



Policy News

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Future of transitional kindergarten program now in limbo

As districts prepare to implement transitional kindergarten programs in the 2012-13 school year as required by the Kindergarten Readiness Act of 2010 (SB 1381, Ch. 705, 2010), Gov. Jerry Brown's January budget proposal puts the future of the program in jeopardy. His proposed cuts to education include the elimination of all funding for the transitional kindergarten program. Thus, school districts would not be required to offer the program, but could do so at their discretion.

Because the proposal will not be acted upon for some time, districts are in a tough position to know how to proceed. If the program requirement disappears, districts may choose not to operate the program. However, if the requirement remains, districts must be adequately prepared for implementation. Therefore, CSBA has decided to release its new sample policy BP 6170.1 – Transitional Kindergarten. Districts are encouraged to make contingency plans while continuing to monitor the issue. CSBA will notify districts of any further actions taken by the governor or state legislature.

Current law gradually raises the age for admission into kindergarten and first grade and requires that elementary and unified districts offer a transitional kindergarten program to children whose kindergarten admission would be delayed because of the new age criteria. Even if the program requirement is rescinded, there has been no proposal as yet to change the phase-in of the new admission criteria. As reflected in CSBA's revised AR 5111 – Admission, SB 1381 changed the cut-off date for enrollment eligibility for grades K-1 (which has required the child's birthday to be on or before December 2) to instead establish eligibility based on a birthday on or before November 1 of the 2012-13 school year, October 1 of the 2013-14 school year, and September 1 of the 2014-15 school year and each school year thereafter.

"Transitional kindergarten" is defined as the first year of a two-year kindergarten program and would be required to use a modified kindergarten curriculum that is age and developmentally appropriate. The law provides considerable flexibility to design the curriculum. Districts might consider state and district standards for kindergarten, Common Core standards, and state "preschool learning foundations." Other program components, such as class size, length of school day, facilities, and teacher certification, are subject to the same legal requirements applicable to kindergarten programs.

A number of resources are available to assist in program planning. See CSBA's policy brief on transitional kindergarten (www.csba.org/pab.aspx), the California Department of Education (CDE) *Frequently Asked Questions* (www.cde.ca.gov/ci/gs/em/kinderfaq.asp), the California County Superintendents Educational Services Association's new *Transitional Kindergarten Planning Guide: A Resource for Administrators of California Public School Districts* (www.ccsesa.org), and Preschool California's Transitional Kindergarten Library (www.tkcalifornia.org).



New legislation impacts policies

As the first half of the two-year legislative session came to an end, hundreds of bills were sent to the governor's desk in the last few days of the session. Gov. Jerry Brown warned legislators to be prepared for vetoes, telling reporters there were more bills on his desk than there were problems that needed those solutions.

By the time it was all over, Gov. Brown signed 745 bills in 2011 and vetoed 125. His veto rate over the year was about 14 percent lower than former Gov. Arnold Schwarzenegger (who vetoed more than a quarter of regular session bills) but over three times higher than when Brown was governor from 1975-1982. Among the key education bills vetoed were SB 547, which would have replaced the Academic Performance Index with a broader Education Quality Index using multiple indicators, and AB 47, which would have revised the criteria for identifying a school as low performing for purposes of allowing student transfers under the Open Enrollment Act. Some other bills did not make it to the governor's desk and were held over as two-year bills.

Nevertheless, a number of bills were signed with significant impacts on K-12 education. Most of these are effective Jan. 1, 2012. CSBA has been reviewing the new legislation and has begun the process of revising sample policies to reflect new legal requirements. A few of the major issues affecting school districts and county offices of education (COEs) include:

Administration of antiseizure medication

SB 161 (Ch. 560, 2011) authorizes a school district/COE to train volunteer, nonmedical personnel to administer emergency antiseizure medication to students suffering from epileptic seizures when a school nurse or other licensed health care professional is not available on site. To exercise this authority, the district/COE must meet the requirements specified in SB 161, including developing related plans and processes, sending notifications to parents and staff, providing training with certain components, obtaining written statements from the student's parent/guardian and health care provider, and developing an individualized health plan whenever the student's health needs are not addressed in a Section 504 plan or an individualized education program.

The bill analysis notes that more than 90,000 children in California have epilepsy and that Diastat, a rectally administered gel, is an at-home medication for the treatment of seizures which was designed to be administered by people without medical training. Further information on the symptoms and treatment of epilepsy is available through the Centers for Disease Control and Prevention (www.cdc.gov/epilepsy) and the Epilepsy Foundation of America (www.epilepsyfoundation.org).

SB 161 requires CDE, in consultation with the California Department of Public Health, to develop guidelines for training and supervision of employees and to post these guidelines and a clearinghouse of best practices on its website by July 1, 2012. In the absence of such guidelines, it is recommended that districts/COEs consult with legal counsel, health care providers and risk managers to ensure that appropriate protections are in place.

This new authorization is in addition to other state law provisions which allow trained, nonmedical school personnel to administer emergency epinephrine auto-injectors to students suffering from severe allergic reactions and glucagon to students with diabetes suffering from severe hypoglycemia. However, litigation concerning the administration of insulin by nonmedical personnel has not yet been resolved. The California Supreme Court is now considering the issue (*American Nurses Association v. O'Connell*) and a decision is expected in spring or summer of 2012.

Impact on CSBA Policy: BP/AR 5141.21 – Administering Medication and Monitoring Health Conditions has been updated to reflect new law. When the California Supreme Court issues

its decision on the administration of insulin by nonmedical personnel, it is possible that further revision to BP/AR 5141.21 will be needed.

Concussions and student athletes

AB 25 (Ch. 456, 2011) requires that a student athlete at any grade level who is suspected of sustaining a concussion be immediately removed from the athletic activity and not returned until a health care provider provides written clearance. AB 25 also requires schools to distribute information on concussions and head injuries to student athletes and their parents/guardians.

Schools participating in the California Interscholastic Federation (CIF) for grades 9-12 were already subject to CIF Bylaw 313 which has similar requirements to AB 25. However, AB 25 extends these requirements to any district that offers an athletic program at any grade level and for any sport.

A number of resources are available to develop the information sheet that must be distributed to student athletes and parents/guardians, including fact sheets and a sample information sheet issued by the Centers for Disease Control and Prevention. These materials are available on CIF's website at www.cifstate.org/index.php/the-latest-news/concussions. In addition, CIF offers a free online course to educate coaches about the risk and symptoms of concussion or head injury.

AB 25 does not apply to students engaging in an athletic activity during the regular school day or as part of a physical education course. However, districts/COEs should consider providing training and protocols to physical education teachers regarding the identification and handling of concussions or head injuries sustained by students in class.

Impact on CSBA Policy: BP/AR 6145.2 – Athletic Competition has been updated to reflect new law.

Social sciences instruction

SB 48 (Ch. 81, 2011) requires social sciences instruction to include the role and contributions of lesbian, gay, bisexual, and transgender Americans, persons with disabilities, European Americans and members of other cultural groups to the economic, political and social development of California and the United States. Thus, SB 48 expands current law which requires instruction on the contributions of men and women, Native Americans, Mexican Americans, Asian Americans, Pacific Islanders and members of other ethnic groups.

The law applies to the course of study in grades 1-12. Districts/COEs have discretion to determine how the content is covered and at which grade level(s). CDE's website points out that the contributions of these groups might be addressed in relation to state content standards for history in grade 4, United States history and geography in grade 11, and principles of American democracy in grade 12.

SB 48 also adds requirements with regard to instructional materials. It prohibits the use of instructional materials that reflect adversely upon persons based on their sexual orientation or religion, and directs governing boards to adopt only materials that accurately portray the groups listed above. For grades K-8, State Board of Education (SBE) adoptions of instructional materials have been suspended through July 1, 2015, so a new adoption of history-social science instructional materials will not be initiated until after that date. For grades 9-12, the governing board adopts instructional materials according to the schedule set by the district/COE, so the requirements of SB 48 will need to be considered the next time the board adopts materials for social sciences. Supplementary instructional materials may be adopted at any time.

A group called "Stop SB 48" was working to halt the implementation of the new law through a referendum, but did not collect enough signatures. Nevertheless, because the issue may





generate controversy in some communities as boards review related policies, districts/COEs should carefully adhere to their policies and administrative regulations regarding the adoption of curriculum and instructional materials, including the opportunity for public input, as well as their procedures for complaints regarding instructional materials.

For further information, see CDE's *Frequently Asked Questions* at www.cde.ca.gov/ci/cr/cf/senatebill48faq.asp.

Impact on CSBA Policy: AR 6143 – Courses of Study and AR 6161.1 – Selection and Evaluation of Instructional Materials have been updated to reflect new law.

Career technical education as an alternative graduation requirement

Beginning in the 2012-13 school year, AB 1330 (Ch. 621, 2011) authorizes governing boards to accept a course in career technical education (CTE) as an alternative to a visual or performing arts or foreign language course for satisfaction of high school graduation requirements. If a district/COE elects to do so, the following information must be added to the annual parental notification required pursuant to Education Code 48980:

- Information about district/COE high school graduation requirements and how each requirement does or does not satisfy the subject matter requirements for admission to the California State University and the University of California (a-g courses)
- A complete list of CTE courses offered by the district/COE that satisfy the a-g course requirements and the specific requirements they satisfy

In order to qualify as an a-g course, a course must first be submitted to and approved by the University of California. A growing number of CTE courses that connect knowledge of academic content with practical or work-related applications have been added to the list of approved a-g courses. CDE data show that the number of approved CTE courses has increased from 258 in 2000-01 to 8,389 in 2010-11. Currently, almost a third of all CTE courses have been approved as a-g courses. Information about the course submission process is available on the University of California's website at www.ucop.edu/a-gGuide/ag/course_submissions.

Impact on CSBA Policy: BP/AR 6146.1 – High School Graduation Requirements has been updated to reflect new law. BP/AR 6143 – Courses of Study has been updated to expand material related to the a-g course approval process.

Board meetings

Generally, state law allows governing boards to hold special meetings to address any matter that requires timely action. However, starting Jan. 1, 2012, AB 1344 (Ch. 692, 2011) prohibits boards from calling special meetings to address the salaries, salary schedules or other compensation of the superintendent, assistant superintendent or any other employee listed in Government Code 3511.1. Other provisions of AB 1344 require the agenda for a regular meeting and the notice of a special meeting to be posted on the district/COE website.

In addition, AB 1344 prohibits any employment contract for the employees specified above from containing: (1) a provision for automatic renewal of the contract with an automatic increase in compensation that exceeds the cost-of-living adjustment, and (2) a maximum cash settlement that exceeds statutory limits in the event of termination of the contract.

The legislation was initiated in response to the 2010 scandal in the City of Bell which the bill's author, Assemblymember Mike Feuer (D-Los Angeles), claimed "inappropriately, even extravagantly, rewarded elected officials and top executive officers outside of public view." He argued that this bill would promote greater transparency in local government decision-making by restricting excessive and automatic increases in compensation and providing

the public with greater opportunity to be informed and comment on local compensation-setting practices.

Impact on CSBA Policy: BP 2121 – Superintendent’s Contract and BB 9320 – Meetings and Notices have been updated to reflect new law.

Records of foster youth

AB 709 (Ch. 463, 2011) amends the Health and Safety Code to conform to Education Code provisions requiring districts/COEs to immediately enroll foster youth even if immunization records normally required for enrollment are not available. However, subsequent to the enrollment, districts/COEs must still work to obtain crucial records to ensure that foster youth are properly immunized. In addition, SB 578 (Ch. 472, 2011) requires districts/COEs to accept coursework satisfactorily completed by a student in foster care while attending another school and to award full or partial credit for such coursework as specified.

A number of countywide systems are in place to facilitate sharing of records pertaining to foster youth. A new statewide database offers another useful tool for providing a smooth transition for the enrollment of foster youth. Foster Focus is a statewide online service, developed by the Sacramento County Office of Education, which allows school officials and social workers to track and share records of foster youth who transfer to new schools. The program notifies districts/COEs when foster youth move to a new county and provides electronic access to students’ grades, credits, course schedules, residential history, immunization records, attendance, individual education plan, and other information. Currently 86 agencies are using the system, including 47 school districts, 21 COEs, and 18 county agencies (child protective services and probation offices). For further information, contact Trish Kennedy, Foster Youth Services, Sacramento County Office of Education, at 916-228-2730 or tkennedy@scoe.net.

Impact on CSBA Policy: AR 6173.1 – Education for Foster Youth has been updated to reflect new law.

Student fees legislation dies, but issue still alive

Legislation which would have established notice requirements and complaint procedures to resolve alleged violations related to student fees was vetoed by Gov. Brown. His veto message states that AB 165 “goes too far” by mandating a detailed notice in every classroom and specific complaint, hearing and audit procedures even where there have been no complaints and no evidence of any violation.

The legislation was intended to implement a settlement agreement in *Doe v. State of California*, litigation initiated by the American Civil Liberties Union (ACLU). The lawsuit alleged that student fees violate the state Constitution’s “free school” guarantee and claimed that the State of California is responsible for ensuring that districts do not charge unlawful fees. Because the settlement was contingent upon enacting legislation, there are no new requirements for districts/COEs. However, following the governor’s veto of AB 165, the ACLU resumed its lawsuit against the state.

Districts/COEs should ensure that fees are not imposed except where specifically authorized by law and that their policies accurately reflect the fees that they have decided to charge. Permissible fees are discussed in BP/AR 3260 – Fees and Charges and in a letter issued by CDE to all superintendents on October 28, 2011 (www.cde.ca.gov/nr/el/le/yr11tr.asp).

Consistent implementation of the policy and administrative regulation is critical. CSBA’s “Student Fees Litigation Update” (May 2011) recommends:

- Working with principals to ensure uniform implementation among school sites





- Communicating the “free school guarantee” to coaches and athletic directors
- Reviewing district/COE and school websites to ensure compliance with prohibitions against fees
- Ensuring that all communications to parents/guardians clearly state that any donations are voluntary
- Updating student and staff handbooks and course syllabi to include language that no fees will be charged for participation in classroom or extracurricular/cocurricular activities

Survey reveals cost effectiveness of *AgendaOnline*

CSBA recently conducted an evaluation of *AgendaOnline*, its web-based service that allows development of and access to board meeting information including agendas, supporting documents and minutes. The survey of *AgendaOnline* assessed client satisfaction, impact on staff time and cost savings.

Results showed that 97 percent of respondents are "satisfied" or "very satisfied" with the service, 94 percent said they would recommend it to other districts, and 97 percent said it was a good investment for their district. An overwhelming majority indicated they are satisfied or very satisfied with the technological functions of the system (83 percent), ease of use (91 percent), ability to reduce time for agenda development (97 percent), price of subscription (68 percent) and CSBA technical support (97 percent).

On average, district staff saved 15 hours per meeting in agenda preparation and 2 hours per meeting in agenda delivery. Total savings averaged about \$12,700 per year, including staff time, printing and bindery fees, and direct delivery costs. A similar study is now being conducted in regard to CSBA's Policy Online service, which combines GAMUT Online and Manual Maintenance programs and allows online access to the district's policy manual.

For further information about *AgendaOnline* or Policy Online, go to CSBA's website at www.csba.org/Services/Services/GovernanceTechnology.aspx.

CSBA leadership development opportunities

Brown Act workshop

"Brown Act: What You Need to Know" is an interactive evening workshop for board presidents, board members, superintendents and executive assistants. The principle of open meetings initially seems simple, but the application of the law can prove to be quite complex. This three-hour session is designed to increase participants' knowledge of:

- The board agenda: development, posting, distribution, contents and restrictions
- The meeting: open meeting laws, the Brown Act, Education Code requirements, local board bylaws
- Closed sessions: when to have them, when not to have them, and who gets to decide

All sessions are scheduled from 5:30-8:30 p.m. Dates and locations currently scheduled for 2012 include:

Jan. 20 | Sacramento

Jan. 27 | Garden Grove

Feb. 3 | Bakersfield

Feb. 10 | Millbrae

Feb. 24 | Los Angeles

Mar. 2 | Redding

To register online, go to the events calendar at www.csba.org/TrainingAndEvents.aspx.

CSBA Resources

New school safety resources

Recognizing the link between safe school environments and student attendance and achievement, CSBA has developed several new anti-bullying, safe schools resources.

Safe Schools: Strategies for Governing Boards to Ensure Student Success is an updated, re-titled edition of the safe schools guide that CSBA first published in 1994. Written with guidance from CSBA's School Health Advisory Committee and with support of the Ford Foundation, the November 2011 edition adds a section on cyberbullying and an increased focus on preventing bullying and harassment, including strategies to ensure that lesbian, gay, bisexual and transgender students feel safe on campus. The guide also includes chapters on the governing board's role in creating a safe school environment, prevention strategies to create positive school environments, and intervention strategies to guide districts/COEs if problems arise. The complete guide may be downloaded at www.csba.org/wellness.aspx.

Following up on the publication of the guide, CSBA sponsored a webinar in November which further examined the issue of cyberbullying. "Safe Schools in the Digital Age," part of the Education Insights @ CSBA webinar series, featured Betsy McNeil, CSBA's school wellness consultant, and Gretchen Shipley of the Fagen Friedman & Fulfroost law firm. The webinar included an introduction to CSBA's safety guide, steps that districts/COEs can take to promote student and employee "cyber-ethics" and the circumstances under which the district/COE can impose discipline for related misconduct. The webinar is archived at www.csba.org/TrainingAndEvents.aspx.

The fall edition of CSBA's *Link to Learning* newsletter also focuses on school safety, including articles addressing the potential harm of gender-segregated school activities, locker rooms and bathrooms in isolating transgender and gender-nonconforming students. In addition, the newsletter presents a sample board resolution against bullying, harassment, discrimination and violence and describes a new toolkit on school climate available from the National School Boards Association. The newsletter is available at www.csba.org/NewsAndMedia/OtherNewsletters/LinkToLearning/2011/Fall.aspx.

Schools Targeted Energy Program (STEP)

To help districts/COEs reduce utility consumption, thereby stretching their general fund dollars while promoting environmental responsibility, CSBA is working with consultants from Clean Energy Advocates and Innovative Energy Services, Inc., to provide the Schools Targeted Energy Program (STEP). CSBA's team will help districts/COEs execute successful energy efficiency initiatives that include energy analysis, project development, engineering, project management and funding. Experts in energy efficiency planning and financing will audit all of a participant's facilities and develop a plan that can offer immediate relief and long-term changes. STEP will also identify rebates and other incentive payments that can offset the costs of installing new





energy-efficient systems or retrofitting older systems to operate more effectively. Installation costs are significantly offset by these incentive programs.

For further information about STEP and other programs available through CSBA's Finance Corporation, go to www.csba.org/Services/Services/FinancialServices.aspx.

2011 Policies in Review

Each year, CSBA publishes an overview of the major policy issues addressed in sample policies and administrative regulations, policy briefs, fact sheets and the *Policy News* throughout the year. The *2011 Policies in Review* describes critical policy issues in the categories of accountability, community relations, curriculum and instruction, fiscal operations, governance, personnel, safety, student enrollment, and student health and wellness. Appendices provide complete lists of publications, leadership development opportunities, and sample policies and regulations issued in 2011, as well as descriptions of the policy services offered by CSBA.

Look for the *2011 Policies in Review* in late January at www.csba.org/pab.aspx.

Stay tuned . . .

Among the issues that CSBA expects to address in policy in the March 2012 Policy Update are:

- **Bullying.** Effective July 1, 2012, AB 9 (Ch. 723, 2011) requires districts/COEs to adopt policy prohibiting discrimination, harassment, intimidation and bullying based on specified actual or perceived characteristics. AB 9 also requires complaint procedures to include related issues, specifies a timeline to investigate and resolve complaints, and establishes an expectation that school personnel who witness an act of discrimination, harassment, intimidation or bullying immediately intervene when safe to do so.
- **Charter school renewals and revocations.** On Oct. 24, 2011, the Office of Administrative Law approved new state regulations governing the charter renewal process and review timelines. Then, on Nov. 16 the agency approved regulations governing charter revocations. The revocation regulations were in development more than two years, having been sent back to the SBE at one point for procedural and documentation issues. Both sets of regulations became effective one month after their approval.



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