
CSBA's Governance and Policy Services
2007 Policies in Review

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 2007, the Governor signed 750 bills and over 120 of those affected CSBA's sample policies and regulations. *2007 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, sample policies, administrative regulations, bylaws and exhibits please see Appendixes A and B. For a complete description of our Policy Services please go to Appendix C.

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Assessment

High School Exit Examination

(March and November 2007)

Policies related to the exit exam were revised by CSBA more than once in 2007 in response to the new law regarding an exemption for students with disabilities and a new law, as well as communication from the California Department of Education, regarding the provision of intensive instruction and services for students who fail to pass the exit exam by the end of grade 12.

Options for students not passing the exam

In October, the governor signed AB 347 (Ch. 526), the legislation finalizing the terms of the settlement in the *Valenzuela v. O'Connell* lawsuit. In this suit, the plaintiffs alleged that they did not have an equal opportunity to pass the exit exam due to unfair allocation of supplemental funding by the state and that English learners were disadvantaged because of the requirement that the exam be given in English. AB 347 applies to students in the class of 2007 and beyond.

Prior to the enactment of AB 347 in October, state Superintendent of Public Instruction Jack O'Connell sent a letter to districts in January reminding them of the importance of reaching out and serving students in the class of 2006 who were unable to graduate solely because they failed to pass one or both sections of the state's exit examination. The letter encouraged districts to immediately inform those students of the locally determined options, if any, available to them to continue their education in order to earn a high school diploma. According to the California Department of Education, the options a district may offer include: supplemental, remediation instruction during the year following grade 12 using currently available funding under Education Code 37252 or 37254; enrollment for an additional semester or year at a comprehensive high school; enrollment in an alternative education program; reclassification as a junior; enrollment in an independent study program with targeted course work; enrollment in a charter school; enrollment in an adult secondary school; and/or enrollment in a community college program offering a high school diploma in conjunction with the high school district. These options are still available to students in the class of 2007 and beyond, in addition to the supplemental instruction added by AB 347, as discussed below.

Students may also obtain a diploma equivalent by passing the California High School Proficiency Exam or the General Education Development test. Each district may determine which option(s), if any, it will provide.

Policies revised:

BP/AR 6146.1 — High School Graduation Requirements

BP/AR 6179 — Supplemental Instruction

Supplemental instruction

(March and November 2007)

AB 347 amended Education Code 37254 to require districts receiving California High School Exit Examination intensive intervention funding to offer intensive instruction and services to students for up to two years after the completion of grade 12 or until they pass both parts of the exam, whichever comes first. Furthermore, in addition to offering English language arts and/or mathematics instruction that students need to pass the exam, AB 347 requires districts to provide English learners with instruction to improve English proficiency as needed to pass the exam.

AB 2989 (Ch. 586, 2006) added Education Code 37254.1 authorizing the district to require students who are not making sufficient progress toward the exit exam to participate in supplemental instructional programs. If the board wishes to require student participation, it is mandated to adopt policy to this effect. However, participation cannot be strictly mandatory since the law also requires the district to provide a mechanism for a parent/guardian to decline to enroll his/her child in a supplemental instructional program.

Policies revised:

BP 6146.1 — High School Graduation Requirements

BP/AR 6179 — Supplemental Instruction

Supplemental counseling program

(November 2007)

AB 347, along with SB 405 (Ch. 723), made several changes to the supplemental school counseling program. Education Code 52378 was amended to require counselors to provide information to students about the availability of the intensive instruction and services after grade 12 to students who have not yet passed the exit exam and also about eligibility for admission to the University of California and California State University. This information also must be included in the list of coursework and experience provided to students in grades 7, 10 and 12 to assist them in their current grade level and to successfully transition to postsecondary education or employment.

Policies revised:

BP/AR 6164.2 — Guidance/Counseling Services

Students with disabilities

(November 2007)

Students with disabilities are required to pass the exit exam, with appropriate modifications or accommodations, in order to receive a diploma. However, as a result of litigation, legislation was enacted to exempt students with disabilities in the classes of 2006 and 2007 from the requirement to pass the exam. This year, the governor vetoed SB 123 which would have extended the exemption to students in the class of 2008.

Settlement negotiations are ongoing, but, as of December 2007, students with disabilities in the class of 2008 and beyond must pass the exam in order to receive a diploma, unless they receive a waiver. The waiver process, outlined in AR 6162.52 — High School Exit Examination, authorizes boards 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.

Because settlement negotiations are continuing regarding the exemption issue, AR 6162.52 was not revised in November. A revised administrative regulation will be reissued should a settlement be reached with new requirements for the class of 2008 and beyond.

Williams Uniform Complaint Procedures
(November 2007)

AB 347 amended Education Code 35186 to authorize the use of the Williams Uniform Complaint Procedures for complaints regarding deficiencies related to the provision of intensive instruction and services to students who have not passed the exit exam by the end of grade 12. The Williams classroom notice for high schools must also include information about the right to receive this intensive instruction. As a result of this amendment, the CDE revised its sample Williams complaint materials and will revise its Categorical Program Monitoring instruments. CSBA is working with CDE and has revised its relevant samples.

Policies revised:
BP/AR/E 1312.4 — Williams Uniform Complaint Procedures

Standardized Testing and Reporting Program
(March and November 2007)

AR 6162.51 — Standardized Testing and Reporting Program was revised in March to reflect, among other changes, the sunset of state law which eliminated the requirement that students in grade 2 be tested. However, SB 80 (Ch. 174) later reinstated the requirement and it was necessary to again revise AR 6162.51 accordingly.

In addition, the CDE is developing and has begun implementing as part of the STAR program (starting with students in grades 3–5 in 2007–08) an alternative assessment for students with disabilities. The California Modified Assessment is in addition to, and does not replace, the California Alternate Performance Assessment. The CMA is based on modified achievement standards for students who are not severely cognitively disabled and whose individualized education program team determines that testing with the CMA is appropriate. The state has developed this test to take advantage of recent “flexibility” in No Child Left Behind requirements that allows two percent of students to be tested with a modified assessment.

Policies revised:
AR 6162.51 — Standardized Testing and Reporting Program

Curriculum

Arts education

(November 2007)

A recent report commissioned by the William and Flora Hewlett Foundation (*An Unfinished Canvas. Arts Education in California: Taking Stock of Policies and Practices*) found that, “although some California schools have excellent arts education programs in place . . . most do not. Instead, arts education in California is plagued by a lack of funding, underprepared elementary-level teachers, and inadequate facilities. It suffers from uneven implementation and is often crowded out by other curricular demands.”

To call attention to the importance of arts education and ensure consistency with state standards and curriculum frameworks, CSBA updated BP 6142.6 — Visual and Performing Arts Education in November 2007. The revised policy also informs districts about an opportunity to obtain additional resources earmarked for arts and music education through block grants funded in the 2007 state budget (SB 77, Ch. 171). These funds are intended to be used to supplement existing resources for arts and music education in grades K–12, specifically for (1) hiring additional staff; (2) purchasing new materials, books, supplies and equipment; and (3) implementing or increasing staff development opportunities. Districts must provide a minimum specified amount to each district school (\$2,500 for schools with 20 or fewer students or \$4,000 for schools with more than 20 students) or must distribute funds to schools on an equal per-pupil basis, whichever is greater. Districts may reserve any portion of the block grant funds for districtwide expenses related to the program’s purposes if the board first holds a public hearing and adopts a resolution.

Policies revised:

BP 6142.6 — Visual and Performing Arts Education

Civic education/service learning

(March 2007)

CSBA retitled and updated sample board policy BP 6142.4 — Service Learning/Community Service Classes to better distinguish between “community service” as a separate course or extracurricular activity and “service learning” which integrates a student’s community service activities into the academic curriculum. In addition to supporting academic achievement, both are designed to help foster civic responsibility and meet the needs of the community.

Service learning is supported by both federal and state initiatives. Learn and Serve America is a federal grants program that promotes service learning in grades K–16 in the areas of education, public safety, the environment, health and human needs. The CDE’s CalServe Initiative supports districtwide school-community partnerships that annually involve over 120,000 students and approximately 15,000 community volunteers.

As boards review CSBA’s sample policy on this topic and consider whether to develop or enhance their own service learning programs or community service classes, they might consider the following questions:

- Who besides district staff should be involved in helping to develop district policy on this topic? Elected officials, community leaders, service organizations, nonprofit organizations, local businesses, religious organizations, parents, students?
- Will district staff integrate service learning throughout the curriculum? Will the district offer a separate community service course? Or both?
- At what grade levels will service learning/community service be implemented?
- In what subject areas should service learning be integrated? How will service learning be aligned to academic standards?
- Should the policy require service learning/community service or merely encourage it? Should it be a requirement for graduation?
- How will the superintendent or designee identify or develop specific opportunities for students to volunteer in the community? How can the district ensure that such opportunities are linked to the needs of the community?
- What expectations should the policy establish for the superintendent or designee to address transportation to off-site activities, supervision of participating students, parental consent, credits and grades?
- What reports does the board want to receive from the superintendent to assess the effectiveness of the district’s service learning/community service program in meeting its goals? How can student feedback be incorporated into the evaluation?

BP 6142.4 has long included optional language for boards that choose to require community service as a condition of graduation. CSBA is tracking newly introduced legislation (SB 227, Harman) which, as currently written, would require that all students, beginning with the 2011–12 school year, complete community service in order to graduate.

For further information about service learning, browse the following resources:

- California Department of Education, www.cde.ca.gov/ci/cr/sl
- Corporation for National and Community Service, Learn and Serve America, www.learnandserve.org
- Youth Service California, www.yscal.org

Policies revised:

BP 6142.4 — Service Learning/Community Services Classes

Use of the Bible in public schools

Although the use of the Bible in public schools is a sensitive issue and must be approached with caution, there has recently been a resurgence of interest across the country in offering courses such as *The Bible in Literature*, *World Religions and The Bible in History*, according to Margaret Hill, chair of the California Three Rs Project: Rights, Responsibility and Respect. As evidence, she cites a feature article in *Education Week* (*The Bible Makes a Comeback*, May 16, 2007) and a *Today Show* piece highlighting a Texas high school classroom teaching a course on the Bible and its influence.

“While it is true that the Supreme Court barred devotional use of the Bible by public school officials in the 1960s, the Court at the same time said that study about religion where appropriate is an important part of a complete education,” says Hill. “The most important caution is that the use of the Bible in a public school setting must be academic rather than religious. Using the Bible in a devotional manner by educators in a public school is unconstitutional and would surely result in challenges and lawsuits.”

Thus, districts may offer courses that incorporate the study of the Bible in a manner that does not promote a particular faith. Districts in California that plan to implement such courses have a number of resources available to assist them and their communities in working through the issues of appropriate use of the Bible.

The California Three Rs Project was established to find common ground on issues related to religious liberty and the First Amendment in public schools. It is sponsored by the California County Superintendents Educational Services Association and the First Amendment Center at Vanderbilt University and is supported by CSBA and numerous other organizations. For further information, see http://score.rims.k12.ca.us/score_lessons/3rs.

The First Amendment Center (www.firstamendmentcenter.org) has produced a number of resources pertaining to religious liberty and religion in the public schools, such as *A Teacher's Guide to Religion in the Public Schools*. Together with the Bible Literacy Project, it also produced *The Bible and Public Schools: A First Amendment Guide*, a publication designed to help educators think through questions related to appropriate instructional resources, teacher qualifications, and pedagogical approaches. The publication is available at www.freedomforum.org.

Interdistrict Attendance

Two of three interdistrict attendance provisions that became inoperative on June 30, 2007, have been reauthorized. Legislation extended the “school district of choice” program and transfers based on parent/guardian employment, while the statute that encouraged districts to consider child care needs when evaluating interdistrict attendance permits expired.

Child care needs

(November 2007)

Education Code 46601.5 had encouraged districts to consider the student’s child care needs when evaluating a request for interdistrict attendance permits. The statute also specified that, once a student was admitted based on child care needs, the receiving district could not require the student to reapply for such transfers unless the student stopped receiving child care within district boundaries.

However, Education Code 46601.5 sunset on June 30, 2007, and was not reauthorized. Thus, districts have discretion to consider child care needs as one of the factors in approving interdistrict attendance permits.

Policies revised:

AR 5117 — Interdistrict Attendance

Parent/guardian employment

(November 2007)

Education Code 48204 authorizes a student to enroll in a district where one or both parents/guardians are employed (so-called “Allen Bill transfers”). Under this program, the student is deemed a resident of the district where the parent/guardian is employed and, once admitted, must be allowed to continue to attend district schools through grade 12. The district of actual residence may prohibit the transfer out only under limited circumstances, such as an impact on a desegregation plan. The district of residence may also limit transfers out under this program based on a percentage of ADA as specified in Education Code 48204.

SB 170 (Ch. 33) extended this option until June 30, 2012. SB 170 also amended Education Code 48204 to require that the parent/guardian be “physically employed” within district boundaries. The term “physically employed” is not defined in statute, but testimony during the legislative hearings revealed concerns about the use of post office boxes as proof of employment as opposed to an employer’s actual address within district boundaries.

Policies revised:

AR 5111 — District Residency

AR 5111.12 — Residency Based on Parent/Guardian Employment

School district of choice

(November 2007)

Under this program (Education Code 48300–48315), a district may elect to become a school district of choice and then accept transfers from students in other districts. The district in which the student actually resides can prohibit the student from transferring out only under limited circumstances, such as an impact on a desegregation plan. The district of residence may also limit the total number of students transferring out based on a percentage of ADA as specified in Education Code 48307.

While some districts accepting transfer students like the program because of its ability to increase ADA, obviously there is a resulting negative impact on the ADA of the districts from which the students transfer out. Because of that dynamic, the reauthorization of this program became part of the budget battle in the legislature. SB 80 (Ch. 174), the budget trailer bill, contained a compromise in which the program was reauthorized until June 30, 2009, but only for districts that had previously elected to be school districts of choice prior to July 1, 2007. Thus, no new districts are allowed to participate in the program.

Policies revised:

BP/AR 5117 — Interdistrict Attendance

Student Health

Diabetes management

(November 2007)

In August, the CDE settled a lawsuit concerning administration of insulin to students with diabetes who have been identified as “disabled” under Section 504 of the federal Rehabilitation Act of 1973 or the Individuals with Disabilities Education Act. As part of the settlement, the CDE issued a legal advisory stating that, when all other options have been exhausted, districts may train unlicensed (i.e., without a medical license) personnel to administer insulin.

Organizations representing nurses believe that the state’s Nursing Practice Act prohibits nurses from training unlicensed personnel to administer medication and have filed another lawsuit asking the court to order the CDE to rescind that portion of the legal advisory.

BP/AR 6164.6 — Identification and Education Under Section 504 was updated to include information about the settlement but BP/AR 5141.21 — Administering Medication and Monitoring Health Conditions is on hold pending the resolution of the latest legal action.

Further information is provided in a policy brief by CSBA, *Rights of Students with Diabetes under IDEA and Section 504* (December 2007), which is available on CSBA’s Web site at www.csba.org.

Policies revised:

BP/AR 6164.6 — Identification and Education Under Section 504

Food allergies

(March 2007)

For most children (and adults), food allergies result in only minor symptoms. However, a small number of allergic people are susceptible to a severe (“anaphylactic”) reaction that is life threatening. Although such reactions are rare, schools should make every effort to protect students from foods to which they are allergic and to be prepared to react in the event of an emergency.

A new, optional sample policy and regulation available from CSBA, BP/AR 5141.27 — Food Allergies/Special Dietary Needs, highlight key policy and administrative issues for consideration by districts. Districts may want to develop guidance related to parental and staff notifications, food substitutions in the food services program,

foods offered at class parties and other school events, sanitation and cleaning to avoid spreading allergens, professional development on the identification and management of food allergies, supervision of food-allergic students, related health education, and the appropriate response in an emergency.

Policies revised:

BP/AR 5141.27 — Food Allergies/Special Dietary Needs

Nutrition standards

(November 2007)

SB 80 (Ch. 174) added new requirements, beginning in the 2007–08 fiscal year, for foods provided as part of the free and reduced-price meal program. Pursuant to Education Code 49430.7, schools cannot sell or serve food items that have been deep fried, par fried, flash fried or containing 0.5 grams or more of artificial trans fat per serving. By June 30, 2008, districts must provide the CDE with a one-time certification of compliance with these requirements.

For meals and food items provided outside the National School Lunch and Breakfast Program (whether through the district’s food services program, vending machines, fundraisers or other outside sales), state standards for foods and beverages which were established in 2005 (SB 12 and SB 965) became effective on July 1, 2007. Those standards set limits on the total number of calories in food items as well as the percentage of calories from fat, saturated fat and sugar.

An additional nutritional standard for meals and food items provided outside the National School Lunch or Breakfast Program will take effect beginning July 1, 2009. Under Education Code 49431.7, added by SB 490 (Ch. 648), such foods cannot contain artificial trans fat or have been prepared using trans fat.

CSBA policies and administrative regulations were updated to reflect the latest nutritional standards. Further information is also provided in CSBA’s October 2007 policy brief on *Nutrition Standards for Schools: Implications for Student Wellness* at www.csba.org/Services/Services/PolicyServices.aspx.

Policies revised:

BP/AR 3550 — Food Service/Child Nutrition Program

BP/AR 3553 — Free and Reduced Price Meals

BP/AR 3554 — Other Food Sales

BP 5030 — Student Wellness

Food safety

(November 2007)

To reduce the risk of foodborne illness among children, federal law requires all schools participating in the National School Lunch or Breakfast Program to develop and implement a food safety program that is based on national Hazard Analysis and Critical Control Point principles, such as classifying food items according to their preparation process and establishing control measures to prevent the introduction of food hazards at each stage. Participating schools are

also required to obtain two food safety inspections per year. A fact sheet on *Food Safety Requirements* was issued by CSBA in October 2007 to detail these requirements and to present information on the factors that contribute to the spread of foodborne illness. The fact sheet may be found on CSBA's Web site.

Policies revised:

BP/AR 3550 — Food Service/Child Nutrition Program

Physical education

(July and November 2007)

In order to graduate from high school, all students are required by Education Code 51225.3 to complete two years of physical education courses unless they receive an exemption. Under Education Code 51241, districts may, but are not required to, grant either a two-year or permanent exemption from physical education classes under specified conditions. Temporary exemptions are also allowed for students who are ill or injured and for students who are enrolled for one-half time or less.

Effective July 1, 2007, Education Code 51241 added a new requirement stating that, before a district could grant a two-year exemption from physical education to a student in grades 10–12, the student must have passed the state's ninth-grade physical fitness test (the FITNESSGRAM®) administered each spring. At that time, the law gave districts discretion to define what it meant to “pass” the test for this purpose and CSBA revised BP/AR 6142.7 — Physical Education and issued a policy advisory to assist districts in developing related policy. However, SB 601 (Ch. 720) later amended Education Code 51241 to specify that, in order to be eligible for the two-year exemption, students need to “satisfactorily” meet any five of the six standards of the state's physical fitness test (i.e., performing in the “healthy fitness zone,” as defined by the test contractor, on five of the six areas).

SB 601 also significantly expanded the categorical program monitoring process with respect to physical education requirements.

In November, CSBA again revised BP 6142.7 in order to reflect the changes in SB 601. Review of the district's physical education policy also provides an opportunity for the board to discuss and clarify its role in monitoring the physical education program. Sample policy language has been added to BP 6142.7 addressing reports and data that the board might wish to receive in order to evaluate program effectiveness. Given the responsibility of the district under federal law to evaluate all of the district's efforts pertaining to student wellness (see BP 5030 — Student Wellness and CSBA's *Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide*), the board and superintendent should ensure that district policy reflects agreed-upon indicators for measuring the district's progress in meeting goals for physical activity.

CSBA updated its policy brief on *Physical Education and California Schools* in October 2007 to reflect the latest legal requirements; add information about the state's content standards, curriculum framework and physical fitness testing requirements; and update background information on research related to the link between physical activity and student learning. This brief may be found on CSBA's Web site.

Policies revised:

BP 6142.7 — Physical Education (July 2007 and November 2007)

AR 6142.7 — Physical Education (July 2007)

Student wellness policies: evaluation and monitoring

(November 2007)

Districts that participate in the National School Lunch Program, School Breakfast Program and/or other programs authorized by the federal Child Nutrition Act were required to develop, with the involvement of specified stakeholders, a districtwide student wellness policy by the beginning of the 2006–07 school year. Now that the deadline for developing the policy has passed, CSBA revised BP 5030 — Student Wellness to expand material related to the board’s role in monitoring the implementation of the policy as required by law. Sample indicators that the governance team might use to monitor and evaluate the effectiveness of the policy are based on CSBA’s recent publication *Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide*.

In the fall of 2007, CSBA conducted an online school health survey of board members and superintendents. The survey was intended to : (1) gauge the level of awareness about student health issues (school health centers, oral health, mental health and other health issues) that impact student learning; (2) rate the relative importance of these issues among board members and superintendents; (3) determine perceptions, barriers and opportunities for helping to support student health issues within the school environment; and (4) evaluate the readiness of school board members and superintendents to proceed. The findings of the survey will be made available in the spring of 2008.

Policies revised:

BP 5030 — Student Wellness

Oral health

(March 2007)

In March, CSBA revised AR 5141.32 — Health Screening for School Entry and issued a policy brief, *Promoting Oral Health for California’s Students: New Roles, New Opportunities for Schools*, reflecting a new legal requirement (added by AB 1433, Ch. 413, 2006) for students to have an oral health assessment in kindergarten or in first grade if not previously enrolled in kindergarten. The brief also includes background information on the implications of oral health for student learning and presents policy considerations for boards that wish to promote students’ oral health. The brief may be found on CSBA’s Web site.

Policies revised:

AR 5141.32 — Health Screening for School Entry

Mental Health Services Act

(October 2007)

The Mental Health Services Act (MHSA) (Welfare and Institutions Code 5850–5883), resulting from the passage of Proposition 63 in 2004, was designed to expand and transform California’s county mental health service system. The MHSA is funded by an additional one percent tax on individuals whose taxable income is in excess of \$1 million.

MHSA prevention and intervention dollars present an opportunity for collaboration among school districts, county offices of education and county departments of mental health. CSBA developed an advisory which presented information on the incidence of mental health problems among children, the MHSA, and the opportunities available to school districts and county offices of education to impact the delivery of mental health services in their communities

Technology

Cyberbullying

(July 2007)

As today's students become more technologically savvy and use the Internet and other technologies for social purposes (sending e-mail, creating Web sites, posting in blogs, sending text messages and images via cell phones, contacting each other through instant messages, chatting in chat rooms and posting to social networking sites), it is not surprising that these technologies are sometimes used to bully other students or harass school staff. Districts have the right and obligation to supervise and monitor students' use of the district's technological resources, and should be on the lookout for improper use of the system to "cyberbully." Students who misuse the system should be subject to loss of their computer privileges and other forms of discipline as appropriate. But many times, students use their own equipment, on their own time, to bully other students or staff. Districts need to be aware of the legal issues regarding discipline of students for off-campus behavior.

In July, CSBA issued a policy brief, *Cyberbullying: Policy Considerations for Boards*, which 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. The policy brief is available on CSBA's Web site. CSBA also revised relevant sample policies and administrative regulations to contain more explicit prohibitions against cyberbullying.

Policies revised:

BP 5131 — Conduct

BP/AR 6163.4 — Student Use of Technology

Student use of technology: access to social networking sites

(July 2007)

Students' widespread use of the Internet poses other dangers, as well. Posting of personal information on social networking sites such as Facebook, MySpace, Xanga and others puts students at risk with online predators.

Many districts have blocked students' access to such sites from district computers. Districts that allow access to such sites may wish to review a useful publication issued by MySpace entitled *The Official School Administrator's Guide to Understanding MySpace and Resolving Social Networking Issues* which is available at www.myspace.com. The

guide addresses the site's privacy policy and terms of use agreement, denial of access by underage users, how to remove a false or offensive profile, general steps to ensure safety and what to do about threats or cyberbullying.

Of course, students often connect to these sites off campus and during non-school hours. But schools can still play a role by providing instruction to students, staff and parents regarding the safe use of social networking sites and other Internet services. Such instruction might include the dangers of posting personal information online, the fact that other users are not always who they say they are and may be online predators, and how to report inappropriate or offensive content or threats.

Policies revised:

BP/AR 6163.4 — Student Use of Technology

Technology planning

(July 2007)

Applications for any state or federal technology grant require the development of a comprehensive, three- to five-year education technology plan that meets the criteria established by the CDE. The required components are described in the CDE publication *Education Technology Planning: A Guide for School Districts* and are reflected in CSBA's revised sample BP/AR 0440 — District Technology Plan. They address curriculum; professional development; infrastructure, hardware, technical support, and software; funding and budget; appropriate and ethical use of technology; and monitoring and evaluation.

These criteria apply to state technology grants pursuant to Education Code 51871.5. According to the CDE, a district technology plan that addresses these required components would also meet the requirements of the technology plan required for the federal Enhancing Education Through Technology grant program to enhance teaching and learning in grades 4–8; the E-rate application for federal universal service discounts (except that a supplemental budget analysis form is needed); and/or participation in the Education Technology K–12 Voucher Program which resulted from the settlement agreement between California consumers and Microsoft Corporation.

Districts that do not receive technology grants are not subject to these requirements but are nevertheless advised to consider the benefits of long-range technology planning and to develop a plan that meets their needs.

Policies revised:

BP/AR 0440 — District Technology Plan

Federal rules for storage of electronic records

(July 2007)

Amendments to the Federal Rules of Civil Procedure governing discovery in the event of litigation highlight the importance of having procedures in place regarding the retention and destruction of electronic and paper documents that school districts routinely create, store, back up and purge.

The rules apply in instances of pending or anticipated litigation in federal court and, for the first time, add requirements for electronically stored information (ESI). First, the rules require parties in litigation to identify and disclose potentially relevant ESI within the party's control, including those at other sites or stored for them by third parties. Thus, in the event of litigation, a district must be able to assemble an inventory of its various document and data storage systems in order to determine whether the documents must be disclosed. If they are subject to disclosure, most e-mails will need to be produced in their original form and include such information as file owner, creation date, routing details, sender, receiver and subject line.

Second, the rules require the development of a "litigation hold" strategy that halts the destruction of both paper and electronic information that could be potentially relevant to the litigation. The goal of a "litigation hold" is to halt the routine destruction of ESI and ensure that such information is stored in formats or places that are more readily accessible for discovery purposes.

As public agencies, school districts are subject to state laws regarding the classification and retention of records. The California Public Records Act (Government Code 6250–6270) regulates public access to district records. In addition, Title 5 regulations (5 CCR 16020–16027) require the district to classify all records as either permanent, optional, or disposable and, then, depending on the classification, to retain or destroy the records in accordance with the schedule in law. These requirements are reflected in BP/AR 1340 — Access to District Records and BP/AR 3580 — District Records.

While there has been a lot of confusion about the impact of the new federal rules, it is important to remember that the requirements apply only to parties involved in litigation in federal court. Despite the claim of some vendors, the rules do not necessarily require substantial new investments in archiving and retrieval information systems. However, the rules do underscore the importance of regular and effective communication between management officials, information technology staff, and district legal counsel and the development of technology procedures and systems to ensure that when a litigation hold is in effect, all employees are notified and regular ESI deletion processes (e.g., automatic monthly erasure of back-up tapes) are suspended.

CSBA formed a working group of school district attorneys to help analyze the impact of the new rules on districts and to determine whether amendments to state law or regulations may be necessary. The group also hopes to develop more detailed recommendations as well as revised sample policies and regulations.

Miscellaneous

Annual review of policies

(July 2007)

As districts plan for the upcoming school year, it would be useful to schedule the annual review of at least two district policies as required by law. Districts are reminded that Education Code 35160.5 requires annual review of:

- BP/AR 5116.1 — Intradistrict Open Enrollment (not needed by districts with only one school, or one site for each grade level, in which case intradistrict transfers cannot occur)
- BP/AR 6145 — Extracurricular and Cocurricular Activities, with respect to participation of students in grades 7–12 in extracurricular/cocurricular activities

If the review indicates that no revisions are necessary, it is recommended that the board minutes nevertheless indicate that the review was conducted. Each district may have other policies that it has decided should be annually monitored or reviewed.

Playground safety program

(July 2007)

Requirements for playground safety resulting from the passage of AB 1144 (Ch. 470, 2006) were added to CSBA’s sample administrative regulation AR 5142 — Safety. Among the requirements were changes in playground standards to conform to the standards set forth by the American Society for Testing and Materials and the playground-related guidelines set forth by U.S. Consumer Product Safety Commission. These standards affect both new and existing playgrounds. In addition, the law redefined the area that is considered to be a “playground” and requires an initial inspection of playgrounds by a certified playground safety inspector.

For districts that want assistance ensuring compliance with the requirements, CSBA expanded its California Playground Surfacing Program to include the California Playground Safety Compliance Program. The program is offered in partnership with the National Safe Surfacing Initiative. For further information, see www.csba.org/Services/Services/DistrictServices.aspx

Policies revised:

AR 5142 — Safety

Upcoming issues for 2008

Brown Act

Two legislative changes impact Brown Act provisions related to the availability of agenda items and the accessibility of meeting facilities.

SB 343 (Ch. 298) amended Government Code 54957.5 to specify that, if a document related to an agenda item for an open session of a regular board meeting is made available less than 72 hours before the meeting, then the district must make the document available for public inspection. The document must be made available at the same time it is distributed to a majority of the board and the board must designate a location for the inspection and list that address on all board agendas. Note that this requirement is only applicable to documents classified as public records. This law takes effect July 1, 2008, and will affect BB 9322 — Agenda/ Meeting Materials.

AB 14 (Ch. 568) is a technical piece of legislation that deletes the specific lists of prohibited categories of discrimination from over 51 statutes and replaces them with a cross-reference to the Unruh Civil Rights Act so that the state's anti-discrimination statutes are consistent. AB 14 amended Government Code 54961 of the Brown Act to prohibit a public agency from holding a meeting in a facility that prohibits admittance to a person based on a characteristic listed in Government Code 11135. Government Code 11135 prohibits discrimination based on race, color, religion, ancestry, national origin, disability, medical condition, sex (including gender identity), marital status and sexual orientation. It is expected that BB 9320 — Meetings/ Notices will be revised accordingly.

Nondiscrimination

In October, the governor signed SB 777 (Ch. 569) which amended several Education Code sections to revise the list of prohibited categories of discrimination and to define, among other categories, gender, sex and sexual orientation. This bill could affect several CSBA sample policies that deal with nondiscrimination, including BP 0410 — Nondiscrimination in District Programs and Activities, BP/AR 1312.3 — Uniform Complaint Procedures and BP 5145.3 — Nondiscrimination/Harassment.

However, opponents of the legislation filed a referendum with the attorney general and secretary of state's office which would place the legislation on a statewide ballot and allow voters to approve or reject the statute. In order for the referendum to qualify for the ballot, a sufficient number of signatures must be gathered within 90 days of the bill's enactment.

Opponents also filed a lawsuit against the legislation and have called for student walk-outs to protest the measure. As a result of these actions, it is unclear whether the legislation will take effect. CSBA will update the relevant sample policies should SB 777 ultimately become law.

School accountability report card

Beginning with the 2008–09 school year, AB 1061 (Ch. 530) established February 1, 2008 as the annual statewide publication deadline for school accountability report cards and required districts to post the SARC on the district’s Web site and to make hard copies available to parents/guardians by that date. The bill also repealed numerous reporting elements from the SARC, such as participation in class size reduction, school instruction and leadership, and instructional minutes and minimum days in a school year. BP 0510 — School Accountability Report Card will be updated next year to reflect changes required for the 2008–09 SARC.

In the meantime, the CDE has finalized and released the SARC template and data files that districts will use in creating SARCs this year. These are available on the CDE’s Web site at www.cde.ca.gov/ta/ac/sa.

Districts are reminded of the importance of ensuring that SARCs are completed in a timely manner and that they contain the data required by law. Public Advocates, a nonprofit civil rights law firm and advocacy group, examined SARC compliance statewide, filed a lawsuit against one district, and sent letters to 10 other districts demanding that they issue complete SARCs within 30 days or face legal action. These districts are complying, but Public Advocates has indicated it will continue to take action against other districts if they are not publishing their SARCs in accordance with law.

Special education

AB 1663 (Ch. 454) and AB 685 (Ch. 56) made numerous changes to Education Code provisions related to special education in order to conform state law with federal regulations implementing the IDEA which took effect in 2006. These amendments are technical in nature, primarily updating citations and terminology. CSBA’s sample policies and administrative regulations on special education were previously updated to reflect the federal regulations and additional state law citations will be added accordingly in 2008.

Appendix A

2007 Publications

Books/CD Rom

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide (September 2007)

Policies Parents Should Know, Spanish/English (July 2007)

Policy Advisories and Briefs

Construction Management Task Force Briefs:

State Agencies Overview (November 2007)

Proposition 1D (November 2007)

Glossary of Construction Management Terms (November 2007)

Facilities Master Planning (November 2007)

Project Stabilization Agreements (November 2007)

Orientation to Apprenticeship — Overview (November 2007)

Orientation to Apprenticeship — Fact Sheet (November 2007)

Orientation to Apprenticeship — Board Considerations (November 2007)

Hiring a Project Manager (November 2007)

Delivery Methods (November 2007)

Cost Containment (November 2007)

Land And Site Acquisition (November 2007)

Cyberbullying: Policy Considerations for Boards (July 2007)

Mental Health Services Act (Proposition 63): Collaborative Opportunity to Address Mental Health (October 2007)

New Requirement for Physical Education Exemption (August 2007)

Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools (March 2007)

Nutrition Standards for Schools: Implications for Student Wellness (rev. October 2007)

Physical Education and California Schools (rev. October 2007)

Rights of Students with Diabetes under IDEA and Section 504 (December 2007)

Fact Sheets

Avian Influenza (September 2007)

Food Safety Requirements (October 2007)

All of CSBA's Governance and Policy Service policy briefs and other publications can be found at www.csba.org.

Appendix B

Policies/Regulations/Bylaws/Exhibits issued in 2007

0000 Series: Philosophy-Goals-Objectives & Comprehensive Plan

BP/AR 0440	District Technology Plan (7/07)
BP/AR 0520.1	High Priority Schools Grant Program (3/07)

1000 Series: Community Relations

BP 1113	District and School Web Sites (7/07)
BP/AR 1220	Citizen Advisory Committees (7/07)
BP/AR 1230	School-Connected Organizations (7/07)
BP 1260	Educational Foundation (7/07)
AR/E 1312.4	Williams Uniform Complaint Procedures (11/07)
BP 1400	Relations Between Other Governmental Agencies and the Schools (11/07)

3000 Series: Business & Noninstructional Operations

BP/AR 3314	Payment for Goods and Services (7/07)
BP 3400	Management of District Assets/Accounts (7/07)
BP 3452	Student Activity Funds (7/07)
BP/AR 3511	Energy and Water Management (7/07)
BP/AR 3513.1	Cellular Phone Reimbursement (7/07)
BP/AR 3515	Campus Security (3/07)
AR 3516.3	Earthquake Emergency Procedure System (7/07)
AR/E 3541.1	Transportation for School-Related Trips (11/07)
BP/AR 3550	Food Service/Child Nutrition Program (11/07)
BP/AR 3551	Food Service Operations/Cafeteria Fund (11/07)
BP/AR 3553	Free and Reduced Price Meals (11/07)
BP/AR 3554	Other Food Sales (11/07)

4000 Series: Personnel

BP/AR 4040	Employee Use of Technology (7/07)
BP 4112.21	Interns (11/07, 7/07)
AR 4112.22	Staff Teaching Students of Limited English Proficiency (3/07)
AR 4112.4 /4212.4/4312.4	Health Examinations (11/07)
BP 4113.4/4213.4/4313.4	Temporary Modified/Light-Duty Assignment (7/07)
AR 4117.11	Preretirement Part-Employment (11/07)
AR 4117.14/4317.14	Postretirement Employment (11/07, 3/07)
AR 4115	Evaluation/Supervision (11/07)
BP 4117.3	Personnel Reduction (7/07)
BP 4119.1/4219.1/4319.1	Civil and Legal Rights (7/07)
BP 4131.1	Beginning Teacher Support/Induction (7/07)
BP/AR 4140/4240	Bargaining Units (3/07)
BP 4141/4241	Collective Bargaining Agreement (3/07)
BP 4141.6/4241.6	Concerted Action/Work Stoppage (3/07)
BP 4143/4243	Negotiations/Consultation (3/07)
BP/AR 4143.1/4243.1	Public Notice — Personnel Negotiations (3/07)
AR 4161.2/4361.2	Personal Leaves (11/07)
AR 4261.1	Personal Illness/Injury Leave (7/07)
BP/AR 4300	Administrative and Supervisory Personnel (3/07)
BP 4301	Administrative Staff Organization (7/07)
BP 4312.1	Contracts (7/07)
BP/AR 4313.2	Demotion/Reassignment (3/07)
BP 4315	Evaluation/Supervision (7/07)
AR 4317.3	Personnel Reduction (3/07)

5000 Series: Students

BP 5030	Student Wellness (11/07)
AR 5111.1	District Residency (11/07)
AR 5111.12	Residency Based on Parent/Guardian Employment (11/07)
AR 5113	Absences and Excuses (11/07)
BP/AR 5117	Interdistrict Attendance (11/07)
BP 5119	Students Expelled from Other Districts (3/07)
BP 5131	Conduct (7/07)
AR 5141.24	Specialized Health Care Services (11/07, 3/07)
BP/AR 5141.27	Food Allergies/Special Dietary Needs (3/07)
AR 5141.32	Health Screening for School Entry (3/07)
AR 5141.4	Child Abuse Prevention and Reporting (3/07)

AR 5142	Safety (7/07)
BP/AR 5145.2	Freedom of Speech/Expression (11/07)
BP/E 5145.6	Parental Notifications (3/07)

6000 Series: Instruction

BP 6142.4	Service Learning/Community Service Classes (3/07)
BP 6142.5	Environmental Education (7/07)
BP 6142.6	Visual and Performing Arts Education (11/07)
BP/AR 6142.7	Physical Education (BP 11/07, 7/07, AR 7/07)
BP/AR 6142.91	Reading/Language Arts Instruction (3/07)
BP 6143	Courses of Study (11/07)
BP/AR 6145.2	Athletic Competition (3/07)
BP 6146.1	High School Graduation Requirements (11/07, 3/07)
AR 6146.2	Certificate of Proficiency/High School Equivalency (11/07)
BP/AR 6162.51	Standardized Testing and Reporting Program (BP 3/07, AR 11/07, 3/07)
BP 6162.52	High School Exit Examination (11/07)
BP/AR 6163.4	Student Use of Technology (7/07)
BP/AR 6164.2	Guidance/Counseling Services (11/07)
BP/AR 6164.4	Identification and Evaluation of Individuals for Special Education (3/07)
BP/AR 6164.41	Children with Disabilities Enrolled by their Parents in Private School (3/07)
BP/AR 6164.6	Identification and Education Under Section 504 (11/07)
BP/AR 6179	Supplemental Instruction (11/07, 3/07)
BP 6190	Evaluation of the Instructional Program (3/07)

7000 Series: Facilities

AR 7111	Evaluating Existing Buildings (3/07)
BP 7212	Mello Roos Districts (11/07)
BP 7213	School Facilities Improvement Districts (11/07)

9000 Series: Bylaws of the Board

E 9323.2	Actions by the Board (11/07)
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Appendix C

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.

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.

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 custom-

ized 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.

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.

