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California begins ESSA transition

After President Obama signed the Every Student Succeeds Act (ESSA) (P.L. 114-95) in December, the U.S. Department of Education (USDOE) and California Department of Education (CDE) began working on plans to implement the new law. As provisions become effective, CSBA will be updating numerous policies that reflect federal education requirements and programs.

For a summary of the ESSA, see CSBA's *Every Student Succeeds Act (ESSA): Overview and Analysis* at www.csba.org/federal. Ongoing updates will be provided on CSBA's website as well as the USDOE's website at www.ed.gov/essa.

Implementation of the ESSA requires the development and approval of a state plan. CDE anticipates that the ESSA state plan will be presented to the State Board of Education (SBE) by January 2017 and will become operational in the 2017-18 school year.

While waiting for the state plan to be finalized, districts and county offices of education (COEs) need to identify which requirements are still in effect based on the federal funding they receive and the programs they offer. Recent guidance from the USDOE indicates that states will have flexibility in the 2016-17 school year to *not* require districts/COEs to implement certain former federal requirements (see <http://bit.ly/ESSA-FAQs>). As a result, the CDE has made the following decisions related to implementing teacher qualifications, supplemental educational services and student transfers.

Qualifications of teachers and paraprofessionals

Previous federal law (the No Child Left Behind Act, 20 USC 6319) required all teachers of core academic subjects to meet the qualifications of "highly qualified" teachers as defined in law, and established the qualifications and duties of paraprofessionals working in programs supported by Title I funds. The CDE has chosen to use the flexibility granted by the USDOE to waive these requirements for the 2016-17 transition year. Thus, hiring practices for the 2016-17 school year should be solely based on state qualifications requirements. See the CDE's April 15, 2016 letter at <http://bit.ly/24z8Ng7>.

Districts/COEs are no longer required to notify parents/guardians when their child has been assigned to, or has been taught for four or more consecutive weeks by, a teacher who does not meet highly qualified teacher requirements. However, the ESSA does require a similar notification to parents/guardians when the teacher does not meet state teacher certification requirements for the grade level or subject being taught. In addition, it retains the requirement for districts/COEs receiving Title I funds to annually notify parents/guardians of their right to request information regarding the qualifications of their child's teacher or paraprofessional.

In the May Policy Update, CSBA has begun to remove references to highly qualified teacher requirements throughout the sample policy manual. CSBA has deleted BP/AR/E 4112.24 - Teacher Qualifications Under the No Child Left Behind Act and removed related language from E 0420.41 - Charter School Oversight and E 5145.6 - Parental



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Notifications. Through the Minor Revisions document, revisions were also made to AR 4112 - Appointment and Conditions of Employment, BP 4112.21 - Interns, AR 4112.23 - Special Education Staff, BP 4117.13/4317.13 - Early Retirement Option, AR 6158 - Independent Study and AR 6171 - Title I Programs.

Policies that require more extensive changes, including BP 4112.2 - Certification, BP 4113 - Assignment and BP/AR 4222 - Teacher Aides/Paraprofessionals, will be reissued in a future Policy Update.

Supplemental educational services and student transfers

The CDE has also opted to accept the flexibility offered by the USDOE in order to waive certain requirements in 2016-17 for schools previously identified for program improvement (PI), corrective action or restructuring based on federal and state criteria. Such schools must continue to implement the same interventions in their improvement plans, except that California has elected not to require (1) the option for students in a PI school to transfer to another district school or charter school that has not been identified for PI and (2) the provision of supplemental educational services (SES) to eligible students from low-income families.

At its May meeting, the State Board of Education (SBE) approved a one-year transition plan which addresses what districts/COEs must do in lieu of student transfers, SES, and related notice and reporting requirements. The transition plan is included in the SBE agenda at <http://www.cde.ca.gov/be/ag/ag/yr16/agenda201605.asp>.

Although districts are no longer required to offer transfers to students in PI schools, California has assured the USDOE that students who previously transferred to another public school under the No Child Left Behind Act will be allowed to continue in that school until they have completed the highest grade offered at that school. Districts/COEs must set aside Title I funds for transportation costs for students who previously transferred.

In addition, the transition plan provides that schools in the second year of PI or beyond must provide alternative supports in the 2016-17 school year for students eligible for SES. The plan defines alternative supports as “supplemental activities designed to increase the academic achievement of socioeconomically disadvantaged students attending schools in PI Year 2 and beyond. Alternative supports shall be locally defined and administered by the LEA [local educational agency] to provide a well-rounded program of instruction to meet the academic needs of students.” Districts/COEs may include types of alternative supports and the criteria used to identify eligible students for such additional support in their Local Control and Accountability Plan (LCAP). Examples listed in the transition plan include:

1. Academic support offered during school hours, before school, after school, during intercession and/or during summer learning programs
2. Small group instruction and/or pull-out interventions offered during the regular school day
3. Interventions offered during After School Education and Safety or 21st Century Community Learning Center programs
4. High-quality academic tutoring
5. Purchase of supplemental materials to support alternative support services
6. Personnel costs of a crisis, intervention and/or academic counselor to meet with eligible students
7. Services and programs that remove barriers to promote academic achievement of eligible students

The CDE will no longer post a list of approved SES providers. If a district/COE chooses to contract with outside entities or community partners to provide alternative supports, it may select and contract with a provider of its choice.



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In May, CSBA updated E 5145.6 - Parental Notifications to reflect the elimination of related parental notifications. CSBA is also reviewing BP/AR/E 0520.2 - Title I Program Improvement Schools, BP 6179 - Supplemental Instruction, and BP 5116.1 - Intradistrict Open Enrollment and will be updating them as needed.

Stakeholder feedback

The USDOE is seeking input on areas of the ESSA on which it could provide nonregulatory guidance to assist districts/COEs in understanding and implementing the new law. For example, the USDOE intends to develop guidance regarding foster youth, homeless students and English learners. If there are questions or comments on other ESSA requirements, board members and superintendents may send an email message to ESSAGuidance@ed.gov, noting the topic area(s) in the subject line. USDOE encourages submission of comments by May 25, 2016 in order to have the greatest impact.

Districts weigh policy related to firearms on school grounds

On April 1, CSBA issued a special release of Policy Update consisting of two sample policies related to possession of firearms on or near school grounds. CSBA's new sample board policy, BP 3515.7 - Firearms on School Grounds, responds to new law (SB 707, 2015) which prohibits a person with a valid Carry Concealed Weapon (CCW) license from possessing a firearm on school grounds, unless he/she obtains the written permission of the superintendent or designee.

Previous state law established gun-free school zones on campus and within 1,000 feet of a school, but made certain exceptions including an exception for persons with CCW permits. Thus, persons with CCW permits might have possessed firearms on campus without the knowledge of school officials, and the public was largely unaware of this exception. SB 707 amended state law to provide that persons with CCW permits may still carry firearms within 1,000 feet of a school but cannot carry them on campus without written authorization from the district. As a result, this puts school officials in the position of having to determine whether or not to grant such permission.

The board has the authority to adopt policy which prohibits the granting of permission to possess a firearm on school grounds, or may choose to allow the superintendent or designee to make this determination on a case-by-case basis. Recognizing that such decisions must be made based on local circumstances, the sample policy provides options for the governing board to consider in consultation with the district's legal counsel, insurance provider, and local law enforcement and with input from students, parents, staff and community members. For districts that choose to allow persons with a CCW license to apply for permission to possess a firearm and/or ammunition on school grounds, CSBA has issued two Exhibits providing a sample application form and a sample possession agreement specifying responsibilities and restrictions.

The special release also included revisions to BP/AR 3515.2 - Disruptions. Material related to gun-free school zones has been deleted since it is now covered in 3515.7.

Adult education policy supports implementation of block grant

The state's new Adult Education Block Grant, established by AB 104 (Ch. 13, Statutes of 2015), builds upon the efforts begun several years ago to improve the quality and efficiency of adult education programs throughout the state. In 2013, the passage of AB 86 resulted in the creation of regional consortia composed of K-12 school districts, COEs, community college



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districts and joint power authorities. The consortia ensure collaboration in the identification of the educational needs of adults in the region, development of an adult education plan, and effective implementation of strategies and services.

According to a report issued in 2015 by the CDE and the California Community College Chancellor's Office, there are currently 71 consortia (<http://bit.ly/1TQHPIh>). These consortia have completed their planning efforts and moved to the implementation phase.

Participation in a consortium is optional. Funds allocated through this block grant may be used to support adult education programs related to elementary and secondary basic skills, entry or reentry into the workforce, career technical education, pre-apprenticeship training, knowledge and skills to assist K-12 students to succeed academically, and programs for immigrants and adults with disabilities. Districts/COEs may provide other types of adult education programs through other sources of funding.

CSBA has significantly revised BP/AR 6200 - Adult Education to reflect requirements of the Adult Education Block Grant.

Numerous resources related to the block grant and other adult education issues are available on a website jointly sponsored by CDE and the California Community College Chancellor's Office at <http://aebg.cccco.edu>. These include best practices, research reports, collaboration tools and more.

Golden Bell Awards applications now being accepted

Now in its 37th year, CSBA's Golden Bell Awards recognize outstanding programs and governance practices in districts/COEs throughout California. Programs may include, but are not limited to, curriculum and instruction in specified content areas, accountability/assessment, LCAP implementation, community schools, parent/community involvement, professional development, school climate, student services, technology and wellness.

The application deadline is June 24. For further information about awards categories, program specifications, and selection criteria and to apply, see <http://gb.csba.org>.

Winners will be showcased at the 2016 Annual Education Conference and Trade Show this December in San Francisco.

New resources from CSBA

Achievement of African-American students

CSBA has launched a new series of governance briefs designed to shed light on the educational needs of California's diverse student population. The goal of the series is to describe challenges that must be addressed to ensure that all students have an equal opportunity to achieve their potential and to highlight schools, districts and programs that are successfully addressing these challenges.

The first two governance briefs in the series, released in April, focus on African-American students. Issue 1, *Demographics and Achievement of California's African-American Students*, summarizes findings from a number of reports and data sources regarding the conditions of African-American students in California's K-12 public schools. Key findings include:

- » a disproportionate percentage of African-American students who attend schools with high poverty rates
- » lower educational achievement in schools with a large percentage of low-income students or a lack of ethnic and socioeconomic diversity



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- » a greater likelihood that African-American students will attend schools with underprepared teachers and a less rigorous curriculum
 - » lower teacher expectations for students of color and low-income students
 - » disproportionate rates of suspension and expulsion

Issue 2, *Closing Opportunity and Achievement Gaps for African-American Students*, presents considerations for board members and state, county and district leaders to close the achievement gap. It offers best practices of successful initiatives, programs and partnerships throughout the state as well as governance strategies for data analysis, goal setting and resource allocation.

The briefs are available at www.csba.org/GovernanceBriefs.

Foster youth

CSBA recently completed a grant project with the Stuart Foundation to increase awareness of foster youth among California's school board members. The grant project culminated in the creation of a fact sheet and three videos that focus on foster youth challenges and support strategies. These materials will be available at www.csba.org/FosterYouth this month.

The fact sheet *Our Foster Youth: What School Boards Can Do*, presents research findings related to the number of districts serving foster youth, the number of times foster youth transferred between schools during their first year in foster care, absence rate, achievement of foster youth in English language arts and mathematics in comparison to their peers, graduation rate, and post-high school outcomes such as attainment of a college degree, income level and mental health challenges. It also provides governance teams with core strategies in the areas of safety, stability and support which districts/COEs can implement to overcome those challenges.

CSBA encourages all board members to watch the videos — “Not Invisible,” “What School Boards Can Do,” and “Not Alone” — once they become available, and share them with their learning communities.

For a sample policy and administrative regulation addressing the needs of foster youth and related legal requirements, see BP/AR 6173.1 - Education for Foster Youth.

Physical activity during the school day

A new governance brief issued jointly by CSBA and the Alliance for a Healthier Generation, *Integrating Physical Activity into the School Day*, suggests actions that governing boards can take to promote students' physical activity in order to enhance their learning and help them develop lifelong healthy habits. The brief recognizes that strides have been made to create greater opportunities for physical education and physical activity in schools. However, only 26-37 percent of students scored in the Healthy Fitness Zone on the 2014-15 FITNESSGRAM physical fitness test, indicating that further efforts are needed to maximize opportunities for physical activity.

Strategies for encouraging physical activity include related board policy, professional development, student involvement in planning, collaboration with local entities, and high-quality programming. In addition, schools may join the Active Schools/Active Minds initiative of the Alliance for a Healthier Generation. Participating schools are challenged to keep students physically active for 60 minutes each school day, including physical education and activity before, during and after school.

The brief is available at www.csba.org/GovernanceBriefs. For further information about the Active Schools/Active Minds initiative, go to healthiergeneration.org/active. Also see CSBA's sample BP/AR 6142.7 - Physical Education and Activity.



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Education opportunities

Leadership Institute

CSBA's Leadership Institute: Leading and Taking Action for Student Success will delve into the most pressing issues facing governance teams today. This all-new, two-day event will provide governance teams with relevant, engaging content and critical strategies to help them navigate the complexities of current issues and advance their leadership skills. The nationally recognized speakers include:



Pedro Noguera, Distinguished Professor of Education at the University of California, Los Angeles, whose scholarship and research focus on the ways in which schools are influenced by social and economic conditions as well as by demographic trends in local, regional and global contexts



Linda Darling-Hammond, President of the Learning Policy Institute, whose research and policy work focus on issues of educational equity, teaching quality and school reform



Dr. Peter M. Senge, Senior Lecturer at the Massachusetts Institute of Technology and Founding Chair of the Society for Organizational Learning North America, whose areas of special interest focus on decentralizing the role of leadership in organizations so as to enhance the capacity of all people to work productively toward common goals

Susan Decker, David Plank, as well as Pivot Learning Partners and Total School Solutions also join the list of presenters.

Topics for breakout sessions include accountability and achievement, facilities, Common Core State Standards and Next Generation science standards, and Local Control and Accountability Plan leadership.

The Leadership Institute is scheduled to be held July 15-16 in Sacramento. The \$249 registration fee includes materials, morning refreshments and lunch.

Space is limited. To register, go to www.csba.org/LeadershipInstitute.

CCBE Annual Conference

County board members have an opportunity to focus on specific issues that impact them and to network with other county board members at the California County Boards of Education (CCBE) Annual Conference Sept. 9-11, 2016 in Monterey. Speakers and programs will highlight best practices and new ideas which address the unique issues faced by county boards and the students they serve.

A discounted registration fee is offered through early bird registration until July 18. Discounted registration is also offered to county superintendents when three or more of their county board members are registered to attend the conference.

For further information about the conference schedule, and to register online, go to CCBE's website at www.theccbe.org/events/CCBEAnnualConference.



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