission is to increase teacher quality

in schools. Missed Opportunities: How We Keep High-Quality Teachers Out of Urban Classrooms concluded that hiring delays caused by teacher transfer policies often keep hard-to-staff districts from hiring high-quality teacher candidates. Teacher transfer requirements often "stall hiring by giving existing teachers the first pick of openings before any new teacher can be hired . . . and create additional delays by making principals reluctant to post vacancies and interview for fear of being forced to accept a transferring teacher they do not want," the report says. "Because of hiring delays, these districts lose substantial numbers of teacher candidates — including the most promising and those who can teach in high-demand shortage areas — to suburban classrooms that typically hire earlier." See the report at www.tntp.org.

Involuntary transfers are not addressed in the bill. The bill's author, Sen. Jack Scott, felt that involuntary transfers are unavoidable and districts need flexibility.

CSBA policy revisions:

CSBA is issuing a new sample policy, BP 4114 - Transfers, which includes the new provisions of SB 1655. Districts are cautioned that provisions of existing collective bargaining agreements related to teacher transfers, if any, are binding until the expiration of those agreements.

Quality Education Investment Schools

SB 1133 (Ch. 751, Statutes of 2006) is the legislation implementing the terms of the CTA v. Schwarzenegger settlement, the lawsuit which sought to enforce Proposition 98 and the terms of the budget agreement reached with the Governor and the education community in 2004. The bill places significant restrictions on how those additional dollars will be spent by creating a new program, the Quality Education Investment Act (QEIA) (Education Code 52055.700-52055.770).

The QEIA authorizes districts to apply for state funding to improve academic instruction and student achievement in schools (including charter schools) ranked in deciles 1-2 on the 2005 API (released March 2006). Participating schools must meet interim and program requirements pertaining to class size, student-counselor ratios and counselor qualifications, teacher qualifications, distribution of teachers based on average experience level, professional development, API growth targets, and requirements of the Williams settlement pertaining to teachers, instructional materials and school facilities. Districts must agree to support participating schools in meeting program requirements, ensure school administrator qualifications and professional development, provide fiscal and evaluation data, and more.

However, districts can apply to the Superintendent of Public Instruction (SPI) for permission to use alternative program requirements upon demonstrating that compliance with the alternative requirements would

provide a higher level of academic achievement. The alternative requirements must be based on reliable data and be consistent with sound, scientifically based research and specified effective practices. The law limits the use of alternative program requirements to up to 15 percent of the total number of students funded statewide under this program. It also gives priority to any school serving grades 9-12 that can demonstrate that it cannot decrease class sizes because of the impact on the school's facilities or the district's eligibility for state facility funding.

All participating schools will undergo annual reviews by the county superintendent of schools for the first three years of funding. If a school fails to meet all the program requirements in any year, the primary sanction is the removal of program funds for the school.

One of the most challenging provisions in this program is the requirement that participating schools make their API growth targets every year. In fact, the QEIA calls for these schools to exceed their API growth target averaged over the first three years of funding. According to data supplied by the California Department of Education (CDE), only 14.6 percent of decile 1-2 schools met their API targets each year in 2004, 2005 and 2006.

CSBA policy revisions:

CSBA is issuing a new sample policy and regulation, BP/AR 0520.4 - Quality Education Investment Schools, for use by districts with eligible schools. This optional policy and regulation reflect the purposes and requirements of the QEIA. In addition, AR 0420 - School Plans/Site Councils has been revised to reflect the requirement that funding under the QEIA be included in the school's single plan for student achievement.

New Williams Legislation

AB 607 (Ch. 704, Statutes of 2006) amended several provisions related to the Williams v. State settlement, effective January 1, 2007. Education Code 1240 requires the county superintendent of schools to visit schools ranked in deciles 1-3 of the 2003 base API. As amended by AB 607, beginning in the 2007-08 fiscal year, the schools to be visited by the county superintendent will be those ranked in deciles 1-3 of the 2006 base API, with the base API adjusted and updated every three years thereafter.

The following amendments have policy implications for school districts:

1. **Restroom complaints.** AB 607 amended Education Code 35186 to authorize facilities complaints regarding the maintenance and cleanliness of school restrooms, including whether restrooms are kept open when school is in session, have been cleaned, are fully operational, and are stocked with supplies.
2. **Translation of response to complaints.** Education Code 35186 was amended to require that, when Education Code 48985 is applicable, the report of the

resolution of the complaint and the response to the complaint, if requested by the complainant, be written in English and in the primary language in which the complaint was filed.

3. **Facilities inspections.** AB 607 made several changes to the School Facilities Emergency Repair Account, including changing the program from a reimbursement to grant account. The bill also requires the Office of Public School Construction to develop a revised facility inspection and evaluation instrument with additional criteria, such as drainage problems, hazardous parking system, and damaged roofs, as well as a system to evaluate facilities on a scale of "good," "fair," or "poor."
4. **Sufficiency of instructional materials.** AB 607 amended Education Code 60119 to clarify that the determination as to whether students in grades 9-12 have sufficient science equipment is only applicable to science laboratory classes.

CSBA policy revisions:

BP 3517 - Facilities Inspection System and BP 6161.1 - Selection and Evaluation of Instructional Materials have been revised in the November policy update packet. AR/E 1312.4 - Williams Uniform Complaint Procedures is not included in this packet. The CDE has not yet determined the impact of this legislation on its sample notice and complaint form or on the Categorical Program Monitoring instruments. In addition, the CDE has not yet determined whether Title 5 regulations will need to be amended to reflect the new requirements. Therefore, CSBA is waiting to reissue AR/E 1312.4 in order to ensure that the materials are compliant with the CDE's requirements.

Other Key Bills

In addition to the major issues described above, districts should be aware of the following:

- School site block grants. AB 1802 (Ch. 79, Statutes of 2006) allocates one-time funds to school districts for purposes of providing block grants to school sites, including charter schools. The school site council is given responsibility for proposing how the funds will be expended, subject to board approval. If the school site council and board are unable to agree on the use of the funds by May 1, 2007, the dispute must be immediately submitted to the county board of education, which will resolve the dispute within 30 days.

CSBA policy revisions:

BP/AR 0420 - School Plans/Site Councils has been revised to reflect this program.

- Teacher qualifications and teacher support. SB 1209 (Ch. 517, Statutes of 2006) makes numerous changes pertaining to teacher credentialing and beginning teacher support. It creates additional exemptions and alternatives to passing the California Basic Skills Proficiency Test, deletes the requirement for a 150-

hour individual program of professional growth as a condition of credential renewal, establishes a mentor teacher program for schools ranked in deciles 1-2 on the API, provides additional funding for enhanced internship programs under specified conditions, and calls for a review of state standards for induction programs.

CSBA policy revisions:

Changes in SB 1209 have been incorporated into the following materials reissued in November: AR 4112.2 - Certification, BP/AR 4112.21 - Interns, BP/AR 4131 - Staff Development and BP 4131.1 - Beginning Teacher Support/Induction. A new policy BP 4138 - Mentor Teachers has been added, and BP/AR 4131.5 - Professional Growth has been deleted.

- Oral health assessment. AB 1433 (Ch. 413, Statutes of 2006) requires parents of kindergarten students to provide proof that the student has received an oral health assessment by a dentist within the past 12 months, unless they are exempted under the specified process. Districts are required to notify parents of the requirement and the CDE is required to develop and post a notification form on its Web site.

CSBA policy revisions:

When the CDE completes its notification form, CSBA will revise affected policies, which may include AR 5141.3 - Health Examinations and/or AR 5141.32 - Health Screening for School Entry.

- Supplemental instruction. Existing law requires districts to offer supplemental instruction under certain conditions. Under AB 2989 (Ch. 586, Statutes of 2006), districts may now require students to participate in these supplemental instructional programs if the board adopts policy identifying which students will be required to participate (unless the parent/guardian declines to enroll the student).

This provision applies to supplemental instructional programs that districts are required to offer to students in grades 7-12 who do not demonstrate sufficient progress toward passing the exit examination and to students in grades 2-9 who have been retained or recommended for retention. The provision also includes optional supplemental instructional programs for students in grades 2-6 who have been identified as being "at risk" of retention; students in grades 2-6 who have been identified as having a deficiency in mathematics, reading or written expression; and/or students in grades K-12 who seek enrichment in mathematics, science or other core academic areas designated by the Superintendent of Public Instruction.

CSBA policy revisions:

CSBA expects to revise BP/AR 6179 - Supplemental Instruction in March 2007.

B. State focuses on translation compliance

Education Code 48985 requires that when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices, reports, statements or records sent to the parents/guardians by the school or the district must be provided in that language as well as in English. As amended by AB 680 (Ch. 706, Statutes of 2006), Education Code 48985 requires the CDE to monitor compliance with the translation requirement as part of the Categorical Program Monitoring process.

Thus, it is important that districts track which languages require translated materials and assist schools in meeting these requirements. About half of the state's schools had at least one primary language that required translation in 2004-05, according to a state audit released in October (available on the Bureau of State Audits Web site, www.bsa.ca.gov/pdfs/reports/2005-137.pdf).

This audit found that the surveyed schools substantially complied with translating notices to Spanish when required (91 percent), but compliance rates for other languages meeting the 15 percent criterion were significantly lower. For example, schools provided Mandarin translations 54 percent of the time when required and Hmong translations 48 percent of the time.

The audit found a variety of reasons for noncompliance, including unfamiliarity with the law, need for additional resources, the difficulty of translating some languages, a belief that there is little demand for the translated notices, insufficient time to translate in unique circumstances and use of incorrect methods to identify languages requiring translation.

Districts will be aided in identifying languages by a new requirement of AB 680, under which the CDE will begin notifying districts by August 1 each year of the schools and the primary languages for which translation of notices is required. The CDE already gathers the language census and enrollment data needed to provide the notification to districts.

The audit recommended a revision of the home language survey, which currently asks the student's primary language, to also ask parents to indicate the language in which they would like to receive correspondence. However, a change in current law would be necessary to allow bilingual parents to waive the requirement if they want notices in English only. Some districts already track the language in which parents request to be sent correspondence separately from the child's primary language.

The CDE has created a clearinghouse for multilingual documents on its Web site (www.cde.ca.gov/ls/pf/cm), where the CDE and districts can post links to translated parental notices. As of mid-September 2006, the clearinghouse had 230 translated documents, 80 percent

of which were in Spanish. Districts are encouraged to share their translated notices and to utilize this resource in order to reduce the cost and effort required to create translations.

C. Parent involvement: The language factor

There is significant evidence indicating a link between parent involvement and student achievement. State and federal lawmakers recognize the potential benefits and have mandated that districts adopt policy addressing parent involvement.

Yet, when district and school staff attempt to implement these policies, they often face challenges of communicating with parents/guardians whose primary language is not English. The National Center for Education Statistics (NCES) recently analyzed data from a 2002-03 survey on the relationship among language, poverty and school-parent interaction. It found that parents in primarily English-speaking households, compared to parents in primarily Spanish-speaking households, were more likely to report:

- receiving newsletters, memos or notices addressed to all parents;
- receiving personal notes or e-mails about their child;
- opportunities to attend general meetings;
- opportunities to attend school events; and
- opportunities to volunteer

Although the percentages of parents reporting these communications and opportunities were generally high (e.g., 92.2% of English-speaking parents and 82.3% of Spanish-speaking parents reported receiving communications addressed to all parents), differences across languages were apparent. Only on questions of receiving a phone call from the school and having opportunities to attend a parent-teacher conference were there no measurable differences. These language differences were evident even after taking poverty into account, although differences were also found based on poverty status (poor, near-poor and nonpoor households).

One step in communicating with non-English-speaking parents is to provide translated notices in accordance with law (see "State focuses on translation compliance" above).

In addition, districts may wish to translate and distribute key board policies that affect parents. CSBA's "Policies Parents Should Know" provides English and Spanish versions of over 50 CSBA sample policies, administrative regulations and exhibits on such issues as parent involvement, volunteer assistance, uniform complaint procedures, student conduct and discipline, student use of technology and more. For further information, see www.csba.org/ps/ppskblurb061.pdf.

Finally, as required by federal law, districts must ensure that Title I schools have developed school-level policies

on parent involvement that describe the means that the school will use to provide accessibility and opportunities for parents with limited English proficiency, as well as parents with disabilities and parents of migrant students. The district may also choose to address outreach to limited-English-speaking parents in its district-level parent involvement policy or administrative regulation.

The NCES Issue Brief School and Parent Interaction by Household Language and Poverty Status: 2002-03, released in September 2006, is available online at <http://nces.ed.gov/pubs2006/2006086.pdf>.

Parent Involvement Policies

For information on the development of parent involvement policies, including a discussion of legal requirements and a policy development worksheet, see CSBA's policy brief on Parent Involvement: Development of Effective and Legally Compliant Policies, available at www.csba.org/ps/policy_brief9_06.pdf. The brief and newly revised sample policies and regulations BP/AR 6020 - Parent Involvement and BP/AR 6171 - Title I Programs were sent to CSBA Policy Services clients in September.

D. New from CSBA

GAMUT Online Webinar

CSBA's Governance and Technology staff will demonstrate CSBA's online policy and management service, GAMUT Online, through a Webinar on Feb. 23 at 10:00 a.m. Learn how to find policies via the keyword and search features, and how to export policy documents for local editing. In addition, see what it would look like to have the district's manual online.

The Webinar will last approximately one hour. For more information, contact Laura Williams at 800-266-3382 or llwilliams@csba.org. To register, go to www.csba.org/events.

Student Wellness Resources

Now that the federal deadline for adopting policy on student wellness has passed (see BP 5030 - Student Wellness), districts are moving toward implementation, monitoring, and evaluation of their wellness policies and practices. To help districts with these next phases, CSBA has developed and is continuing to develop a variety of resources:

Policy in Action workshops

CSBA is co-sponsoring a series of one-day local trainings designed to help participants learn the essential steps in effectively implementing, communicating, monitoring and evaluating their local school wellness policy. The workshop also includes information for engaging students and using effective marketing techniques.

The series concludes with workshops on Dec. 6 in Sacramento and Dec. 15 in Downey. The \$15 registration fee includes lunch and refreshments.

In addition to CSBA, partners and sponsors include the CDE's Nutrition Services Division, California Action for Healthy Kids, Dairy Council of California, California Department of Health Services (Project LEAN), California Obesity Prevention Initiative, School Health Connections and California School Nutrition Association.

Call 916-669-3259 for further information, or register online at www.csba.org/events.

Guidelines for implementation and monitoring

A new guidebook from CSBA will assist district staff with the responsibility to report to the governing board on the implementation of the school wellness policy. For each component required to be included in the wellness policy (e.g., nutrition education and physical activity goals, nutrition of foods and beverages on school campuses and guidelines for reimbursable meals), the guide presents legal requirements and/or related CSBA sample policies, guidelines for implementing and reporting on each component, and a recommended data source or form to collect the data needed.

Monitoring for Success: A Student Wellness Policy Implementation Monitoring Report and Guide is expected to be available for purchase in December 2006. Look for it on CSBA's Web site at www.csba.org/ps/nutrition_phys_resources.cfm.

Physical education policy brief

A new policy brief on Physical Education and California Schools is being sent in the November packet to all CSBA Policy Services clients and is also available at www.csba.org/ps/PSE805.pdf. This policy brief describes research showing the benefits of physical activity for student learning, explains state requirements and standards, highlights board actions to support physical education (P.E.) and lists additional resources that may be useful in policy development.

Publication of this brief follows a recent study by the California Center for Public Health Advocacy which concluded that more than half of the school districts in the sample failed to comply with state requirements pertaining to minimum instructional minutes of P.E. However, a boost in state funding for P.E. will help district efforts to improve and expand the infrastructure of P.E. programs. The 2006-07 state budget includes \$40 million for incentive grants to hire additional credentialed P.E. teachers in elementary and middle schools.

Wellness conference

Mark your calendar! CSBA, in partnership with the CDE and the California Department of Health Services, will convene a two-day conference Oct. 1-2, 2007, in Anaheim, which will highlight two critical components of school wellness: the school nutrition environment and

physical education/activity. This conference will highlight best practices and resources for school districts looking for assistance in addressing these issues within the greater context of their school wellness programs.

District leaders and others in the school community who have an interest in improving student health are encouraged to attend, including board members, superintendents, principals, food service directors, P.E. and physical activity coordinators, P.E. and general education teachers, school nurses, community health advocates, nutritionists, local public health officials and parents.

E. Professional Governance Standards

To date, 405 district and county boards have been recognized for adopting CSBA's Professional Governance Standards (PGS), which describe commonly agreed upon principles of effective governance in three areas: the individual trustee, how individual board members and the superintendent must work together and the specific jobs that the board must carry out. In light of the statewide and national emphasis on accountability, CSBA is engaged in a campaign to encourage all district and county boards to set a standard of excellence for board performance by adopting the PGS.

A number of related tools are available at www.csba.org/pgs. A board self-evaluation tool based on the PGS is available for \$10 plus tax, shipping and handling.

One way that boards can adopt the PGS is by adopting CSBA's sample board bylaws BB 9000 - Role of the Board and BB 9005 - Governance Standards. Alternatively, boards can adopt the standards through a resolution. Districts that adopt the PGS are urged to complete the Reply Form found on the CSBA Web site and to submit their bylaws or resolution to CSBA to be included on the PGS Honor Roll.