

# CSBA's Governance and Policy Services 2008 Policies in Review



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CSBA's Governance and Policy Services

# 2008 Policies in Review

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CSBA's Governance and Policy Services offers a wide array of products and services to assist districts and governance teams with their policy needs.

In March, July and November, CSBA issues policy updates containing new and revised sample board policies, administrative regulations and exhibits. Also included in these update packets is CSBA's Governance and Policy Services News and policy briefs and fact sheets on important and emerging issues.

In 2008, the Governor signed 772 bills and over 90 of those affected CSBA's sample materials. *2008 Policies in Review* provides an overview of the policies and issues addressed throughout the year. This publication also highlights topics addressed by CSBA's Governance and Policy Services News. For a complete list of all publications and the specific changes made to the sample policies and regulations in each of the policy updates, please see Appendixes A and B. For a complete description of the various policy services offered by CSBA, please go to Appendix C.

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## Assessment

### High School Exit Examination

#### ***Students with disabilities***

*(July 2008)*

In May, the parties reached a settlement in the litigation challenging the requirement that special education students must pass the California High School Exit Examination in order to receive a diploma.

The settlement in *Kidd v. California Department of Education* did not extend the exemption that had been granted by previous legislation to students with disabilities in the classes of 2006 and 2007. Instead, it only requires the California Department of Education to contract for a study on the issue. Thus, students with an individualized education program or Section 504 plan must pass the exam unless they receive a waiver. The waiver process, outlined in AR 6162.52 — High School Exit Examination, authorizes a governing board to grant a waiver to a student with disabilities who took the exam with one or more modifications, received a passing score, and satisfied other conditions as specified in Education Code 60851.

There were several bills currently pending in the legislature that would have affected this requirement, including a proposal to modify the waiver process (AB 1503), extend the exemption from the requirement to pass the exam to the classes of 2008 and 2009 (SB 1446), and require the CDE to develop an alternative assessment (AB 2040). Because of these various legislative proposals, BP and AR 6162.52 were not reissued in the July packet of policies.

#### ***New report on early intervention***

*(July 2008)*

Students at risk of failing the high school exit exam can be identified and assisted as early as grade 4, according to a new report by the Public Policy Institute of California. *Predicting Success, Preventing Failure: An Investigation of the California High School Exit Exam* (June 2008) suggests that resources would be better spent on early intervention with elementary students than on tutoring students in grade 12 and beyond as required by current law.

Using a cohort of 10th-grade students slated to graduate in 2006 in the San Diego Unified School District as a test case, the study examined the students' performance from grade four through graduation and found that grade four student characteristics are almost as useful as those from grade nine in predicting passage of the test. Specific findings of the study include:

- Academic grade point average in grade 4 is the highest predictor of eventual outcomes on the exit exam.
- Some nonacademic characteristics, such as absences and classroom behavior, as reported on elementary school report cards, are also significantly related to exit exam passage.
- African American, English learner and special education students are less likely to pass the exam, even after controlling for grades and California Standards Test scores.
- The importance of English learner status changes over time. Grade four English learners are just as likely as others to pass the exam, but grade 9 English learners are not.
- Interventions in grade 12 or beyond are unlikely to yield great success. In this study, few of the seniors who failed to graduate re-enrolled in school or took the exam the next year, nudging the passing rate only marginally from 90.4 percent to 90.7 percent.

These findings led the report's authors to recommend that policymakers develop an "early warning system" to forecast which elementary or middle school students will be at risk of failing the exit exam and target additional tutoring funds toward those students.

The report suggests that districts be allowed more flexibility in how they spend state funding for supplemental instruction and that such funding be aligned with federal supplemental service funding for schools that repeatedly fail to make "adequate yearly progress" under No Child Left Behind.

A copy of the report is available at [www.ppic.org](http://www.ppic.org).

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## Grade 8 algebra requirement

*(July 2008)*

On July 9, the State Board of Education made a decision to require all students in grade eight to take and be assessed in Algebra I. The speed with which the issue was raised and approved took many by surprise and raised concerns that there were insufficient opportunities to engage in a meaningful discussion of the proposal.

The SBE's action was in response to a U.S. Department of Education finding that the state's grade 8 math assessment is noncompliant because it does not reflect the state's algebra standards.

Currently, students in grade 8 who are not taking a standards-based math course take the General Mathematics Test of the California Standards Tests. The Algebra I CST is an end-of-course test taken by students enrolled in that course.

In order to respond to the findings of the USDOE, the SBE had earlier directed the CDE to develop an alternative assessment, based upon a subset of Algebra I standards, that would replace the General Mathematics Test. In doing so, it was rejecting a plan to require all grade eight students to take Algebra I. This alternative assessment had been essentially approved by the USDOE. However, in a letter to the SBE, the governor urged the SBE to "do away with the below grade-level general mathematics test and chart California's course to lead the nation in eighth grade math."

The new requirement will become effective in three years. It is possible that interim benchmarks will be established for each of the next three years, but no details have yet been worked out.

CSBA Executive Director Scott P. Plotkin responded to the decision by saying it "is a classic example of a manufactured crisis. This is a time when the state should be celebrating the progress made in the number of students taking Algebra I in the eighth grade. The real crisis is how schools will be able to meet this requirement, the cost of which former Secretary of Education David Long testified would be in the billions, when the state budget proposes to cut public education by a similar amount."

A statement issued by Superintendent of Public Instruction Jack O'Connell points out that "educators throughout the state have placed almost half of our eighth grade students in general mathematics despite the fact that doing so has negative implications for their schools in our accountability system. But, they do it because it is a more educationally appropriate choice for certain students. And for that roughly half of the eighth grade population deemed by teachers, principals and parents not to be ready for algebra, a disturbingly low 23 percent are proficient or advanced on what amounts to seventh grade standards. ... Just putting students in algebra, regardless what the data tell us, is not a responsible course of action."

CSBA will monitor the implementation of this requirement and revise BP 6142.92 — Mathematics Instruction and/or AR 6143 — Courses of Study as appropriate.

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## Student assessment

*(November 2008)*

As a result of AB 519 (Ch. 757), the nationally norm-referenced California Achievement Tests, Sixth Edition Survey, will no longer be a part of the Standardized Testing and Reporting Program in grades three and seven. This change will be effective with the spring 2009 test administration and

is reflected in the revision of BP/AR 6162.51 — Standardized Testing and Reporting Program. Since students in grades three and seven were already required to take other STAR tests, the elimination of the CAT6/Survey will reduce testing time in those grade levels.

Thus, as of the 2009 test administration, the STAR Program will include the California Standards Tests for grades 2–11, the Standards-Based Tests in Spanish for grades 2–11 (replacing the Aprenda 3 previously used in grades 8–11), and either the California Alternate Performance Assessment or California Modified Assessment for students with disabilities when indicated in their individualized education programs.

The CDE points out that the amount of funding apportioned to districts for the 2009 STAR test administration and subsequent administrations will not be affected by the elimination of the CAT6/Survey; apportionments will continue to be based on a per-student amount for any student who is administered any of the STAR tests (STAR Assessment Notes, October 2008).

The CAT6/Survey has been one of the tests used in the calculation of the Academic Performance Index, but the CDE expects its elimination to have little impact on the accountability measure. Each of the tests used in calculating the API has a different emphasis or weight value, and the CAT6/Survey had a relatively small test weight, accounting for only five-six percent of the API. The 2008 Base API (to be released in May 2009) will exclude the CAT6/Survey component to ensure comparability with the 2009 Growth API (to be released in August 2009). The CAT6/Survey is not used in calculating adequate yearly progress under the No Child Left Behind Act.

Further information is available on the CDE's Web site at [www.cde.ca.gov/ta/tg/sr](http://www.cde.ca.gov/ta/tg/sr).

**Policies revised:**

BP/AR 6162.51 — Standardized Testing and Reporting Program

## Accountability

### Program Improvement districts

(March 2008)

At its March meeting, the State Board of Education approved a plan of corrective action for the 97 school districts in year three of Program Improvement 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 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 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 California Department of Education'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 SBE 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 SBE 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 Governance Consulting 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).

## Board governance

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### Board member communications

*(November 2008)*

**Brown Act: Serial meetings.** The Brown Act has long prohibited serial meetings, previously defined as a series of communications by a majority of the board to develop a “collective concurrence as to action to be taken.” SB 1732 (Ch. 63) amended Government Code 54952.2 to delete the requirement that “collective concurrence” must be reached in order for a prohibited serial meeting to occur. As amended, Government Code 54952.2 now defines a prohibited serial meeting as a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item within the subject matter jurisdiction of the board.

A previous version of this bill was vetoed by the governor last year. Responding to concerns raised by CSBA, this version of the legislation contains an important new exception. SB 1732 specifies that briefings between staff and board members are permissible in order to answer questions or provide information, as long as the comments or position of any board member is not communicated to other board members.

#### ***Electronic communications among board members.***

The types of communications that can lead to a violation of the Brown Act are also an issue when board members are communicating via e-mail, participating in chat rooms, or posting comments on blogs or Web sites. CSBA is issuing a new bylaw, BB 9012 — Board Member Electronic Communications, to provide boards with some guidelines to help navigate this minefield.

For purposes of the Brown Act, electronic communications are subject to the same conditions as any other form of communication, such as individual conversations and telephone calls. However, the ease with which electronic communications can be shared and forwarded requires extra caution.

The revised definition of “serial meetings” resulting from SB 1732, as discussed above, will require extra diligence on the part of board members. Under the new definition, a prohibited serial meeting is a series of communications involving a majority of the board to discuss or deliberate on district business, outside of a noticed and agendaized meeting. Thus, a series of

e-mails between a majority of the board or postings of comments by a majority of the board on a community member's blog could lead to a Brown Act violation. Violations of the Brown Act may result in civil remedies or invalidation of any board action that violates the act.

BB 9012 provides sample language about the importance of board member communications and examples of permissible exchanges, such as individual responses to community questions, discussions about meeting times and dates, and discussions about non-district business.

**Policies revised:**

BB 9012 — Board Member Electronic Communications (new bylaw)

BB 9320 — Meetings and Notices

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**Governance and research: It's time**

(November 2008)

The quality of educational research has been growing steadily for the last few decades, providing an increased understanding about what works in education. This research has influenced K–12 education at every level.

Research shows, for example, that teachers matter and that improving student learning is strongly linked to instructional practice in the classroom. Research also demonstrates that effective school administration is positively correlated with improving student learning. At the systems level, there is strong evidence for best practices at the district office. Recent research reveals a statistically significant relationship between district leadership and student achievement, and provides evidence for a positive correlation between superintendent tenure and improving student achievement.

But what about the governing board? Researchers are only just now beginning to explore the relationship between board governance and student achievement. Marzano and Waters report that “In districts with higher levels of student achievement, the local board of education is aligned with and supportive of the non-negotiable goals for achievement and instruction. They ensure these goals remain the primary focus of the district's efforts and that no other initiatives detract attention or resources from accomplishing these goals.” (J. Timothy Waters, Ed.D., & Robert J. Marzano, Ph.D, *School District Leadership that Works: The Effect of Superintendent Leadership on Student Achievement, A Working Paper*, 2006, available at [www.mcrel.org/pdf/LeadershipOrganizationDevelopment/4005RR\\_Superintendent\\_Leadership.pdf](http://www.mcrel.org/pdf/LeadershipOrganizationDevelopment/4005RR_Superintendent_Leadership.pdf))

In this difficult time of diminishing resources and increasingly challenging standards for student performance, research on the effective practices of local boards seems to be more than simply the next logical step in educational research. It is an important research topic that requires focus and attention to inform the practice of our locally elected trustees as they face these challenges. School boards, charged with the governance of our

schools, deserve what teachers, principals and superintendents have—research that demonstrates what works.

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**Fine-tuning the governance team**

(July 2008)

To make the district really sing, to make serious progress, the governance team needs to be in tune.

There are 15 relationships between the superintendent and a five-member board. It is like the strings of a guitar — six strings with 15 different possible pairs. When a string is changed, the guitar cannot be tuned right away because the string stretches. It is pulled by the guitar's structure and by the pull of the other strings. A board with a new member also needs time to let that board member stretch, and to let all the other team members be stretched by the new member who brings new ideas and perspectives to the team.

The irony is that as soon as someone starts playing a well-tuned guitar, the act of playing it pulls the strings out of tune. It's somewhat counterintuitive — that using the guitar for its intended purpose, making music, actually works against the structure that makes it possible, the strings being in tune. The same can be true of boards. Doing the hard work of providing guidance and oversight to the district can make trustees feel as though they are no longer working in harmony. For this reason, the governance team needs to give regular attention to how well it is managing its internal operations. By tuning up regularly, the governance team addresses concerns that, left unattended, can distract the team from focusing on the district's needs.

There is another important message to remember: When one string is out of tune, that string is not “wrong.” The guitar is usually tuned to a piano, but when it is the only instrument in the band, it can be tuned to itself. The governance team members need to be in tune with each other.

CSBA's Governance Consulting Services offers members the service of fine tuning for the governance team. When new board members are elected or a new superintendent is hired, or when the existing governance team wants to strengthen effective practices, experienced consultants can help the governance team strengthen its leadership skills, improve its organizational effectiveness and keep district efforts focused on learning and achievement for all students.

Visit [www.csba.org/Services/Services/GovernanceServices/SingleDistrictGovernance.aspx](http://www.csba.org/Services/Services/GovernanceServices/SingleDistrictGovernance.aspx) for more information.

## Charter schools

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### Charter school facilities requests

*(July 2008)*

In January, the State Board of Education adopted revised Title 5 regulations (5 CCR 11969.1-11969.10) regarding facilities requests by charter schools under Proposition 39. The new regulations took effect March 29 and applied to facilities requests received by districts in the fall of 2008 for the 2009–10 school year.

The amended regulations, which significantly diminish school districts' discretion over how facilities are allocated, were adopted over strenuous objections from CSBA and other members of the education community. CSBA's Education Legal Alliance has filed litigation challenging the new regulations on the grounds that many of the provisions exceed the SBE's legal authority.

To help districts understand the new requirements, CSBA has revised its sample administrative regulation and added a new sample board policy on this topic (see BP/AR 7160 — Charter School Facilities). However, BP/AR 7160 will be revised again as necessary to reflect the outcome of any court action.

"It's important that districts plan for the worst," said Judy Cias, assistant general counsel and director of CSBA's Policy Update Service. "We are hopeful that the court will agree with CSBA's position and overturn the regulations or delay their implementation; however, it's impossible to predict the timing of any court action. As of now, the new rules are applicable to requests received by districts starting in the fall. We reissued our sample policy and regulation in the July packet so that districts would be able to adopt their own materials in time to process any requests."

"Many of these proposed revisions are detrimental to school districts," added Stephanie Farland, senior policy consultant for CSBA. "For example, the district will not be able to move a charter school from a district site without approval of the charter itself or an SBE waiver. We believe that the SBE has exceeded its authority in such a way that districts no longer have the necessary discretion to act in the best interests of their students."

Farland outlined some of the most troubling and potentially serious requirements in the new rules. They include:

**Reasonably equivalent furnishings and equipment:** Proposition 39 specifies that charter school facilities provided by districts must be “furnished and equipped.” The regulations state that a facility will be “furnished and equipped” if it includes “reasonably equivalent” furnishings and equipment such as are found in the comparison group schools. The new regulations greatly expand the definition of “furnished and equipped” to include furniture, vehicles, machinery, motion picture film, videotape and intangible assets such as major software programs. The regulations allow a district to exclude furnishings and equipment obtained through non-district resources, such as donations or PTA-sponsored items, when determining reasonable equivalence. However, the new language goes well beyond what was contemplated when Proposition 39 took effect and is contradictory to other sections of the regulations that specify that districts are not required to use general funds for facilities given to charter schools.

**Conversion charters:** Conversion charter schools are those schools that are created when a district school’s parents or faculty submit a petition to convert a district-operated school into a charter school or those charters created as a remedy for poor performance under the state’s Public Schools Accountability Act. Currently, Proposition 39 provides that a district may not move a charter school to another site “unnecessarily.” Under the new regulations, a conversion charter school will be entitled to remain at the school site where it was operating before it became a charter school as long as the charter school requests the site from the district on an annual basis. In addition, the amended regulations require a district to obtain a waiver from the SBE in order to move a conversion charter school away from the previous location. Given that the regulations were approved by the SBE, it is unlikely that many such waivers would be approved.

**Revised timelines for responding to facilities requests:** The amended regulations shorten the time period for districts to respond to charter school facilities requests and impose deadlines for each action to be taken during consideration of the request. In addition, the amendments impose consequences for missed deadlines. Charter schools were to submit facilities requests for the next school year to districts by November 1. Districts had until December 1 to review a charter school’s enrollment projections, express any objections in writing and calculate the enrollment projections that the district considers reasonable. If the district misses this deadline, the charter school’s enrollment projections stand and the district must base its facilities offer on those projections. For districts that receive more than one facilities request, or for districts with small administrative office staffs, the new timeline will require significant staff time and resources.

The regulations contain many other troublesome changes, Farland said. CSBA will provide continuing updates on the litigation undertaken by its Education Legal Alliance, and will issue advisories to school districts as needed.

**Policies revised:**

BP/AR 7160 — Charter School Facilities

## Curriculum

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### Career technical education

(March 2008)

One-quarter of California students in grades 9–12 take at least one career technical education 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 shows 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. The California Department of Education 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.

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### State plan

Each state receiving federal funds under the Perkins Act was required to submit a new state plan to the U.S. Department of Education, by April 2008,

that described how the state met the requirements of the act. At its March meeting, the State Board of Education 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).

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### **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).

In March, 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.”

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### **CTE credentials**

The California Commission on Teacher Credentialing 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 introduced in Spring 2008 to address some of the issues.

### **Policies revised:**

BP 1700 — Relations Between Private Industry and the Schools

BP/AR 5113.2 — Work Permits

BP/AR 6178 — Career Technical Education

BP/AR 6178.1 — Work Experience Education

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## **Preschool curriculum**

*(November 2008)*

The CDE’s Child Development Division sought public input in November on preschool curriculum frameworks which cover the domains of social-emotional development, language and literacy, English-language development and mathematics. The frameworks were aligned with the related preschool “learning foundations” (i.e., research-based knowledge and skills that children are expected to exhibit as they complete their first or second year of preschool), which were issued in January 2008.

At the same time, public input is being sought on the second phase of preschool learning foundations. Drafts of the visual and performing arts, physical development and health domains will be available online at [www.cde.ca.gov/sp/cd/re/psfoundations.asp](http://www.cde.ca.gov/sp/cd/re/psfoundations.asp) until mid-January 2009.

Public hearings on both the curriculum frameworks and learning foundations were held in the south and north parts of the state on January 12 and 14, 2009. CSBA encouraged its members to submit suggestions for consideration in the development process.

The history/social science and science domains will be the final set of foundations to be developed.

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## Sexual health and HIV AIDS prevention instruction

(July 2008)

State law requires districts to provide HIV/AIDS prevention education once in middle school and once in high school, and it authorizes, but does not require, districts to provide comprehensive sexual health education. When either subject is taught, districts must comply with requirements governing content, parental notification and consent, and professional development. Districts' policies and procedures regarding this instruction will be reviewed during the state categorical program monitoring process.

CSBA has revised BP/AR 6142.1 — Sexual Health and HIV/AIDS Prevention Instruction following a clarification of Education Code 51930-51939 by the CDE and adoption of the *Health Education Content Standards for California Public Schools* by the SBE. The clarification, issued by Superintendent of Public Instruction Jack O'Connell, emphasized that abstinence-only education is not permitted in California public schools. HIV/AIDS prevention instruction must cover condom effectiveness in preventing HIV in addition to abstinence, and sexual health instruction in grades 7–12 must provide information about both abstinence and all methods of preventing pregnancy and sexually transmitted diseases that are approved by the Food and Drug Administration.

Parents must be notified of upcoming instruction and be allowed to remove their child from class if they so request. For HIV/AIDS prevention instruction, schools may use only passive parental consent (opt out), whereby the student receives the instruction unless the parent otherwise notifies the district.

### **Policies revised:**

BP/AR 6142.1 — Sexual Health and HIV/AIDS Prevention Instruction

## Discipline

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### Suspensions/expulsions for bullying

(November 2008)

AB 86 (Ch. 646) amended Education Code 48900 to add bullying, including bullying committed personally or by an electronic communication (e.g., message, text, sound or image sent via telephone, computer or other wireless communications device) to the grounds for which a student may be suspended or expelled. Bullying includes harassment, sexual harassment and acts of hate violence as defined in Education Code 48900.2, 48900.3 and 48900.4. Because these sections apply only to grades 4–12, it appears that bullying as grounds for suspension/expulsion also applies only to students in grades 4–12.

CSBA has revised AR 5144.1 — Suspension and Expulsion/Due Process and BP 5131 — Conduct to reflect AB 86. Because cyberbullying often occurs off campus, districts must be cautious in imposing discipline. Education Code 48950 specifies that if a student's off-campus speech or communication is protected free speech, no discipline may be imposed by the district unless, pursuant to Education Code 48907, the expression is "obscene, libelous or slanderous" or contains "material which so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations or the substantial disruption of the orderly operation of the school."

In July 2007, CSBA issued a policy brief entitled *Cyberbullying: Policy Considerations for Boards*. This policy brief, available on CSBA's Web site, provides background information on the extent of the problem and its impact on students, discusses the legal issues, suggests issues that boards might wish to address in policy on this topic and provides additional resources that may help districts gain a greater understanding of cyberbullying. Districts are encouraged to review the policy brief when considering the revised version of BP 5131 — Conduct.

### **Policies revised:**

BP 5131 — Conduct

AR 5144.1 — Suspension and Expulsion/Due Process



## Fiscal operations

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### Funding strategies for retiree benefits

*(November 2008)*

Districts that provide retired employees and/or board members with nonpension, “other postemployment benefits” (e.g., medical, dental, vision, long-term disability benefits) are required by Governmental Accounting Standards Board Statement 45 to report these OPEBs as a current expense during the working years of an employee or board member and, to the extent that the OPEBs are not prefunded in a designated fund or irrevocable trust, they must be reported as a liability on the district’s financial statements. The reporting requirement is effective in fiscal year 2007–08 for districts with revenues over \$100 million, 2008–09 for districts with revenues between \$10–100 million, and 2009–10 for districts with revenues under \$10 million, based on their revenues as of June 30, 2000. See the November update of AR 3460 — Financial Reports and Accountability.

Funding the OPEB debt is a separate matter from reporting it, however, and is now addressed in BP 3100 — Budget. The manner in which the district will fund its obligations for such benefits is at the discretion of the district. The district may pay the premiums as they fall due (“pay-as-you-go”) or may prefund the debt using a method and level to be determined by the board.

CSBA recommends that districts adopt a specific, written funding strategy for addressing their OPEB obligations. A district that completes a management plan describing how it will meet its OPEB obligations may apply for state funding to reimburse up to \$15,000 of its costs for developing the plan. The district’s plan must be reviewed by the county office of education and submitted to California Department of Education. The deadline to apply is June 15, 2009.

As a public service to CSBA and California districts, the Independent Actuaries of California have provided 10 sample funding statements that provide a framework for district action. These samples are available on CSBA’s web site at [www.csba.org/Services/Services/DistrictServices/GASB4.aspx](http://www.csba.org/Services/Services/DistrictServices/GASB4.aspx), along with information about CSBA’s GASB 45 Solutions program which provides access to qualified actuaries and consultants and a GASB 45-compliant trust to prefund future obligations.

#### ***Policies revised:***

BP/AR 3100 — Budget

BP/AR 3560 — Financial Reports and Accountability

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## **Postemployment benefits (GASB 45)**

*(July 2008)*

Implementation of Government Accounting Standards Board Statement No. 45 (GASB 45), pertaining to financial reporting of postemployment benefits, began in 2007–08 for districts with FYE 1999 revenues over \$100 million and will begin in 2008–09 for districts with revenues between \$10–100 million and 2009–10 for districts with revenues under \$10 million. GASB 45 requires districts to recognize postemployment health and welfare benefits and other non-pension benefits as a current expense during the working years of an employee and, to the extent not prefunded in an irrevocable trust, a liability on the district's financial statements.

Lou Filliger, FSA, an actuary with Demsey Filliger & Associates who specializes in retiree medical programs for both public and private sector clients, recommends that school boards adopt a clear, written funding policy describing how they will address their GASB 45 liability over time. This statement would be available to show bond rating agencies and other users of the district's financial statements.

CSBA's Policy Services staff is working with Filliger and with staff from CSBA's GASB 45 Solutions program to expand BP/AR 3460 — Financial Reports and Accountability as necessary this fall and to provide additional resources that would be useful to districts in determining strategies to address their unfunded GASB 45 liability.

For more information visit [www.csba.org/Services/Services/DistrictServices.aspx](http://www.csba.org/Services/Services/DistrictServices.aspx).

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## **Parent involvement**

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### **Parent involvement partnership**

*(November 2008)*

The CDE has formed a partnership with parent and school advocacy groups to help mobilize school, family and community partnerships around closing the achievement gap and increasing graduation rates. The California Action Team for Partnerships is composed of representatives from the California Department of Education; federal, state and regional projects and organizations; California State Parent Teachers Association; school districts; and community and nonprofit organizations.

The CATP has met with CDE's P-16 Council staff to share its action plan for partnerships and align the goals of the two groups. The action plan proposes a systematic, research-based, statewide initiative for establishing productive school, family and community partnerships at the state, regional and local levels. It promotes the National Network of Partnership Schools framework, established by Johns Hopkins University, as an effective approach for organizing partnerships. For further information on this model, see [www.csos.jhu.edu/p2000](http://www.csos.jhu.edu/p2000).

Among the specific recommendations in the action plan are that CDE recognize and showcase successful partnership programs, include family involvement as a required goal for the Single Plan for Student Achievement, and support the preparation of state parent involvement standards for consideration and approval by the SBE.

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### **Policies Parents Should Know**

*(November 2008)*

CSBA has released the 2008 edition of *Policies Parents Should Know*, a compilation of English and Spanish versions of over 90 CSBA sample board policies, administrative regulations and exhibits on parent involvement issues. The updated edition includes revisions of BP/AR 0450 — Comprehensive Safety Plan, AR/E 1312.4 — Williams Uniform Complaint Procedures, BP 5030 — Student Wellness, BP/AR 5125 — Student Records, BP/AR 6163.4 — Student Use of Technology and more.



CSBA is also developing a summary of the most important policies that enable parents to be better involved or engaged in their child's education. This resource will be applicable to most, if not all, districts and will be easily customizable to include more specific school or district materials.

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## Volunteers for before- and after-school programs

*(March 2008)*

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.

### **Policies revised:**

AR 5148.2 — Before/After School Programs

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## Personnel

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### Service member family leave

*(March 2008)*

New federal legislation, the National Defense Authorization Act, has significantly expanded the Family and Medical Leave Act 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 were due in mid-April and the regulations will likely not be finalized for several months after that.

### **Policies revised:**

AR 4161.8/4261.8/4361.8 — Family Care and Medical Leave

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## Teachers of autistic students

(November 2008)

A recent report by the California Legislative Blue Ribbon Commission on Autism found that autism spectrum disorders affect one in every 150 children and that the demand for services to autistic children has increased by over 80 percent in the past five years (*An Opportunity to Achieve Real Change for Californians with Autism Spectrum Disorders*, September 2007, <http://senweb03.senate.ca.gov/autism>). A shortage of special education teachers in California has made it difficult to serve the growing number of autistic students, exacerbated by the fact that the authorization to teach students with autism has been limited to those whose education specialist credentials authorize instruction to students with moderate/severe disabilities in grades K–12.

To help meet the demand and provide autistic students with access to appropriate educational services, the Commission on Teacher Credentialing is in the process of developing new credential program standards to prepare all candidates for the education specialist credential to teach students with autism. However, it is expected to take two to three years before candidates will meet the new requirements.

In the meantime, the governor signed AB 2302 (Ch. 41) to allow autistic students to be taught by teachers whose Level I (preliminary) credential authorizes them to provide instruction to students with *mild/moderate disabilities*. CSBA has revised AR 4112.23 — Special Education Staff to reflect the conditions under which these assignments can be made, including provisions pertaining to teacher qualifications and teacher consent for the assignment. These provisions will become inoperative two years after the CTC adopts regulations to implement the modified credential program standards or by August 31, 2011, whichever occurs first.

AB 131 (Ch. 487) addresses the qualifications of teachers of autistic children ages 3–4. Prekindergarten service had not previously been included in the education specialist credential for moderate/severe disabilities. AB 131 authorizes teachers who hold a valid education specialist credential authorizing them to teach K–12 students with autism to teach children ages 3–4 if they meet specified criteria.

### **Policies revised:**

AR 4112.23 — Special Education Staff

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## Student health

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### CDE clarifies high school P.E. requirement

(November 2008)

Since state law requires only two years of physical education for high school graduation, do students who take P.E. courses in grades 9 and 10 still need to take P.E. in grades 11 and 12? CSBA has received this question from a number of districts, and now a Q & A section on the California Department of Education's Web site ([www.cde.ca.gov/ta/tg/pf/pftqanda.asp](http://www.cde.ca.gov/ta/tg/pf/pftqanda.asp)) clarifies the department's position.

Education Code 51225.3 requires students to complete two years of P.E. during grades 9–12 to be eligible to graduate from high school. (Of course, a district may set a higher graduation standard for its students.) Nevertheless, the CDE cites other law (Education Code 51222) which requires all students in grades 7–12 to attend P.E. courses for at least 400 minutes every 10 school days unless the board grants an exemption as authorized by law.

The only circumstances under which a student may be allowed to not enroll in P.E. are when (1) the student is granted a temporary, two-year or permanent exemption under specified conditions (Education Code 51241); (2) the student is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours (Education Code 51242); (3) the student is participating in driver training (Education Code 51222); or (4) the student attends a regional occupational center or program and attendance in P.E. results in hardship because of the travel time involved (Education Code 52316).

To be eligible for the two-year exemption, students must satisfactorily meet five of the six standards of the state's physical fitness test (the FITNESSGRAM®). Note that SB 602 (Ch. 32) made a technical revision in Education Code 51241 to clarify that in order to qualify for the two-year exemption, a student must meet "at least" five of six standards rather than "any" five of six.

Thus, regardless of the graduation requirement, high school students need to take P.E. every year unless they meet the conditions specified in law.

See BP/AR 6142.7 — Physical Education and BP 6146.1 — High School Graduation Requirements.

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## Draft physical education framework

(July 2008)

The State Board of Education considered a new draft framework for physical education at its September 10–11 meeting and accepted public comment. The new framework is based on state grade level standards for content knowledge and fitness goals, gives educators specific examples on how to put together successful programs, includes guidance for understanding the standards, and suggests ways to measure whether physical education programs are working. Martin Gonzalez, CSBA's assistant executive director for Governance and Policy Services, encouraged local school districts and COEs to review and comment on the new framework.

"Physical education and activity are critical components in the campaign to curb the childhood obesity epidemic," Gonzalez said. "Research shows that students participating in daily physical education and activity exhibit better attendance, a more positive attitude toward school and superior academic performance."

Jean Schultz, former CSBA student wellness consultant, said the new framework proposes "broad and clear recommendations about what schools need to do" to get students up and moving. The draft framework and instructions for filing comments are available at [www.cde.ca.gov/ci/pe/cf](http://www.cde.ca.gov/ci/pe/cf).

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## Indoor air quality/asthma

(March 2008)

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 produces 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 created 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 issued BP/AR 5141.23 — Asthma Management along with a related policy brief on *Asthma Management in the Schools*. 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

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## School health services and oral health

(November 2008)

CSBA issued two policy briefs in November to help districts promote student achievement by promoting student health. Both are available on CSBA's Web site at [www.csba.org/Services/Services/PolicyServices/PolicyAdvisoriesBriefs.aspx](http://www.csba.org/Services/Services/PolicyServices/PolicyAdvisoriesBriefs.aspx).

*Expanding Access to School Health Services: Policy Considerations for Governing Boards* presents background information and policy considerations for governance teams that have established or are considering establishing school health services, such as a health center on or near a school campus or a mobile van that serves multiple campuses. The policy brief describes existing models and case studies in California and raises issues that districts should consider in the provision of school health services, such as funding, facilities, scope of services, procedures for third-party reimbursement of costs, partnerships with health providers and local agencies/organizations to deliver services, consent and confidentiality, and program evaluation. This project was supported by a grant from The California Endowment.

CSBA also revised and expanded its March 2007 policy brief addressing oral health assessments for school entry to present data on the first year of assessment results. *Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools* also provides examples of "best practices" for increasing access to oral health services through schools. CSBA is subcontracting with the Dental Health Foundation, in a project funded by the Robert Wood Johnson Foundation, to create an awareness among governance teams about the importance of improving oral health in school-age children and to provide guidance that enables school districts to develop a policy framework for action.

### **Policies revised:**

BP/AR 5141.6 — School Health Services

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## Indoor air quality

(July 2008)

With funding support from The California Endowment, CSBA issued a new policy brief on *Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments* (July 2008). The brief addresses factors that contribute to poor indoor air quality in schools; potential impacts of CSBA Governance and Policy Services News poor IAQ on health, student learning and longevity of facilities; and actions that can be taken for the prevention and early intervention of IAQ problems.

The release of this brief coincided with the revision of CSBA's sample BP/AR 3514 — Environmental Safety which includes expanded provisions on IAQ.

Districts are encouraged to review these materials together prior to updating their own policy and administrative regulation on this topic.

This brief is posted on CSBA's Web site at [www.csba.org/Services/Services/PolicyServices/PolicyAdvisoriesBriefs.aspx](http://www.csba.org/Services/Services/PolicyServices/PolicyAdvisoriesBriefs.aspx).

**Policies revised:**

BP/AR 3514 — Environmental Safety

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**Funding opportunity**

The U.S. Environmental Protection Agency, Region 9, Indoor Air Program, posted a request for proposals for projects to support demonstration, training and outreach and/or education projects to reduce exposure to indoor pollutants in K–12 schools and homes.

Districts and COEs were to submit proposals for projects addressing (1) improving indoor air quality in schools or (2) indoor asthma trigger management education in schools. Proposals were to be received (not postmarked) by September 10, 2008. The full text announcement with project descriptions, application/submission information and eligibility information was available at [www.epa.gov/region09/funding/indoor-environments.html](http://www.epa.gov/region09/funding/indoor-environments.html).

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**School bus emissions**

(July 2008)

CSBA's sample BP/AR 3514 — Environmental Safety was significantly expanded in July 2008 to, among other things, reflect state regulations which limit idling by school buses, student activity buses and other commercial motor vehicles in order to reduce exposure to diesel exhaust and other air contaminants. 13 CCR 2480 requires drivers of such vehicles to keep their engines turned off when stopped at a school or within 100 feet of a school, except under specified conditions.

This issue continues to be a priority at the state level, with increasing attention turned toward efforts to reduce emissions from all heavy-duty diesel vehicles, including school buses. The California Air Resources Board has proposed regulations which would, beginning in 2010, require districts to buy new school buses or retrofit older ones with an emissions control system that meets specified standards. The ARB is currently conducting public hearings around the state and is expected to make a final decision on the proposed regulations this fall. The ARB and other proponents of the new regulations believe that these regulations are needed to improve air quality and reduce the potential health risks (cancer, premature death and other health problems) caused by toxic air contaminants.

However, in the *Capitol Weekly* (June 12, 2008), Stephen Rhoads of the School Transportation Coalition, which represents school districts, points

out that some older buses will need more than new engines to accommodate the required exhaust trap; they will need to be replaced. He estimates that the proposed rule would cost school districts statewide some \$500 million to buy or retrofit approximately 3,000 buses.

One source of funding to replace or retrofit buses is through Proposition 1B (the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006). Proposition 1B funds are allocated to local air quality districts which must, under SB 88 (Ch. 181, 2007), first dedicate sufficient funding to replace pre-1977 buses since these pre-date minimum federal motor vehicle safety standards and were not subject to emission control. Remaining funds may be allocated at the discretion of the local air district to replace buses from 1977–1986 which were subject to minimal controls or to retrofit 1987 and newer in-use diesel buses. However, the ARB acknowledges that the \$200 million available through Proposition 1B will not be sufficient to upgrade every bus eligible for replacement.

School districts are not required to provide matching funds when replacing pre-1977 school buses, but are required to provide \$25,000 in matching funds when replacing eligible 1977–1986 school buses. All school buses eligible for replacement must be replaced with 2007 or newer buses that are appropriately equipped.

**Policies revised:**

BP/AR 3514 — Environmental Safety

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**School health services**

(November 2008)

SB 564 (Ch. 381) established a grant program to provide technical assistance and funding for the expansion, renovation and retrofitting of existing school health centers and the development of new school health centers. Funding for the program was not allocated in the state budget, but Governor Schwarzenegger indicated that he would sign the bill “to establish the statutory framework to guide expansion once resources are available.”

The new program requires districts to meet, or have a plan to meet, specified requirements, such as providing comprehensive services (i.e., medical, oral health, mental health, health education, and related services in response to community needs), providing primary and other health services, working in partnership with a school nurse if one is employed by the district or school, coordinating services with health care providers, serving all students regardless of ability to pay, operating during school hours, referring students to outside services when the center is closed and facilitating transportation. Until such time as funding is available, districts can begin their planning process and/or review their existing programs for alignment with the requirements of the grant program.

School health services are also being impacted by decisions at the federal level regarding Medicaid reimbursements to local educational agencies. On December 28, 2007, the Centers for Medicare and Medicaid Services finalized a rule (CMS-2287) that would eliminate federal Medicaid reimbursements for transportation services for students with disabilities, as well as reimbursements for administrative activities performed by school employees or contractors. However, H.R. 2642 (Public Law 110-252, the War Supplemental Funding Bill, Title VII) established a moratorium on any new Medicaid-related regulations from taking effect until April 1, 2009. CSBA has aggressively advocated against proposed cuts in Medicaid reimbursements, estimating that over 500 school districts, county offices of education and community colleges in the state would lose more than \$100 million.

**Policies revised:**

BP/AR 5141.6 — School Health Services

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## School health services: Survey results

(July 2008)

The results of a statewide study examining school health services provided by California school districts and COEs are available in a research brief and were discussed in an Webinar in early September.

The study was commissioned by CSBA with funding support from The California Endowment. Through an online survey and focus groups, the study examined the perceptions of board members and superintendents regarding the impact of school health services on students and the district/COE, the priority placed on health services in comparison to other issues, the types of services currently offered, anticipated change in demand for services, anticipated expansion of services, barriers in providing school health services, and information and support that would be useful to districts.

The research brief is posted at [www.csba.org/Services/Services/PolicyServices/PolicyAdvisoriesBriefs.aspx](http://www.csba.org/Services/Services/PolicyServices/PolicyAdvisoriesBriefs.aspx).

CSBA scheduled a Webinar to provide more detailed information about the study and how it informs districts' efforts to close the achievement gap and promote success for all students. The Webinar highlighted key research findings and present recommendations for governing boards, superintendents and district staff.

Following up on this study, in November CSBA reviewed and revised BP/AR 5141.6 — Student Health and Social Services and issued a related policy brief containing background information and policy considerations for districts/COEs that maintain or are considering establishing a school-based health center. The updated materials reflected research on best practices and characteristics of high-quality school-based health centers.

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## Wellness accountability report and guide

(March 2008)

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*, were updated to reflect changes in law and best practices.

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.

# Transportation

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## Seat belts on school buses

*(March 2008)*

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).

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 California Department of Education'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.

### ***Policies revised:***

AR 3543 — Transportation Safety and Emergencies



## Upcoming issues

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### Americans with Disabilities Act

*(November 2008)*

On September 25, the president signed S. 3406 (the ADA Amendments Act of 2008, P.L. 110-325), effective January 1, 2009. The legislation expands the scope of the federal law and purposefully overturns several controversial court decisions.

Although the changes are substantial, the impact on California school districts and other employers will likely be minimal since California's Fair Employment and Housing Act (Government Code 12900-12996) has long provided more protection than federal law. For example, the federal ADA defines disability as a "physical or mental impairment that substantially limits a major life activity," while California law does not require "substantial limitation." In addition, like current California law, the federal amendments now specify that a person's disability must be examined without respect to mitigating measures (i.e., glasses, prosthetics).

Because it reflects California law, AR 4032 — Reasonable Accommodation did not need to be revised to reflect S. 3406. However, the new legislation directs the Equal Employment Opportunity Commission to revise its regulations and guidance and, once finalized, CSBA will again review AR 4032 to determine if revisions are necessary.

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### Credentials/permits

*(March 2008)*

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, 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.

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## State Board of Education waivers

*(November 2008)*

At its September 2008 meeting, the State Board of Education adopted a “streamlined waiver” process which will allow requests submitted by districts that meet certain criteria to be placed on the SBE’s consent calendar instead of having to be heard individually by the SBE. Although many waivers are for just one year, waivers approved under this process will be for two years, less one day. Districts that have a score of 800 or higher in the current scoring cycle on the state’s API will qualify for this expedited process. In addition, individual schools within the district may qualify if they have an API score of 800 or more in the current scoring cycle or successfully met API growth targets in three out of the past five years; however, such schools cannot independently apply for the waiver and still must go through the local district board.

There are many unanswered questions as to how this new policy will be implemented by the state. The process of applying to the CDE for a waiver has not changed and districts still need to follow the same process locally to develop the waiver application (i.e., public hearing, inclusion of the exclusive representative and site council, as appropriate). In addition, it is not clear whether the SBE will eventually identify certain Education Code statutes that will be waived under this policy. The SBE has formed a working group to identify sections of the Education Code that are impediments to student achievement.

CSBA will continue to track this issue and will revise BP 1431 — Waivers as needed.

## Miscellaneous

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### Grant news

*(November 2008)*

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#### ***Strengthening physical education and activity***

CSBA, in partnership with California Project LEAN, received a \$498,155 grant from The California Endowment to work with school decision-makers to improve opportunities for physical education and physical activity.

The purpose of this project, which runs from October 2008 through September 2010, is to support collaborative research, capacity building and advocacy to address the barriers and opportunities that school districts face in establishing and sustaining improved physical education and opportunities for physical activity for school-age children throughout California.

The expected outcomes of this project include an increased awareness about and elevated importance of P.E./P.A. among school decision-makers; stronger evidence, skills and tools to act to improve P.E./P.A. in schools; and an increased number of school districts establishing new policies to support P.E./P.A. and/or improving implementation and monitoring of existing policies.

In order to achieve these outcomes, CSBA will:

- conduct formative research to identify perceived barriers and opportunities to develop, implement and monitor comprehensive policies that address P.E./P.A.;
- review and revise sample policies and conduct trainings that address different strategies for P.E./P.A., including safe routes to school, joint-use agreements, increasing moderate to vigorous physical activity, and before/after school programs;
- disseminate communications pieces such as articles, fact sheets, policy briefs, advisories and research briefs; and
- collaborate with stakeholder organizations to ensure a comprehensive approach is used to strengthen P.E./P.A.



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### **Healthy communities — Healthy students initiative**

The Healthy Communities — Healthy Students Initiative, which began in March 2008 and is funded by the Vitamin Cases Consumer Settlement Fund, focuses on the community leadership responsibility of school board members in supporting a healthier community around nutrition and physical activity. The project will provide board members with the knowledge, resources and tools needed to garner community support and initiate collaborative solutions designed to make community-wide changes.

In collaboration with the Cities, Counties and Schools Partnership, CSBA will produce a Healthy Communities - Healthy Students resource guide, due for completion in Spring 2009, and follow up with a series of 15 to 20 regional and statewide trainings and workshops for school board members. In addition, a Web-based resource center will be developed to provide tools for ongoing learning.

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#### **Link to Learning newsletter**

CSBA launched an online newsletter, *Link to Learning: Healthy Students, Ready to Learn*, in November 2008. This inaugural newsletter builds awareness around the link between children's health and student learning, to communicate CSBA's comprehensive and coordinated efforts on school health and student wellness, and to provide expanded and ongoing support to school boards, district administrators, community members and other key stakeholders through the dissemination of resources and information.

This newsletter will be disseminated via e-mail tri-annually to CSBA members and other key stakeholder groups throughout the state. It will also be posted to CSBA's Web site at [www.csba.org](http://www.csba.org).

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### **Mandated cost reimbursement service**

*(July 2008)*

Mandated cost reimbursement claiming services are now available to school districts and county offices of education through a partnership between CSBA and School Innovations & Advocacy. Mandate Prep<sup>SM</sup> provides comprehensive and personalized service to ensure claims are fully compliant and filed on time for rightful reimbursement. Also available with Mandate Prep is SiteServ<sup>SM</sup>, a mandate program that directly assists school sites.

Both programs feature hands-on service, training and planning; electronic or paper-based data logs; quality assurance and compliance checks; test claim monitoring; liaison with the State Controller's Office and the Commission on State Mandates; an audit support system; and a live help desk.

For further information, see CSBA's Web site at [www.csba.org/Services/Services/DistrictServices/MandatePrepAndSiteServ.aspx](http://www.csba.org/Services/Services/DistrictServices/MandatePrepAndSiteServ.aspx).

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### **Policy Roadmap workshops**

*(November 2008)*

CSBA's popular Policy Roadmap workshops are currently being scheduled for 2009. Save the date to take advantage of this opportunity to learn how to keep district policies updated. Workshop times and registration information will be available on CSBA's Web site at [www.csba.org](http://www.csba.org) in the Events Calendar section.

- Feb. 18 | Fresno County Office of Education
- Mar. 16 | West End Educational Service Center, Rancho Cucamonga
- Mar. 17 | Los Angeles County Office of Education
- Apr. 23 | Santa Clara County Office of Education
- May 6 | CSBA, East Training Room, West Sacramento

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### **Special education review service**

*(July 2008)*

CSBA has entered into a partnership with School Innovations & Advocacy, an education services company, to begin offering the special education review service to school districts and county offices of education.

This service will help districts and COEs identify service delivery options that may be expanded or modified to realize savings and results that can be reinvested to enhance special education programs. Experienced consultants work directly with special education personnel and the chief business official to:

- gather documentation on special education programs
- conduct a thorough operations analysis
- provide results and recommendations aligned with district/COE core values
- present a comprehensive report which covers both fiscal and policy perspectives

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### **Support for DAIT districts**

*(November 2008)*

CSBA has entered into a partnership with the California County Superintendents Educational Services Association to serve 15 pilot districts that have been identified for Program Improvement under the No Child Left Behind Act or are at risk of being identified for Program Improvement. These districts are working with an external district assistance and intervention team (DAIT) to complete a comprehensive needs assessment, prioritize a set of action steps in their local educational agency plan and receive

support for implementation of these systemic district changes to improve student achievement.

As part of this work, CSBA conducted a special professional development clinic at the 2008 CSBA Annual Education Conference, provided comprehensive governance consultation with one district, and created a policy development resource guide to help districts ensure that policies support the key reform elements needed to create and sustain systemic changes necessary for district success in educating all students.

For further information, see CSBA's Web site at [www.csba.org/Services/Services/DistrictServices/SpecialEducationReview.aspx](http://www.csba.org/Services/Services/DistrictServices/SpecialEducationReview.aspx).

## Appendix A

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### 2008 Publications

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#### **Books/CD Rom**

*2007 Policies in Review* (1/08)

*Policies Parents Should Know, Spanish/English* (7/08)

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide* (4/06)

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#### **Policy advisories and briefs**

*Asthma Management in Schools* (3/08)

*Educating Foster Youth: Best Practices and Board Considerations* (3/08)

*Expanding Access to School Health Services: Policy Considerations for Governing Boards* (11/08)

*Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments* (7/08)

*Promoting Oral Health for California's Student: New Roles, New Opportunities for Schools* (11/08)

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#### **Newsletters**

*Link to Learning: Healthy Students Ready to Learn* (Winter 2008)

*Governance and Policy Services: News* (11/08, 7/08, 3/08)

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#### **Research Reports and Briefs**

*Providing School Health Services in California: Perceptions, Challenges and Needs of District Leadership Teams* (6/08)

*Providing School Health Services: A Study of California District Practices and Needs* (9/08)

*School Wellness: Policy Development, Implementation and Evaluation:*

*Research Implications for School Board Members (6/08)*

*Research Implications for State Public Health Nutrition Directors and School Wellness Advocates (6/08)*

*Research Implications for State School Boards Association Leaders (6/08)*

## Appendix B

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### Policies/Regulations/Bylaws/Exhibits Issued in 2008

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#### ***0000 Series: Philosophy-Goals-Objectives & Comprehensive Plans***

##### ***BP 0200 Goals for the School District (7/08)***

Policy revised to focus on the board's role in monitoring the district's progress in achieving its goals for student achievement, including ensuring that the district's goals are aligned with the district's reform efforts and alignment of the district's curriculum and instructional materials with the state's content standards, frameworks, and assessments.

##### ***AR 0430 Comprehensive Local Plan for Special Education (3/08)***

Regulation revised to reflect NEW LAW (AB 1663) which modifies the definitions to reflect federal law.

##### ***BP/AR 0450 Comprehensive Safety Plan (3/08)***

Policy and regulation revised to delete REPEALED LAW which no longer requires the site council and board to consider certain components before adopting the safety plan. Regulation also includes a new optional item requiring that the plan include strategies to prevent cyberbullying.

##### ***BP 0510 School Accountability Report Card (3/08)***

Updated policy reflects NEW LAW (AB 1061) which deletes specific items from the list of conditions that schools are required to report in the school accountability report card and establishes a deadline of February 1 each year for making the SARCs available in hard copy and, if applicable, on the Internet.

##### ***BP/AR 0520.3 Title I Program Improvement Districts (11/08)***

Updated policy and regulation contain new material for districts in Year 3 of Program Improvement and reflects NEW LAW (AB 519) which requires specific use of funding.

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#### ***1000 Series: Community Relations***

##### ***BP 1020 Youth Services (7/08)***

Updated policy addresses the board's participation in collaborative relationships with city and county elected officials and local agencies.

**BP 1100 Communication with the Public (3/08)**

Policy updated to focus on the development of effective strategies for two-way communications.

**BP/AR 1340 Access to District Records (11/08)**

Policy updated to clarify the charging of fees for copying records. Regulation revised to add a note re: NEW LAW (SB 1732) which specifies that board members are entitled to equal access to records. Regulation revised to reflect NEW LAW (SB 1696) which requires that the district make public contracts between the district and a private entity to conduct an audit and to reflect NEW COURT DECISION and law concerning the release of personal information.

**BP 1700 Relations Between Private Industry and the Schools (3/08)**

Updated policy expresses the board's support of business partnerships aligned with the district's vision and goals for student achievement.

**3000 Series: Business & Noninstructional Operations****BP/AR 3100 Budget (11/08)**

Updated policy reflects REVISED TITLE 5 REGULATIONS which revise the state's criteria and standards and eliminate the need for a second-tier review of the budget. New material added to address need to fund long-term obligations, including nonpension postemployment benefits and accrued workers' compensation claims.

**BP/AR 3311 Bids (7/08)**

Updated policy contains new statement expressing the board's goal to ensure transparency and the prudent expenditure of public funds. MANDATED regulation contains new language authorizing purchase from and payment directly to the vendor when the district has "piggybacked" onto an existing contract. Regulation also contains new note re: NEW COURT DECISION which defines "emergency" for purposes of awarding contracts in emergency situations without competitive bidding.

**BP/AR 3460 Financial Reports and Accountability (11/08)**

Updated policy contains list of board responsibilities with respect to various financial reports. Regulation updated to add state criteria and standards, specify that the reports must be submitted using the state's standardized account code structure, add language encouraging the board to review the report prior to the date specified in law. Regulation also adds new language on negative balance report to reflect NEW LAW (AB 2197) which establishes a timeline for notice of the issuance of certificates of participation and to clarify reporting obligations under GASB 45.

**BP/AR 3514 Environmental Safety (7/08)**

Updated policy and regulation expands material re: facilities inspection, development of comprehensive plan to address environmental hazards, collaboration in the development of strategies, staff development, and notifications.

**BP 3517 Facilities Inspection (7/08)**

Policy updated to reflect the conditions and categories listed in the Office of Public School Construction's Facilities Inspection Tool, which should be used as part of the district's facility inspection and maintenance program to ensure that district facilities are maintained in "good repair" as required by the Williams settlement.

**AR 3543 Transportation Safety and Emergencies (11/08, 3/08)**

MANDATED, updated regulation revises section to clarify law re: use of wireless telephone while driving a school bus or other motor vehicle and to reflect NEW LAW (SB 28) which prohibits any person from driving a motor vehicle while using an electronic wireless communications device for text-based communication. Policy updated to reflect state law requiring lap/shoulder restraint systems in buses manufactured after a certain date.

**4000 Series: Personnel****BP/AR 4112.2 Certification (11/08)**

Updated policy contains note reflecting NEW LAW (SB 1104) which revises the requirements for designated subjects career technical education credentials. Policy also clarifies options available to districts when no credentialed teacher or intern is available. Updated regulation revised to reflect NEW LAW (SB 1186) which exempts persons with specified qualifications from the requirement to pass the CBEST and to reflect REVISED TITLE 5 REGULATIONS which define "acute staffing need" for purposes of justifying the issuance of a short term staff permit.

**BP/AR 4112.21 Interns (11/08)**

Updated policy reflects Commission on Teacher Credentialing action establishing preservice training requirement for all intern candidates and reflects NEW LAW (AB 2057) which clarifies that interns cannot participate in the Beginning Teacher Support and Assessment program. Updated regulation adds legal requirement for university interns re: salary payments for supervision of interns.

**AR 4112.23 Special Education Staff (11/08)**

MANDATED, updated regulation adds note describing the various credentials authorizing special education instruction and adds new section re: teachers of students with autism to reflect NEW LAW (AB 131 and AB 2302).

**BP/AR 4112.24 Teacher Qualifications Under the No Child Left Behind Act (7/08)**

Updated regulation reflects REVISED TITLE 5 REGULATIONS addressing subject matter competency for middle and high school teachers in "hard-to-staff settings." Regulation also clarifies requirements for special education teachers.

**BP/AR 4112.41/4212.41/4312.41 Employee Drug Testing (7/08)**

Policy revised to reflect NEW FEDERAL COURT DECISION which held that a district may not require all applicants to undergo pre-employment drug and

alcohol testing, but may only test applicants for those positions in which the district can demonstrate a special need for testing, such as safety-sensitive positions.

**BP 4112.8/4212.8/4312.8 Employment of Relatives (3/08)**

Updated policy contains new language prohibiting the appointment of an employee to a position where a relative has management responsibilities and prohibiting an employee from participating in a decision that singularly applies to a relative. Policy also contains language authorizing the superintendent to prohibit the appointment of an employee to a position in which his/her relationship to another employee may result in an adverse impact.

**AR 4117.14/4317.14 Postretirement Employment (11/08)**

Updated regulation reflects NEW LAW (AB 2390) which extends, until June 30, 2010, the exemption from the postretirement compensation limitation when a certificated person is providing specified instructional services, serving as a trustee or administrator, or filling a vacant administrative position in an emergency situation.

**AR 4117.7 Employment Status Reports (11/08)**

Revised regulation contains new note re: NEW LAW (SB 1110) which requires the CTC to suspend an individual's credential upon receipt of notice that another state has taken action to revoke that credential.

**BP/AR 4118 Suspension/Disciplinary Action (11/08)**

Policy revised to add material which requires the superintendent to notify the CTC when an employee has been charged with a "mandatory leave of absence offense." Updated regulation revised to reflect NEW LAW (SB 1370) which prohibits the suspension or discipline of an employee for protecting a student's free speech or press rights. Regulation contains new notes re: NEW LAWS (SB 1105 and 1303) which expands the definition of conviction of a sex offense to include a plea of no contest and requires reimbursement of an employee's pay upon successful completion of a drug diversion program.

**AR 4119.11/4219.11/4319.11 Sexual Harassment (3/08)**

Regulation revised to reflect NEW REGULATIONS which detail the sexual harassment training requirements for supervisory employees.

**BP/AR 4131 Staff Development (11/08)**

Updated policy includes note reflecting NEW LAWS (SB 1378 and SB 1660) which expands the purposes for which the Professional Development Block Grant funds may be spent. Updated regulation adds new section on mathematics and reading professional development program, including note reflecting NEW LAW (AB 2391) which allows teachers to fulfill half of the follow-up instruction requirement with instruction in data analysis and other specified areas.

**BP 4132/4232/4332 Publication or Creation of Materials (7/08)**

Revised policy contains new language requiring the superintendent to oversee the development of instructional materials, computer programs, and other

copyrighted materials by employees, independent contractors, and consultants and requiring any contract with a consultant or independent contractor to contain a provision regarding ownership of the copyright.

**BP 4136/4236/4336 Nonschool Employment (7/08)**

MANDATED policy updated to specify types of outside employment activities that may be prohibited because of a conflict with the employee's district duties. Policy requires employee to first request permission from his/her supervisor prior to accepting such employment and to appeal any denial of authorization to the superintendent or designee.

**BP/AR 4138 Mentor Teachers (11/08)**

Policy and regulation reorganized to clarify provisions that apply only to the Certificated Staff Mentoring Program for schools with low student achievement. Policy also adds new item reflecting NEW LAW (SB 1186) which establishes priorities for the assignment of mentors. Regulation also clarifies the roles of the principal and advisory committee in the selection of mentor teachers.

**BP/AR 4144/4244/4344 Complaints (3/08)**

Updated policy and regulation revised to clarify the types of complaints subject to this procedure. Policy contains updated language re: retaliation and confidentiality. Regulation contains timelines and authorizes the board to uphold the superintendent's investigative findings without conducting a hearing.

**BP 4151/4251/4351 Employee Compensation (7/08)**

Updated policy contains new language requiring the payroll system to comply with laws regarding timeliness of payment of compensation and deductions. Policy also contains new note reflecting NEW FEDERAL REGULATIONS re: deferred compensation for employees who work 10 months over a 12-month period.

**BP/AR 4161/4261/4361 Leaves (7/08)**

List of justifiable reasons for leave revised to include general categories of types of leaves and to delete some specific leaves duplicated in other policies or regulations. Regulation revises section on return to service after leave to focus on provisions specific to employees failing to return to duty after a leave.

**AR 4161.8/4261.8/4361.8 Family Care and Medical Leave (3/08)**

Regulation updated to reflect NEW FEDERAL LAW which requires any employer with 50 or more employees to grant up to 26 weeks of unpaid leave to an employee to care for a family member who is a member of the Armed Forces and who is undergoing medical treatment, recuperation, therapy, on outpatient status, or on temporary disability due to a serious injury or illness.



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## **5000 Series: Students**

### **BP/AR 5112.1 Exemptions from Attendance (7/08)**

Updated policy adds language re: documentation of eligibility for exemption. Regulation revised to add language re: exemption from continuation education for purposes of student leave of absence.

### **BP/AR 5113.2 Work Permits (3/08)**

Policy and regulation revised to clarify circumstances under which students are required to obtain work permits. Policy also adds optional criteria for issuing or continuing the permit, including a minimum grade point average. Regulation expands section on approval of work permits to add note reflecting NEW LAW (SB 345) which authorizes charter school officials to issue work permits and to clarify request and verification process.

### **BP/AR 5116.1 Intradistrict Open Enrollment (11/08)**

MANDATED policy revised to reflect NEW LAW (SB 1207) which requires districts, when determining whether a school will enroll students from outside the school's boundaries, to calculate capacity of the school in a nonarbitrary manner using student enrollment and available space. Regulation updated to reflect California Department of Education guidance as to the determination of whether a student has been a victim of a violent crime.

### **AR 5125 Student Records (3/08)**

MANDATED regulation updated to reflect NEW LAW (AB 2871, 2006) which specifies that, upon the receipt of a parent/guardian's request to inspect, review, or obtain his/her child's record, the district must grant the request within five business days. Regulation also contains new note re: U.S. Department of Education guidance which clarifies that records created by the district's law enforcement unit are not subject to the federal laws regarding student records and that federal law does not prohibit a school official from disclosing information about a student if the information is obtained through the official's personal knowledge or observation, and not from the student's educational record.

### **BP 5131 Conduct (11/08)**

Policy revised to reflect NEW LAW (AB 86) which authorizes suspension or expulsion of a student in grades 4–12 for bullying, including bullying by electronic means and to add language re: prohibiting students from using such devices while driving on school property. Policy also contains new note re: NEW FEDERAL LAW (P.L. 110-285) which requires districts receiving e-rate discounts to develop policy about appropriate online behavior and cyberbullying awareness and response.

### **BP/AR 5131.1 Bus Conduct (7/08)**

MANDATED policy contains updated section re: surveillance systems, including language requiring the district to provide notification of the use of surveillance systems. MANDATED regulation includes revised bus rider rules, including

prohibition against bringing animals, except guide, signal, or service animals, onto the bus in accordance with California Highway Patrol regulations.

### **BP 5131. B AR 5131.7 Weapons and Dangerous Instruments (3/08)**

MANDATED policy updated to include language requiring the expulsion, for not less than one year, of any student who has brought a firearm or possessed a firearm at school. During Categorical Program Monitoring, this language must be in a Board-adopted policy or Board-approved administrative regulation. Policy also contains expanded, optional section reflecting federal law, which provides additional safeguards if the district authorizes firearms on school grounds with advance permission from the principal.

### **BP 5137BP 5137 BP 5137 Positive School Climate (3/08)**

Updated policy adds material addressing the link between positive school climate and student learning, staff's responsibility to serve as positive role models and to manage the classroom effectively, enforcement of rules for student conduct, and the provision of character education.

### **BP/AR 5141.23 Asthma Management (3/08)**

New policy expresses board goal to provide support systems for students with asthma and the development of strategies to address district response. Regulation describes district actions related to the identification of students with asthma, receipt and implementation of asthma action plans, emergency response procedures, professional development, and assessment of the school environment to identify and reduce common asthma triggers.

### **AR 5141.4 Child Abuse Prevention and Reporting (3/08)**

Updated regulation revised to reflect NEW LAW (AB 673) which amended the definition of child abuse to include death as well as physical injury.

### **BP/AR 5141.6 School Health Services (11/08)**

Policy adds language on considerations for districts when offering school health services. Updated regulation adds section to reflect the requirements of NEW LAW (SB 564), which will provide grants for school health centers when funding is allocated in the state budget. Section on Medi-Cal billing reflects NEW FEDERAL LAW (P.L. 110-252) which establishes a moratorium on any new Medicaid-related regulations until April 1, 2009.

### **AR 5144.1 Suspension and Expulsion/Due Process (11/08)**

MANDATED regulation revised to reflect NEW LAW (AB 86) which adds bullying, including bullying by electronic means, to the list of reasons for which a student in grades 4-12 can be suspended or expelled.

### **BP/AR 5145.12 Search and Seizure (11/08)**

Revised policy includes new notes and text clarifying the legal standard for establishing reasonable suspicion for searching an individual student or his/her belongings. Policy also contains new note re: NEW COURT DECISION which details standards for determining whether a search is unconstitutional because it is overly intrusive and not limited in scope. Section in policy and

regulation re: contraband detection dogs contains new note and text re: separating students from their belongings.

**E 5145.6 Parental Notifications (3/08)**

Exhibit updated to add new notifications required by NEW LAW including: (1) Education Code 35256 (AB 1061) re: notification of availability of SARC by February 1 of each year; (2) Education Code 37254 (AB 347) re: notification of the availability of intensive instruction to students who did not pass the exit examination by the end of grade 12; (3) Education Code 51229 (AB 428) re: notification of admission requirements to UC and CSU; (4) Education Code 66204 re: copy of list of courses certified as satisfying UC/CSU admission requirements; and (5) Education Code 35186 (AB 347) re: Williams classroom notices for high schools list the availability of intensive instruction to students who did not pass the exit exam by the end of grade 12.

**AR 5148.2 Before/After School Programs (3/08)**

MANDATED regulation updated to reflect NEW LAW (AB 774) which authorizes districts to create a registry of volunteer after-school physical recreation instructors and other volunteers and revised to reflect NEW LAW (AB 1685) which allows certain data required to be submitted to the CDE to be reported by after-school staff who directly supervise students.

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**6000 Series: Instruction**

**BP/AR 6115 Ceremonies and Observances (11/08)**

Revised policy contains new language re: closing of schools for holidays, MANDATED regulation updated to reflect NEW LAW (SB 1274) which authorizes districts, as part of the conduct of daily patriotic exercises, to provide instruction that promotes the understanding of concepts in the Pledge of Allegiance. Regulation also revised to reflect federal law which specifies the types of commemorative exercises that must be held on Constitution Day.

**BP 6141 Curriculum Development and Evaluation (7/08)**

Policy expanded to include concepts from CDE guidance for District Assistance Intervention Teams including alignment of curriculum with state standards, frameworks, assessments, and improvement plans; accessibility of curriculum to all students; and circumstances under which curriculum may be scheduled for review. New regulation includes material on establishment of a curriculum review committee and a curriculum development/selection process.

**BP 6141.5 Advanced Placement (7/08)**

Policy revised to add language about increasing support systems for AP students. Policy also contains new note and text re: the AP course audit, a process for the district to receive authorization to use the AP designation on student transcripts.

**BP/AR 6142.1 Sexual Health and HIV/AIDS Prevention Instruction (7/08)**

Policy contains new section entitled “Parent/Guardian Notification” which clarifies that districts must use a passive consent/opt-out model for HIV/AIDS

prevention instruction, but may use an active consent/opt-in model for sexual health education. Updated regulation contains new language re: instruction and materials and use of consultants and guest speakers.

**BP/AR 6142.8 Comprehensive Health Education (7/08)**

Policy and regulation updated to reflect NEW STATE CONTENT STANDARDS for health education. Policy also adds language on involvement of key stakeholders in program development and expands language on program evaluation to include examples of measures of program effectiveness.

**BP/AR 6145.5 Student Organizations and Equal Access (3/08)**

Policy updated to clarify distinction between curriculum-related and noncurriculum-related student groups. Regulation updated to reflect NEW LAW (SB 132) which revised the definition of hazing and to add new material re: authorization of student groups and role of staff advisor.

**BP/AR 6146.11 Alternative Credits Toward Graduation (7/08)**

Updated policy adds language specifying that the use of results from the General Educational Development test or other state or national tests is not appropriate for satisfying course requirements for graduation. Revised regulation includes new section re: military service and training.

**BP/AR 6162.51 Standardized Testing and Reporting Program (11/08)**

Updated policy and regulation reflect NEW LAW (AB 519) which deletes the requirement for a nationally norm-referenced test in grades 3 and 7, updates information on the designated primary language test, and includes language re: the augmented California Standards Test used in the Early Assessment Program for college readiness.

**AR 6162.52 High School Exit Examination (11/08)**

Regulation revised to reflect expiration of exemption for students with disabilities and to reflect NEW TITLE 5 REGULATIONS which clarify the testing dates and require the district to obtain prior approval before using a testing variation not listed in Title 5 regulations. Regulation also contains new note re: NEW LAW (AB 2040) which requires the CDE to convene a panel to determine alternate ways for student with disabilities to demonstrate achievement.

**BP 6162.6 Use of Copyrighted Materials (7/08)**

Policy revised to clarify that each staff member has the responsibility to adhere to copyright law and should contact the superintendent or designee with questions whether reproducing or using copyrighted material complies with the law. Policy also contains new note explaining the fair use doctrine and clarifying that copyright laws apply to material available on the Internet.

**BP/AR 6163.2 Animals at School (7/08)**

Updated policy contains new note and text clarifying that individuals with disabilities have the right to be accompanied by a guide, signal, or service dog on school premises and on school transportation. Policy also contains new note and optional language re: providing written notification to parents/guardians when an animal is brought into the classroom asking for verification

whether their child has an allergy or health condition that may be affected by the animal's presence. Revised regulation reflects California Highway Patrol regulations which only permit guide, signal, or service animals on buses.

**BP 6164.4 Identification and Evaluation for Special Education (11/08)**

MANDATED policy revised to reflect NEW LAW (SB 1498) which clarifies that the district must seek out all residents from birth “to” age 21 who have disabilities.

**BP/AR 6172 Gifted and Talented Student Program (7/08)**

Updated policy adds language on board approval of district plan, alignment of program with state standards, identification, instructional components, and program evaluation requirements. Updated regulation adds language re: program coordinator and links program plan to the single plan for student achievement.

**BP/AR 6172.1 Concurrent Enrollment in College Classes (7/08)**

New policy and regulation adds board goal statement, optional language on dual credits, and new sections re: approval of concurrent enrollment, program evaluation, and minimum school day.

**BP/AR 6173.1 Education for Foster Youth (3/08)**

Policy revised to require the superintendent to appoint a district liaison for foster youth; to require training to staff regarding the enrollment, placement, and rights of foster youth; and to require collaboration with other local agencies providing services to foster youth. Revised regulation contains new duties for the liaison.

**BP/AR 6178 Career Technical Education (3/08)**

MANDATED policy and regulation revised to reflect the transformation of traditional vocational education programs into integrated programs of career technical education. Policy and regulation also revised to reflect the reauthorized Carl D. Perkins Career and Technical Education Act of 2006 and the state plan for complying with Perkins requirements.

**BP/AR 6178.1 Work Experience Education (3/08)**

Updated policy expands material on program goal, and requires integrated efforts of teachers, counselors, students, parents/guardians, and employers. Regulation highlights program requirements that are reviewed during the state's Categorical Program Monitoring process.

**BP 6178.2 Regional Occupational Center/Program (7/08)**

New, MANDATED policy is for use by any district maintaining high schools and addresses the relationship between the district and ROC/P, student eligibility and participation, related student services provided by the district, and evaluation of district students' participation and performance.

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**7000 Series: Facilities**

**BP/AR 7160 Charter School Facilities (7/08)**

New policy and revised regulation updated to reflect NEW TITLE 5 REGULATIONS applicable to Proposition 39 requests for facilities by charter schools submitted to districts in the fall of 2008 for the 2009–10 school year.

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**9000 Series: Bylaws of the Board**

**BB 9012 Board Member Electronic Communications (11/08)**

New bylaw added to provide guidelines for board use of electronic communications and to clarify circumstances under which the use of email by the board could result in a prohibited serial meeting and violate the Brown Act, as defined in NEW LAW (SB 1732). Bylaw contains sample language listing permissible electronic communications, protocol for responding to emails received by community members and the press, confidential communications, and disclosure of messages under the Public Records Act.

**BB 9124 Attorney (7/08)**

Bylaw updated to create new section detailing qualifications to consider when soliciting a proposal for legal service and for evaluating the performance of service provided. Bylaw also contains optional language authorizing the board president or superintendent to confer with legal counsel and for other board members to seek advice upon approval of a majority of the board.

**BB 9223 Filling Vacancies (11/08)**

Bylaw updated to include new language re: failure to elect when no candidate or an insufficient number of candidates have filed to run for a seat. Bylaw also contains new note re: NEW LAW (SB 1482) which specifies that an elected official forfeits office when convicted of a crime involving a false claim of receipt of a military decoration.

**BB 9230 Orientation (7/08)**

Updated bylaw revises section on orientation to provide for a board meeting to orient new members, expand the types of materials to be provided to new members, and require board approval of workshop/conference attendance by incoming members at district expense.

**BB 9320 Meetings and Notices (11/08, 3/08)**

MANDATED bylaw revised to reflect NEW LAW (SB 1732) which amends the definition of a prohibited serial meeting. Bylaw also revised to reflect NEW LAW (SB 343) which requires meeting notices and agendas to specify the location where members of the public can inspect documents that have been distributed to the board less than 72 hours before a meeting. Bylaw also modified to reflect NEW LAW (AB 14) which clarifies that a board meeting may not be held in a facility that does not allow the admittance of a person on the basis of a protected category of discrimination.



**BB 9322 Agenda/Meeting Materials (3/08)**

MANDATED bylaw revised to reflect NEW LAW (SB 343) which requires the agenda to specify the location where the public can inspect supporting agenda documents that have been distributed to the board less than 72 hours before the meeting.

**BB 9324 Minutes and Recordings (7/08)**

Bylaw revised to include new, optional language specifying that minutes of board meetings should include a brief summary of the board's discussion, record which members are present, and record whether a member is not present for the entire meeting due to a late arrival and/or early departure.

## Appendix C

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### Governance and Policy Services

The following policy services are available from CSBA's Governance and Policy Services. Please contact CSBA at (800) 266-3382 for subscription and ordering information.

CSBA's Governance and Policy Services offers a wide array of products and services to assist governance teams, school districts and county offices of education. We take care of you so you can focus on your schools, students and community.

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#### *The CSBA online boardroom*

**GAMUT™ Online**

CSBA's GAMUT™ Online makes the most of your district's or county office's time and resources. We offer the easiest way to find and download CSBA's more than 800 sample policies, regulations, bylaws and exhibits. With GAMUT™ Online you always have access to the most current CSBA sample policies with links to legal resources (e.g., the Education Code). 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 your policy manual. Rest assured that everyone is accessing your most current policies and don't worry about managing and monitoring paper policy manuals at all your sites.

**Agenda Online**

Save your district or county office time and resources with Agenda Online, our Web-based agenda (meeting packet) development, distribution, storage and retrieval service. Agenda Online allows you to develop and access board meeting information, including agendas, supporting documents and minutes, via Internet access. Board members, staff and public have access to information based on user type.

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***Bringing policy manuals into compliance******Policy Audit Program***

Are your board's policies legally compliant and up-to-date? We offer policy audits to ensure your district's or county office's policies accurately reflect current state and federal law.

***Policy Development Workshop***

Effective policies are the core of successful school governance and CSBA wants to help. Our consultants work directly with your board and/or staff to develop a customized district or county office policy manual. We make sure your policies are compliant with state and federal mandates, and that you incorporate unique local perspective into each and every policy.

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***Keeping policy manuals updated and in compliance******Policy Manual Maintenance***

District or county office staff sometimes find it difficult to identify time to maintain policies. CSBA consults with you, updates your policies, provides word processing services and maintains your policy manual.

