

Policy News

Topics:

Federal education reauthorization bill will impact policies

Districts urged to document PE instructional minutes

Policy addresses new law on guidance counseling

Policy Services news

- » New policy development tool
- » County board policies now available
- » CSBA awarded for lactation accommodations policy

New resources from CSBA

- » 2015 Policies in Review
- » Compendium of new laws
- » Fact sheet on concussions

Education opportunities

- » Training for executive assistants
- » Webcast on disclosure of records

Federal education reauthorization bill will impact policies

On Dec. 10, 2015, President Obama signed the Every Student Succeeds Act (ESSA), which repeals the No Child Left Behind Act (NCLB) and establishes new federal requirements for elementary and secondary education. One of the most significant changes is that states have greater responsibility to set academic performance targets, provide support and intervention to struggling schools and make other critical decisions.

Although the ESSA is likely to have significant implications for district and county office of education (COE) policies, many of the implementation details are yet to be worked out. Provisions related to noncompetitive programs become effective July 1, 2016, and those related to competitive programs become effective Oct. 1, 2016. However, core provisions pertaining to assessment, accountability and improvement do not go into effect until the 2017-18 school year. The U.S. Department of Education is currently reviewing the ESSA to determine what regulatory and process changes will be needed at the federal level, and the state will need to file and receive approval of a new state implementation plan.

Among the major changes of ESSA are:

- » **Assessment.** The ESSA sets new expectations for state assessment systems, requiring that they involve multiple, up-to-date measures and enable disaggregation of results by specified student populations. The grade levels and subjects to be tested have not changed. States may set targets for the total time spent on testing.
- » **Accountability.** The federal Adequate Yearly Progress (AYP) accountability measure is eliminated and states have greater discretion in determining and assigning weight to accountability indicators. States must define "ambitious" long-term goals. They also must annually measure academic achievement; the four-year adjusted cohort graduation rate for high schools; at the state's discretion, an extended-year graduation rate; progress in English proficiency for English learners; and at least one indicator of school quality or student success such as student engagement, postsecondary readiness, or school climate and safety.
- » **Identification of underperforming schools.** Each state will need to have a system for annually differentiating school performance using all the indicators in the state's accountability system, giving greater weight to academic indicators than to other indicators of school quality or student success. Based on this differentiation, the state must identify schools that need "comprehensive support and improvement" necessitating the development and implementation of an improvement plan. The state must also identify schools that need "targeted support and improvement" because they have a consistently underperforming subgroup of students.
- » **Teacher qualifications.** The new Title II eliminates federal mandates requiring teacher evaluations and NCLB's requirements for "highly qualified teachers." However, states may use Title II funds to develop, improve or assist local educational agencies to design and implement evaluation and support systems for teachers, principals or other school leaders.



3251 Beacon Boulevard,
West Sacramento, CA 95691
www.csba.org

- » **Small and rural schools.** The Rural Education Achievement Program (REAP) remains a stand-alone program within the ESSA, but a new framework within REAP is intended to provide greater flexibility in the use of federal funding for rural districts/COEs.
- » **Early education.** ESSA establishes a new preschool development grant program, authorized at \$250 million, to increase access to high-quality preschool programs. Partnerships are encouraged among local educational agencies, Head Start providers, state and local governments, tribal organizations and private entities.
- » **Education technology.** ESSA does not authorize a separate education technology program. However, it does establish a new block grant (Student Support and Academic Enrichment Grants) which focuses on three areas: providing all students with access to a well-rounded education, improving school conditions for learning, and using technology to improve academic achievement, academic growth and digital literacy of all students. These funds will be distributed by formula through states to districts/COEs.

CSBA is monitoring the implementation of the legislation and analyzing the policy implications of the over 600-page bill. Sample board policies and administrative regulations will be updated as needed.

For further information and a link to the full text of S. 1177, see CSBA's *Every Student Succeeds Act (ESSA): Overview and Analysis* at <http://bit.ly/1SUfVZo>.

Districts urged to document PE instructional minutes

In the wake of numerous lawsuits initiated by the unincorporated association Cal200 alleging districts' noncompliance with required instructional minutes of physical education (PE), CSBA has updated BP/AR 6142.7 – Physical Education and Activity to clarify legal requirements and encourage districts to carefully document the number of instructional minutes provided.

State law requires the adopted course of study for all students at an elementary school (either grades 1-6 or 1-8) to include PE instruction for at least 200 minutes each 10 school days, exclusive of recesses and the lunch period. Students in grades 7-12 are required to attend PE courses for at least 400 minutes each 10 school days, unless they are excused or exempted as allowed by law.

The law does not provide any exemption for special circumstances. Strict adherence to these requirements is therefore important to protect the district from litigation.

In addition, new law (Assembly Bill 1391, Ch. 706, 2015) provides that complaints regarding noncompliance with PE instructional minutes in an elementary school may be filed using the district's uniform complaint procedures. If the district finds merit in the complaint, or the CDE finds merit in an appeal of the district's decision, then the district must provide a remedy to all affected students and parents/guardians.

In order to document the number of instructional minutes, CSBA's sample AR 6142.7 and Legal Alert *Districts at Risk from Lawsuits Regarding PE Instructional Minute Requirement* provide examples of methods that may be used. Such methods might include use of a master schedule or teacher roster that provides evidence of when physical education classes are offered; a form for completion by physical education teachers, other teachers, and/or principals to document the number of instructional minutes; a student log of the physical education instruction received; or technology such as electronic wrist bracelet which tracks students' physical activity during physical education instruction.

CSBA's Legal Alert is available at www.csba.org/Advocacy/EducationLegalAlliance/LegalResources. For information about the benefits of physical activity for student health and learning, see the resources available through www.csba.org/PE.



3251 Beacon Boulevard,
West Sacramento, CA 95691
www.csba.org

Policy addresses new law on guidance counseling

State law authorizes districts/COEs to provide educational counseling programs for students and requires that such programs, if offered, must include specified components of academic and career/vocational counseling. Senate Bill 415 (Ch. 539, 2015) updates those components, adds a list of optional components, and expresses the legislature's intent that school counselors perform certain functions and duties. It also requires that professional development related to career/vocational counseling include strategies for counseling students pursuing postsecondary education, career technical education, multiple pathways, college, and global career opportunities. CSBA updated BP 6164.2 – Guidance/Counseling Services in March to reflect the new law.

The new legislation comes on the heels of the most recent release of data from the National Center for Education Statistics which shows that California had the highest ratio of students to counselors in the nation in 2010-11, with 1,016 K-12 students for every one counselor. This ratio far exceeds the national average of 471:1 and is four times higher than the American School Counselor Association's recommended ratio of 250:1. The high student-to-counselor ratio suggests that many students do not have access to the vital mental health and academic support services they need as districts have been forced to cut counseling staff due to budget limitations.

The bill analysis for SB 415 reflects the concern of the bill's author (Sen. Lara) about the high student-to-counselor ratios in California and his belief that school counselors play a critical role in addressing equity challenges and meeting the eight state priorities outlined in the Local Control and Accountability Plan, including school climate, high school graduation rates, and access to college preparation courses. It also cites a 2014 University of California Irvine study which found that the availability of counselors in K-12 schools is strongly associated with higher college enrollment and other improved student outcomes. Additional research on the effectiveness of school counseling programs is available at www.cde.ca.gov/ls/cg.

Policy Services news

New policy development tool

In response to district requests, CSBA is offering a new policy development tool for Manual Maintenance and Policy Online clients beginning with the March Policy Update. Along with the guide sheet that highlights the important revisions made to sample policies and administrative regulations, CSBA is providing a version of each policy in which all changes are highlighted in yellow. Within the highlighted areas, boldface type indicates new language and strikeout indicates deleted language. Areas that are highlighted but have no boldface or strikeout were simply moved from another location.

This tool may be useful to districts that want to compare their existing policy to the updated CSBA sample. However, districts are still encouraged to review and give careful consideration to their entire policy prior to adoption, as additional changes may be needed to reflect district practice.

County board policies now available

The first set of sample board policies and bylaws for county boards of education is now available online. The full set of county board bylaws, as well as policies on the LCAP and student expulsion appeals, can be accessed through the Gamut Online website by CSBA members with Gamut Online service subscriptions.

When logging into Gamut Online, the Gamut Resources box in the upper right-hand corner now includes links to both the "Sample District Policy Manual" and the "Sample County Policy Manual." In addition, the link for "District Manuals" has been replaced with a link to "LEA



3251 Beacon Boulevard,
West Sacramento, CA 95691
www.csba.org

Manuals" and provides access to the adopted policy manuals of both districts and COEs.

CSBA continues to develop additional county board policies that will be released throughout 2016. Some of the topics expected to be addressed this spring include budgets, interdistrict transfer appeals, charter schools and juvenile court schools.

For information about subscribing to Gamut Online or signing up for a free 30-day trial, see www.csba.org/GamutOnline or call (800) 266-3382.

CSBA awarded for lactation accommodations policy

The California Breastfeeding Coalition has presented its prestigious Golden Wave Award to Diane Greene, a senior policy services consultant at CSBA, in recognition of her advocacy to protect and support workplace accommodations for breastfeeding. The award was announced at the coalition's California Breastfeeding Summit in February.

The award honors development of CSBA's sample policy on this issue (BP 4033 – Lactation Accommodations) and the association's continuing efforts to promote its adoption among school districts in California. The policy expresses the board's recognition of the immediate and long-term health advantages of breastfeeding for infants and mothers, expresses the board's desire to provide a supportive and nondiscriminatory environment, and reflects state and federal law regarding accommodations. As of early February, 48 percent of the nearly 500 district policy manuals in Policy Online included policy on lactation accommodations for employees.

In March, CSBA updated BP 5146 – Married/Pregnant/Parenting Students and BP/AR 1312.3 – Uniform Complaint Procedures to reflect AB 302 (2015), which requires a school to offer reasonable accommodations to a lactating student and provides that any complaint regarding noncompliance may be addressed through the district's uniform complaint procedures.

CSBA has partnered with the University of California San Diego's Center for Community Health on policy promotion during National Breastfeeding Month every August. In addition, both the Center for Community Health and the American Civil Liberties Union provided feedback on the revision of BP/AR 5146.

CSBA Resources

2015 Policies in Review

2015 Policies in Review, an overview of the major policy issues addressed in sample policies, administrative regulations, and the *Policy News* throughout the year, will be available in late March at www.csba.org/PNB.


This report describes critical policy issues related to accountability, the LCAP, high school exit examination, English learners, math placement, sexual health and HIV prevention education, International Baccalaureate program, technology, district residency, chronic absence, immunizations, uniform complaint procedures, family care and medical leave for employees, water conservation and alcohol on campus. Appendices provide a description of the policy services offered by CSBA, as well as complete lists of publications, leadership development opportunities, and sample policies, administrative regulations and board bylaws issued in 2015.

Compendium of new laws

CSBA's Governmental Relations Department has compiled *What's New for 2016: A Compendium of New Laws that Impact K-12 Education in California*, listing all those bills signed into law which CSBA had taken a position on or closely monitored due to their impact on schools. For each



3251 Beacon Boulevard,
West Sacramento, CA 95691
www.csba.org



new law, the listing includes the bill number, author, chapter number, summary, CSBA's position on the bill, code sections affected (e.g., Education Code, Government Code, Health and Safety Code etc.), date the law becomes effective, and an indication as to whether or not CSBA sample board policies are impacted.

In addition, the compendium contains a chart which sorts the bills into four categories based on the four pillars of CSBA's policy platform: strengthen local governance, secure fair funding, improve conditions of children and ensure achievement for all.

The compendium is available at www.csba.org/Advocacy/LegislativeNews.

Fact sheet on concussions

Research has shown that athletes who sustain concussions can experience both short- and long-term symptoms such as dizziness, headaches, nausea, difficulty concentrating, sleep loss, moodiness, irritability, memory loss, depression and other health problems. As reflected in BP/AR 6145.2 – Athletic Competition, districts have a responsibility under state law to distribute information on concussion and head injuries to student athletes and their parents/guardians and to immediately remove a student from an athletic activity if he or she is suspected of sustaining a concussion.

Additional steps that boards could take to help protect student athletes are described in *Concussions in Student Athletes and How to Reduce Risk*, a new fact sheet from CSBA. This fact sheet presents information on the physical harm associated with concussions, the types of sports that are high risk, data on the lack of adequately trained and certified athletic trainers in the majority of California districts, and questions for boards to consider. The fact sheet is available at www.csba.org/GovernanceAndPolicyResources.

Education opportunities

Training for executive assistants

CSBA offers professional development designed to help executive assistants enhance their performance to meet the needs of the superintendent, board, students and community. The one-day workshop (9:00 a.m. – 3:00 p.m.) is scheduled on the following dates:

April 19 – Rancho Cucamonga

April 25 – Sacramento

May 5 – San Jose

The \$155 registration fee includes materials, morning refreshments and lunch. For further information and to register, go to www.csba.org/TrainingAndEvents.


Webcast on disclosure of public and student records

Board members are often involved in the exchange of information, including their own electronic communications that may create a public record subject to public disclosure. The release of student records to third parties may also create issues for districts/COEs. In this one-hour webcast, a panel of experts will discuss:

- » California Public Records Act and what it means to board members
- » *City of San Jose v. Superior Court* and the disclosure of communications made on electronic devices by public officials



3251 Beacon Boulevard,
West Sacramento, CA 95691
www.csba.org

- 
- » *Newark USD v. Superior Court* and the accidental, inadvertent disclosure of non-public information
 - » *County of Los Angeles Board of Supervisors v. Superior Court* and the confidentiality of legal invoices submitted to a public agency
 - » AB 1584 and the digital storage, management and retrieval of student records by third party vendors

This Legal Update webcast will be shown March 23 at 12:00-1:00 p.m. To register, go to www.csba.org/TrainingAndEvents.



3251 Beacon Boulevard,
West Sacramento, CA 95691
www.csba.org