



Policy News

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Legislation gives 30-day grace period for pertussis immunizations

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

New legislation signed by Governor Brown (SB 614) now authorizes local educational agencies (LEAs) to provide 30 additional calendar days for students to meet this requirement. For the 2011–12 school year only, a student who has not been fully immunized against pertussis may be conditionally admitted for up to 30 days under the following conditions:

- The student was enrolled in that LEA in the prior year.
- The student's first day of attendance in the 2011–12 school year occurs on or before the sixth Friday following the first day of the school year.
- The LEA works with the student's parent/guardian so that the student receives all immunizations or boosters necessary for continued attendance.

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

Social media creates opportunities and challenges for LEAs

As the use of social networking sites and other online technologies (e.g., Facebook, Twitter, YouTube, LinkedIn, or blogs) continues to grow, LEAs must balance the advantages of using such technologies as important communications and educational tools with concerns about the potential for inappropriate use of the sites.

LEA-sponsored social media platforms

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

CSBA actively joined the social networking world nearly two years ago with Facebook, Twitter and YouTube pages. "It's an exciting opportunity to reach members in a new way," says CSBA Public Information Officer Brittany McKannay. "CSBA regularly posts timely information



regarding critical issues, such as state budget updates, to our Facebook and Twitter sites so that members who are fans are in the know immediately.”

Similarly, LEAs may use social media, along with their websites, to share news and information with students, parents, staff and the community. However, the public nature of such sites creates additional challenges that LEAs should consider before deciding to sponsor a site and when establishing user guidelines. CSBA has issued a new sample policy and administrative regulation, BP/AR 1114 - District-Sponsored Social Media, to help identify and clarify such issues.

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

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

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

A workshop on the use of social media is being planned for CSBA’s Annual Education Conference December 1–3 in San Diego. For further information about the conference, see <http://aec.csba.org>.

Use of social media in the classroom

A new resource available from Facebook, the *Facebook for Educators Guide*, discusses ways that teachers can use social media to enhance learning while also instructing students in safe, ethical and responsible Internet use. Although the guide specifically addresses the use of Facebook, the concepts can be applied to other social media platforms, as well.

The guide calls attention to the benefits of using social media for classroom networking and educational programs, urging educators to “embrace the digital, social, mobile and ‘always-on’ learning styles of 21st century students.” It also touts the use of social media as a professional development resource.

On the other hand, the guide recognizes the need to ensure proper and safe use of social media. It encourages the development of policies and standards for appropriate use, explains how the safety and privacy settings on Facebook can be used, promotes teaching students how to be good citizens in a digital world, and shows teachers how to connect with students in a manner that is appropriate and professional without allowing access to personal profiles (i.e., without “friending” them on Facebook).

Facebook Guide for Educators can be downloaded for free at www.facebook.com/safety/groups/teachers. Also see CSBA’s sample BP/AR 6163.4 - Student Use of Technology for policy addressing the safety and security of students when using social networking sites.

CSBA expands sample fund balance policy

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

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

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

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

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

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

Court decision affects law enforcement interviews of students

As previously reported in the *Policy News* (March 2010), the Ninth Circuit Court of Appeals ruled in *Camreta v. Greene* that when a social worker and deputy sheriff together seek to conduct an interview at school of a suspected victim of child abuse, they must have a warrant or court order unless there is parental consent. However, on May 26, 2011, the U.S. Supreme Court vacated the Ninth Circuit’s decision without deciding the issue of a warrant





or court order on the merits. It determined that this part of the Ninth Circuit's decision was moot because the minor involved in the case had moved from Oregon to Florida and it was close to her 18th birthday.

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

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

Lactation accommodation policy supports Surgeon General's "Call to Action"

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

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

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

CSBA has developed a new sample policy, BP 4033 - Lactation Accommodation, to ensure that LEAs are aware of the legal requirements pertaining to lactation accommodation. LEAs are encouraged to tailor the policy and develop administrative regulations as necessary to meet their unique needs. CSBA is also monitoring the development of final guidance from the U.S. Department of Labor regarding the implementation of federal law on this topic. At this point, the Department expects to provide guidance, but not regulations, addressing these matters.

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

CSBA leadership development opportunities

Back-to-School Webcast

CSBA's annual Back-to-School Webcast provides information about critical education issues just in time for the new school year. The 2011 webcast, scheduled for September 22 from 10:00 a.m. to 12:00 p.m., will discuss issues related to the state budget and state and federal laws and regulations.

To register or obtain further information, go to the Events Calendar on CSBA's website at www.csba.org or contact CSBA at (800) 266-3382.

Roadmap to Policy Updates

CSBA's complimentary Roadmap to Policy Updates session helps LEAs maximize the benefits they receive from CSBA's policy services. Participants will explore and discuss best practices and procedures for keeping their policy manual current through CSBA's GAMUT Online and Manual Maintenance services and will discover ways to access policies online. The session includes a discussion of the components of a policy manual and a GAMUT Online demonstration.

Executive assistants, administrators, board members, board policy committee members and others charged with the task of creating or maintaining the policy manual would all benefit from this session.

This workshop will be offered from 1:30–4:00 p.m. on the following dates:

September 13 | Rancho Cucamonga, San Bernardino County Office of Education

September 20 | Bakersfield, University Square

September 21 | Fresno, Fresno County Office of Education

October 5 | San Jose, Santa Clara County Office of Education

In addition, this presentation will be offered as a Webinar on September 8, 10:00–11:30 a.m.

To register or obtain further information, go to the Events Calendar on CSBA's website at www.csba.org or contact CSBA at (800) 266-3382.

Annual Education Conference and Trade Show

The Annual Education Conference and Trade Show is CSBA's premier leadership development opportunity, delivering practical solutions to help governance teams improve student learning and achievement. New and veteran board members, student board members, superintendents and executive assistants are invited to attend the conference in San Diego December 1–3, 2011.

Workshops and critical issue sessions will address seven major strands:

- Emerging trends in education
- Evaluation and professional development
- Finance and facilities
- Leadership through governance
- Public relations, community outreach and advocacy
- Student achievement
- The whole child





Conference registration and housing are now open. Further information is available at <http://aec.csba.org>.

New resources from CSBA

School breakfast programs

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

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

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

Transitional kindergarten

Between the 2012–13 and 2014–15 school years, the minimum age for admittance to kindergarten will move up one month each year. Under the Kindergarten Readiness Act signed in 2010 (SB 1381), the kindergarten entry birth date will move from December 2 to November 1 in 2012–13, to October 1 in 2013–14, and to September 1 in 2014–15. Children born between September 2 and December 2 who would otherwise have enrolled in kindergarten under the old law will be eligible for a “transitional kindergarten” program.

To help explain the requirements of the new law and answer questions about implementing the transitional kindergarten program, CSBA has published a policy brief on *Transitional Kindergarten*, available at www.csba.org/en/EducationIssues/EducationIssues/Preschool.aspx. CSBA also will revise BP/AR 5111 - Admission and/or develop new policy as needed to address program requirements.

Although program implementation is a year away, the policy brief recommends that governance teams start becoming familiar with the law and begin discussions of implementation strategies, including matters related to facilities, standards and curriculum, services for English learners and for special education students, parental notifications and other program requirements.

School safety

Early this fall CSBA will publish an updated, retitled edition of its popular school safety guidebook for governance teams. As revised, *Safe Schools: Strategies for Governing Boards to Ensure Student Success* will include:

- A greater focus on assessing and addressing the problem of bullying, including cyberbullying, harassment and discrimination.
- Clarification of the board's role in creating safe school environments, aligned with the five major areas of board responsibility (setting direction, establishing effective organizational structures, providing support for implementation, holding the system accountable, engaging in community leadership and advocacy).

- A discussion of both prevention and intervention strategies, expanded to include safety-related accommodations for lesbian, gay, bisexual and transgender students, procedures for reporting bullying or violence, and options for discipline of student perpetrators.
- A worksheet to help governance teams and staff develop and review safety-related policies and regulations.

The 2011 guidebook was supported by a grant from the Ford Foundation and incorporates input from CSBA's School Health Advisory Committee and other experts. Order information will be available at www.csba.org.

Stay tuned . . .

Student fees

As reported in the November 2010 issue of the *Policy News*, the American Civil Liberties Union filed litigation against the state of California alleging that districts were charging students impermissible fees for participation in educational activities and that the state was not providing adequate enforcement to ensure that impermissible fees were not charged. Since then, legislation has been proposed (AB 165) which would require the LEA's superintendent to determine whether any unlawful student fee is being charged, require the board to provide full reimbursements to affected students and parents, and create a mechanism for the state to monitor student fees. CSBA is tracking the progress of AB 165 and, if the bill is enacted, will revise AR 3260 - Fees and Charges as necessary.

Further guidance on the issue of student fees is available in a May 2011 advisory from CSBA's Education Legal Alliance, available at www.csba.org/LegislationAndLegal/Legal/ELAUpdates.aspx. *Student Fees Litigation Update* lists all fees, charges and deposits allowed by law and explains the criteria under which a fee may be impermissible. Regardless of the outcome of the legislation or the litigation, LEAs should review their policies, procedures and practices to ensure compliance with law and should ensure that the LEA's policy and procedures are being implemented consistently across all schools.

“Parent trigger” regulations

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

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

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

Although CSBA continues to have concerns about the implementation of the Parent Empowerment Act, the association participated in a collaborative effort to develop the permanent regulations in order to find common ground with others in the education community. The resulting regulations require the state to create a website with information about the





petition process and to develop a sample petition, require public disclosure of organizations providing financial or other support to petitioners, and require LEAs to verify signatures through written documents already on hand, such as emergency contact cards.

A number of unresolved issues remain. CSBA supports AB 203, which would make additional revisions in the process.

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

Cyberbullying

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

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

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

Although this court decision does not appear to impact CSBA's sample policy language related to cyberbullying (BP 5131 - Conduct; AR 5144.1 - Suspension and Expulsion/Due Process), districts should proceed cautiously and consult with legal counsel as necessary before disciplining a student for off-campus behavior. CSBA expects to revise its policy brief *Cyberbullying in Schools: Policy Considerations for Boards* (July 2010) to reflect the latest court action.



Contact us at (800) 266-3382.

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