

# governance & POLICY SERVICES

## N E W S

### Topics:

<b>RECENT EVENTS IN CAREER TECHNICAL EDUCATION</b>	<b>1</b>
• State plan	1
• Perkins funding	2
• CTE credentials	2
<b>SEAT BELTS ON SCHOOL BUSES</b>	<b>2</b>
<b>VOLUNTEERS FOR BEFORE- AND AFTER-SCHOOL PROGRAMS</b>	<b>3</b>
<b>SERVICEMEMBER FAMILY LEAVE</b>	<b>3</b>
<b>PROGRAM IMPROVEMENT DISTRICTS</b>	<b>4</b>
<b>UPCOMING ISSUES</b>	<b>4</b>
• Charter school facilities	4
• Credentials/permits	5
• Indoor air quality/asthma	5
<b>WHAT'S NEW AT CSBA</b>	<b>6</b>
• Go green! Go online!	6
• Wellness accountability report and guide	6
• 2007 Policies in Review	6

### 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.

### Recent Events in Career Technical Education

One-quarter of California students in grades 9-12 take at least one career technical education (CTE) course located at their high school and CTE course enrollments account for about one-third of the total course enrollments. Although these numbers are significant, the state data also show that there has been a steady decline in CTE participation over the past decade (California Basic Educational Data System, 2005-06).

At least some of the decrease in high school based CTE programs has been attributed to increasing enrollments in regional occupational centers and programs (ROC/Ps). The California Department of Education (CDE) adds that other contributing factors may include students' lack of information about course options and program content; competing course requirements, including college preparation courses; and an overall focus on high-stakes testing and remediation that impacts school schedules (2008-2012 California State Plan for Career Technical Education).

The role of CTE within the curriculum is receiving greater attention at the district, county, state and national levels within the broader context of high school reform. Traditional "vocational education" programs are being transformed into more rigorous, integrated programs of academic, career and technical education.

To help districts address emerging trends in CTE, CSBA has retitled its sample policy on Vocational Education as BP/AR 6178 – Career Technical Education and significantly expanded it to reflect the state standards and curriculum framework for CTE; requirements for basic grants and tech prep programs under the Carl D. Perkins Career and Technical Education Improvement Act of 2006; requirements for partnership academies, pre-apprenticeships and apprenticeships; and concepts formerly in BP 6030 – Integration of Academic and Vocational Instruction.

CSBA has also reviewed and revised several related policies and administrative regulations, including BP 1700 – Relations Between Private Industry and the Schools, BP/AR 5113.2 – Work Permits, and BP/AR 6178.1 – Work Experience Education.

In July CSBA expects to issue a separate policy and/or regulation addressing ROC/Ps, including issues pertaining to access of adult students to ROP classes on high school campuses during the school day.

### State plan

Each state receiving federal funds under the Perkins Act is required to submit a new state plan to the U.S. Department of Education, by April 2008, that describes how the state will meet the requirements of the Act. At its March meeting, the State Board of Education (SBE) approved the 2008-2012 California State Plan for Career Technical Education which addresses state priorities and goals, program administration, provision of services for special populations, accountability and evaluation, tech prep programs and financial requirements.

The plan responds to major revisions in the accountability and reporting requirements of the Perkins Act. 20 USC 2323 identifies core indicators of performance that districts must meet, such as student achievement on both academic and career/technical skill proficiencies, high school graduation, placement in postsecondary education or employment following program completion, and more. The state plan defines more specifically what measures will be used (e.g., high school



exit examination, teacher reports, etc.).

In addition, the SBE will be identifying specific performance level targets that districts will be expected to achieve for each measure. For the first two program years covered by the plan, the levels of performance required for each district will need to equal those established by the SBE unless the district reaches an agreement with the state on new local adjusted levels of performance. Prior to the third and fifth program years, the district and SBE are required to reach agreement on the local adjusted levels of performance for the subsequent program years.

Failure to meet at least 90 percent of the performance level targets will result in the need to develop and implement an improvement plan, and could ultimately result in a loss of Perkins funding. See BP 6178 for further information about program evaluation.

The state plan is available at [www.schoolsmovingup.net/cs/ctep/print/htdocs/ctep/home.htm](http://www.schoolsmovingup.net/cs/ctep/print/htdocs/ctep/home.htm).

## Perkins funding

Implementation of the state plan described above is contingent upon the availability of federal funding. When President George Bush released his proposed education budget for fiscal year 2009 in February, it included the elimination of all Perkins funding for CTE basic grants and tech prep programs (which had been funded at \$1.16 billion and \$102.9 million, respectively, in 2008).

At press time, both the House and Senate were proposing to fund CTE at the same level as the current year. "There's still a way to go in getting the appropriations bills passed and to the president, but it's likely that CTE will remain funded in the end," predicts Erika Hoffman, CSBA principal legislative advocate. "The president has proposed cutting CTE funding in prior years and Congress has always restored the funding."

## CTE credentials

The California Commission on Teacher Credentialing (CTC) is working to update the CTE credentialing process as required by SB 52 (2007). It has already changed the name of the credential to the "designated subjects career technical education credential" and aligned the prior 175 vocational credential authorizations to the 15 industry clusters established in the state's CTE standards and framework.

SB 52 also required the CTC to convene an expert panel to develop recommendations to the legislature pertaining to the CTE credential. The report to the legislature includes recommendations related to:

- streamlining of the credential requirements;
- alignment of credential types and authorizations with state academic content standards and the skills needed by CTE teachers to successfully teach all students; and
- CTE preparation program standards.

To view the draft report, visit [www.ctc.ca.gov/commission/agendas/2008-03/2008-03-3B-insert.pdf](http://www.ctc.ca.gov/commission/agendas/2008-03/2008-03-3B-insert.pdf). The report was approved by the CTC at its March meeting with one revision: The report will reflect the original recommendation by the expert panel which expands the requirement for recency of work experience to allow one year of work experience in the past five years or two years of work experience in the past 10 years.

Some of the recommendations would require changes to existing statutes before they could be implemented. SB 1104 was recently introduced to address some of the issues.

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## Seat Belts on School Buses

State law requires that any Type 1 school bus manufactured after July 2005 and any Type 2 school bus or student activity bus manufactured after July 2004 be equipped with a combination pelvic and upper torso passenger restraint system at all designated seating positions (Vehicle Code 27316 and 27316.5 and 13 CCR 1201). CSBA's sample AR 3543 – Transportation Safety and Emergencies has been updated to reflect these requirements.

As districts purchase or lease school buses, they need to check the date of manufacture and ensure that the buses comply with law pertaining to passenger restraint systems. John Green, supervisor of the CDE's Office of School Transportation, points out that, although it is the responsibility of manufacturers to install the systems, districts need to pay attention because any buses manufactured or purchased outside of California are not necessarily held to the same standards.

This inconsistency will be somewhat resolved if proposed federal regulations are approved, Green says. The proposed federal regulations are consistent with California law in that they would require a combination lap and shoulder passenger restraint system for new school buses of 10,000 pounds or less. Thus, all Type 2 buses, regardless of where they are manufactured in the United States, would need to meet the same standards. These provisions would be effective three years after the date the regulations are approved.

For the larger, Type 1 buses, the federal regulations would simply say that states can establish their own standards regarding passenger restraint systems. Since not all states will choose to do so, districts would still need to be cautious when purchasing Type 1 buses from out of state. If states do choose to require the lap/shoulder system in Type 1 buses, as does California, the federal regulations would establish specific performance standards for those systems.

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## Volunteers for Before- and After-School Programs

Recent legislation (AB 774, 2007) authorizes school districts and county offices of education to create a centralized registry of volunteer physical recreation instructors and other volunteers for before- and after-school programs.

The bill is permissive. Districts and county offices are not required to create a registry, nor are program coordinators required to use volunteers listed on the registry.

The bill's author, Assemblyman Guy Houston, testified that in most cases, "Agreements between volunteers from the community and schools are set up school by school, on an ad hoc basis ... a barrier to getting involved is the varying policies for schools even within the same district." What this bill does, explained Houston, is to "create a clear and simple path to getting members of the community involved in after-school physical recreation activities."

Student safety was another motivation behind the bill. Existing law (Education Code 8483.4) requires volunteers for some before- and after-school programs (i.e., the After School Education and Safety program and 21st Century Community Learning Centers) to be fingerprinted for a criminal background check. AB 774 adds a similar requirement for any volunteer who wishes to be included on a district or county registry for any local before- or after-school program. The district or county office may, but is not required to, pay for all or a part of the cost of the criminal background check. At their discretion, districts or county offices may establish additional qualifications, such as cardiopulmonary resuscitation certification, for volunteers who will be placed on the registry.

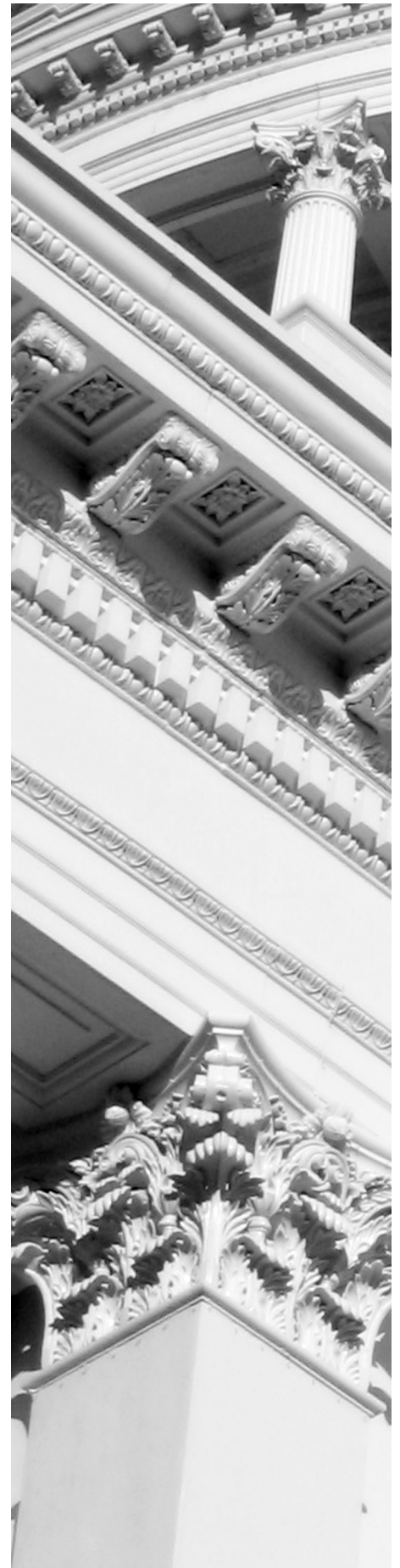
CSBA has revised AR 5148.2 – Before/After School Programs to reflect the provisions of AB 774.

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## Servicemember Family Leave

New federal legislation, the National Defense Authorization Act, has significantly expanded the Family and Medical Leave Act (FMLA) to create new leave entitlements for family of military service members. CSBA has revised AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave to reflect these new requirements and to help districts address employee questions and requests for leave under this new law. The requirements of the FMLA apply to districts with 50 or more employees.

Effective immediately, the new law authorizes employees to take up to 26 work weeks of unpaid leave during a 12-month period to care for a spouse, son, daughter, parent, or next of kin who is a member of the Armed Forces, including the National Guard or Reserves, and who is undergoing specified medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary





disability retired list, for a serious injury or illness.

The National Defense Authorization Act also creates an entitlement for employees to take 12 weeks of unpaid leave during a 12-month period to attend to “any qualifying exigency” arising from the fact that a spouse, son, daughter, or parent is on active duty (or has been notified of an impending call to active duty) in the Armed Forces in support of a contingency operation. This section of the law will not become operative until the Department of Labor issues final regulations defining “qualifying exigency.”

Separate from these new requirements, on February 11, 2008, the Department of Labor issued 477 pages of proposed new FMLA regulations, including proposed changes to the medical certification process and definition of “serious health condition.” Public comments on the proposed regulations are due in mid-April and the regulations will likely not be finalized for several months after that.

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## Program Improvement Districts

At its March meeting, the SBE approved a plan of corrective action for the 97 school districts in year three of Program Improvement (PI) under the No Child Left Behind Act.

Under the plan, all year three PI districts must fully implement a new standards-aligned curriculum and revise and implement their local educational agency (LEA) plan. In addition, the districts will be subject to four levels of differentiated technical assistance:

- **Intensive:** Six districts will be assigned a district assistance and intervention team (DAIT) by the SBE. There will be additional monitoring and reporting required for these districts and possible additional corrective action based on the recommendations of the assistance provider. One district will be assigned a trustee under an earlier agreement with the state.
- **Moderate:** 38 districts will be required to contract with a DAIT or other intervention team from the CDE’s list of approved providers, in consultation with their county office of education.
- **Light:** 42 districts will use state-identified PI instruments to analyze needs and access technical assistance.
- **Other:** Nine districts and one county office of education that narrowly missed their accountability targets will be directed to revise their LEA plan.

“There is some question as to whether the State Board has the statutory authority to require a district to contract with an intervention team other than the DAIT, so this could become problematic with the moderate interventions,” says Holly Jacobson, CSBA assistant executive director. “Also, there may be a battle over the fact that the State Board removed language that made its actions contingent upon funding. Thus, the issue of sanctions doesn’t appear to be fully resolved yet.”

Districts designated as PI may receive individualized assistance through CSBA’s Single District Governance Services. Dan B. Walden, director, believes that the governance team partnership between the elected board and the superintendent is critical to focusing district resources and energies on priority needs and strengthening student achievement. For further information, see [www.csba.org/Services/Services/GovernanceServices.aspx](http://www.csba.org/Services/Services/GovernanceServices.aspx).

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## Upcoming Issues

Issues CSBA is tracking because of their expected impact on policies include the following:

### Charter school facilities

On February 28, the Office of Administrative Law (OAL) approved amendments to Title 5 regulations which govern how school districts allocate facilities to requesting charter schools as required by Proposition 39. Proposition 39 was the ballot measure approved by voters in 2000 that, in part, requires districts to provide local charter schools with facilities that are “sufficient” and

“reasonably equivalent” to other buildings, classrooms or facilities in the district.

Although facilities requests currently pending will not be affected by the new regulations, the new amendments will apply to facilities requests received by districts in the fall of 2008 for the 2009-2010 school year.

CSBA has been at the forefront in opposing the new amendments on the belief that the regulations will create a hardship for districts and their students and that the SBE has exceeded its authority by expanding the regulations beyond the scope of Proposition 39. Concerns include the limited timeline for districts to review and process charter schools’ facilities requests and the limitation on districts’ ability to move conversion charter schools from one facility to another.

CSBA’s Education Legal Alliance is contemplating filing legal action this spring to seek to overturn the new rules. Depending on the outcome of the anticipated litigation, CSBA will revise AR 7160 – Charter School Facilities as necessary.

For more information, see [www.csba.org/NewsAndMedia/Publications/CASchoolNews/2008/Mar/ElectronicOnly/Prop39RegsOKd.aspx](http://www.csba.org/NewsAndMedia/Publications/CASchoolNews/2008/Mar/ElectronicOnly/Prop39RegsOKd.aspx)

## Credentials/permits

Among the 2007 bills that impact credentialing issues are SB 112, which modifies exemptions to the requirement to pass the California Basic Educational Skills Test (CBEST), and SB 280, which establishes a one-year time limit for out-of-state teachers to complete the CBEST requirement. CSBA is planning to reissue AR 4112.2 - Certification to address these and other changes.

However, revision of that sample administrative regulation is on hold pending action by the CTC on proposed regulations pertaining to the Short-Term Staff Permit (STSP) established by 5 CCR 80021. The STSP provides a method for districts to immediately fill teacher vacancies when there is an “acute staffing need.” The STSP is issued for no more than one year and is not issued more than once to an individual.

The proposed changes to 5 CCR 80021 would expand the definition of “acute staffing need” to provide specific examples of when the STSP may be requested. These include, but are not limited to, situations in which: (1) the teacher of record is unable to finish the school year due to approved leave/illness; (2) enrollment adjustments require the addition of another teacher; (3) an individual needs additional time to complete preservice requirements for enrollment in an internship program; (4) an individual has completed subject matter competency but is unable to enroll in an internship program due to timelines or lack of space in the program; or (5) a third-year extension of an internship program is unavailable or an individual withdraws from an internship program.

A public hearing on the proposed regulations was held by the CTC in early March.

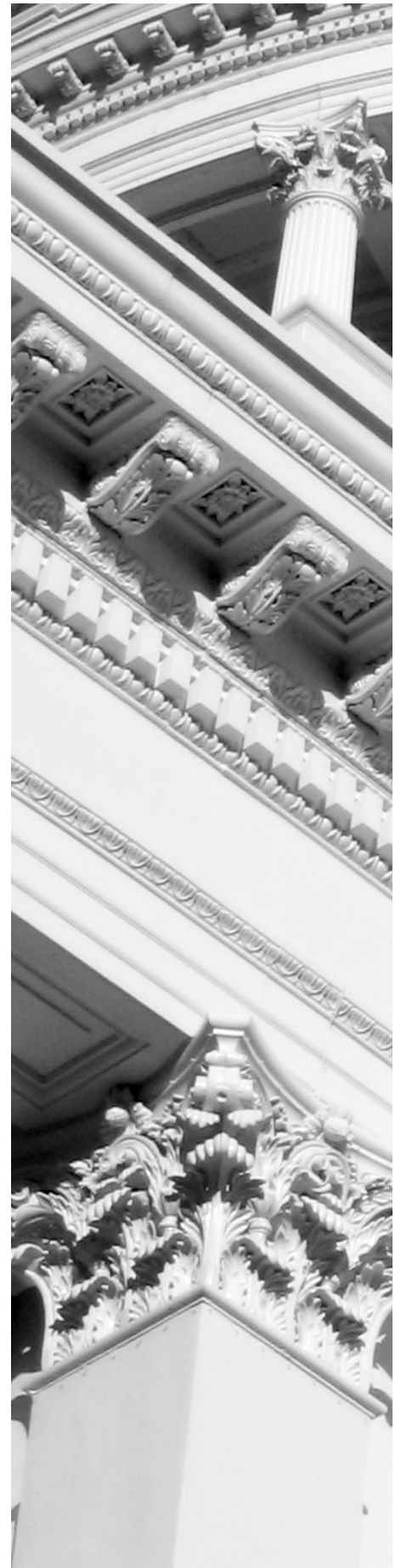
## Indoor air quality/asthma

With the support of a \$299,550 multi-year grant from the California Endowment, CSBA has begun working to engage school governance teams on issues of indoor air quality in schools and the impact of poor air quality on health and student achievement. CSBA is also providing resources to help districts make policy decisions that address the needs of students with asthma.

This project will produce policy briefs and articles to help increase understanding about the relationship between environmental triggers of asthma and student learning. As part of this work, CSBA will be creating a School Health Advisory Committee to help inform and engage CSBA membership in taking a comprehensive approach to addressing health in schools with an initial focus on asthma and indoor air quality.

In March, CSBA is issuing BP/AR 5141.23 – Asthma Management along with a related policy brief on *Asthma Management in the Schools*.

Next CSBA will be reviewing BP/AR 3514 – Environmental Safety, which currently addresses indoor air quality, and other related sample policies and administrative regulations. Additional materials and tools will be developed to assist governance teams in understanding the issue and how it impacts students, staff, and the district.





## What's New at CSBA

### Go green! Go online!

CSBA staff are presenting a combined GAMUT™ Online and AgendaOnline event at several locations throughout the state in order to help districts save time, money and resources by transitioning from paper copies of policies and board agendas to online services.

During the first one-hour presentation, attendees will discover methods to access district policies online and the easiest ways to find, download and edit CSBA's more than 800 sample policies in GAMUT™ Online. The second one-hour presentation will demonstrate how to easily move from the district's current process of creating, editing and distributing the board agenda and minutes to an online format with AgendaOnline.

There will be a question-and-answer session, with refreshments, after each demonstration.

Remaining sessions are scheduled as follows. All sessions run from 1:00-4:00 p.m.

- May 8 - Los Angeles County Office of Education, 9300 Imperial Highway, Rm. C 606B, Downey
- May 15 - San Diego County Office of Education, 6401 Linda Vista Rd., Bldg. 400, Rm. 401, San Diego
- June 30 - Fresno County Office of Education, 1111 Van Ness Ave., Rm. 274, Fresno
- July 1 - Santa Clara County Office of Education, 1290 Ridder Park Dr., Gilroy Rm., San Jose

To register, visit [www.csba.org/events](http://www.csba.org/events). For further information, contact Laura Williams or Kim Ludwig at (800)266-3382.

### Wellness accountability report and guide

CSBA's popular publications to assist district staff in creating school wellness accountability reports for the local board, *Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide*, are being updated to reflect changes in law and best practices. The revised publications are expected to be available in April.

The materials are designed to help districts that participate in federally funded child nutrition programs fulfill their responsibility to develop a plan for measuring the implementation of their local wellness policy.

For each major policy component required by law, the *Guide* provides a reference to related sample board policy and legal requirements, guidelines for implementing and reporting on the component, and a recommended data source or form to collect the data. The *Report* presents a sample format for district staff to use when creating the accountability report.

To order the *Report* and *Guide*, visit the CSBA Store at [www.csba.org](http://www.csba.org).

### 2007 Policies in Review

CSBA's Governance and Policy Services department has compiled an annual report which provides an overview of the major policies and issues addressed by the department in 2007.

*2007 Policies in Review* highlights some of the topics addressed throughout the year in the areas of assessment, curriculum, interdistrict attendance, student health, technology, and others. The appendix includes a list of all policies, regulations, bylaws and exhibits, as well as all policy briefs and other related publications, issued during the year.

The report may be viewed at [www.csba.org/services/services/policyservices/policyadvisoriesbriefs.aspx](http://www.csba.org/services/services/policyservices/policyadvisoriesbriefs.aspx).