



Policy News

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Anti-bullying policies set expectations for safe schools

With the state, nation and media paying increasing attention to the problem of bullying in schools, districts and county offices of education (COEs) are stepping up efforts to address the issue.

Effective July 1, 2012, AB 9 (2011) requires districts/COEs to adopt policy prohibiting discrimination, harassment, intimidation and bullying based on actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation or any other characteristic listed in Penal Code 422.55 or Education Code 220, or association with a person or group with one or more of these actual or perceived characteristics. AB 9 also requires complaint procedures to include related issues and timelines and establishes an expectation that school personnel who witness an act of discrimination, harassment, intimidation or bullying immediately intervene when safe to do so. The California Department of Education (CDE) is required to monitor districts for compliance with these legal requirements.

CSBA is reissuing its sample policies BP 5131 – Conduct, BP 5145.3 – Nondiscrimination/Harassment and BP/AR 5145.7 – Sexual Harassment to reflect these requirements, and also has created a new sample policy BP 5131.2 – Bullying to provide greater focus on bullying prevention and intervention strategies. In November 2011, CSBA reissued BP 0450 – Comprehensive Safety Plan to reflect AB 1156 (2011) which encourages comprehensive safety plans to include policies and procedures aimed at the prevention of bullying.

For further information from CSBA about anti-bullying strategies, see the guidebook *Safe Schools: Strategies for Governing Boards to Ensure Student Success* and the policy briefs *Providing a Safe, Nondiscriminatory School Environment for All Students* and *Cyberbullying: Policy Considerations for Boards*, all available at www.csba.org. In addition, the Gay, Lesbian & Straight Education Network has issued a new toolkit, *Ready, Set, Respect! GLSEN's Elementary School Toolkit* (2012), which provides information designed to help elementary school educators prepare themselves for teaching about and modeling respect for all students.

Districts/COEs must ensure nondiscrimination in suspensions and expulsions

African American students are being suspended or expelled at a disproportionately higher rate than other students, according to recently published data collected by the U.S. Department of Education's Office for Civil Rights in 2009-10 (*Civil Rights Data Collection Summary*, March 2012, <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>).

Although African American students represented 18% of the students in the sample, they represented 35% of students suspended once, 46% of those suspended more than once, and 39% of students expelled. The data also indicate disparities across race/ethnicity for school-related arrests or referrals to law enforcement, with about 70% of all such arrests and referrals being for students who are African American or Hispanic.



Gender and disability were other factors influencing suspension/expulsion rates. Males made up 74% of students expelled and 64–69% of single and multiple suspensions. Students with disabilities were more than twice as likely as nondisabled students to be suspended (13% compared to 6%).

Following the release of the national data, State Superintendent of Public Instruction Tom Torlakson issued a statement encouraging districts/COEs to review their school discipline data to determine whether their current practices are meeting the needs of their students, “keeping in mind that the objective is to keep as many students as possible in a learning environment.”

A new legislative proposal (AB 2145), as currently written, would require that suspension/expulsion data already collected by the CDE be disaggregated by race, ethnicity, special education status, English learner status, socioeconomic status and gender. Another bill (SB 1235) would require districts to implement strategies to reduce the suspension rate or disproportionality of suspensions whenever suspensions exceed 25 percent of the school’s enrollment or of any numerically significant racial or ethnic group of the school’s enrollment.

CSBA’s sample BP 5144.1 – Suspension and Expulsion/Due Process, as revised in March, includes language emphasizing the importance of ensuring fair, nondiscriminatory implementation of suspension and expulsion. In addition, it recommends that suspension and expulsion be reserved for situations in which (1) a single act is of a grave nature or is one for which the law requires suspension or expulsion; (2) the student has a history of misconduct and other means of correction have failed to bring about proper conduct; and/or (3) the student’s presence causes a continuing danger to himself/herself or others.

The sample policy encourages the use of alternative disciplinary measures that keep students in school during the school day as much as possible. Examples of alternative disciplinary measures are addressed in other CSBA sample policies, such as BP 5131 – Conduct, BP/AR 5144 – Discipline, and AR 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities), and in CSBA’s guidebook *Safe Schools: Strategies for Governing Boards to Ensure Student Success*. As appropriate, these may include transfer to an alternative program, participation in a conflict resolution or peer mediation program, counseling services, remediation workshop, community service, referral to a student success team, referral to a treatment program, or denial of participation in extracurricular or cocurricular activities or other privileges. Some districts/COEs are exploring the use of “restorative justice” practices which focus on responding to student discipline problems in ways that reintegrate rather than exclude students.

New rules and guidance affect charter school oversight

Districts/COEs that authorize a charter school are required by law to perform specified oversight duties, such as visiting the charter school at least once a year, monitoring the school’s fiscal condition, ensuring the school submits all required reports, reviewing the school’s academic performance and other components when the school submits a petition for renewal of its charter, and notifying the CDE when a charter renewal is granted or denied, a charter is revoked or a charter school ceases operation for any reason. Districts/COEs may go beyond these requirements to structure other oversight activities for the charter schools they authorize.

New state regulations governing charter school renewals and revocations and a new report to the state legislature on charter school oversight call attention to the need for governing boards to have sound policies and practices in place to fulfill their responsibilities with respect to charter schools under their authority.

After much discussion and delay, the state regulations pertaining to charter renewal (5 CCR 19966.4) and charter revocation (5 CCR 11968.5.2-11968.5.3) were approved by the Office of Administrative Law in fall 2011. These regulations contain detailed processes, timelines and criteria that boards must follow. Boards cannot deny renewal or revoke a charter unless they make specific written factual findings. In order to make these determinations, boards

must receive and review regular reports on the charter school's fiscal condition, academic performance and compliance with law and the terms of its charter.

A report issued in January 2012 by the California Research Bureau, *California Charter Oversight: Key Elements and Actual Costs*, provides insight into the current oversight relationship between districts/COEs and charter schools (see the full report at www.library.ca.gov/crb). Among the key findings are:

- Some districts/COEs provide oversight beyond what is specified in state regulations, while others (5-20%) admit failing to perform some of the mandated minimum oversight activities.
- Although some districts/COEs use professionally accepted standards for charter school oversight (e.g., standards recommended by the National Association of Charter School Authorizers or U.S. Department of Education), others create their own unique forms of oversight.
- Most districts/COEs charge charter schools the maximum allowable amount for oversight activities, but few document the actual time or cost associated with oversight activities. As a result, the California Research Bureau was unable to determine whether districts/COEs are sufficiently funded for oversight activities.

The report recommends that districts/COEs use multiple measures to evaluate charter school performance, such as standardized tests, teacher evaluations and student portfolio evaluations. Furthermore, it recommends that the legislature consider requiring consistent reporting guidelines for the expenditure of oversight funds and more narrowly defining which activities fall under “oversight.”

CSBA has substantially revised and reorganized its sample policies and administrative regulations related to charter schools, including BP/AR 0420.4 – Charter School Authorization, BP/E 0420.41 – Charter School Oversight, BP 0420.42 – Charter School Renewal, BP 0420.43 – Charter School Revocation and BP/AR 7160 – Charter School Facilities. CSBA also has begun work to update its publication *Charter Schools: A Manual for Governance Teams*.

SBE extends exit exam exemption for special education students

At its March meeting, the State Board of Education (SBE) approved an emergency regulation (5 CCR 1216.1) which extends the deadline for implementing alternative means for students with disabilities to pass the high school exit examination requirement, thereby exempting such students from taking the exit exam through December 31, 2012.

Pursuant to Education Code 60852.3, students with disabilities may be exempted until the SBE either implements an alternative means for students with disabilities to demonstrate achievement in the standards measured by the exam or determines that an alternative assessment to the exam is not feasible. Last year the SBE had determined that feasible alternatives to the exit exam were available for students with disabilities and set July 1, 2012 as the implementation date. However, it was later recommended that the implementation of these alternatives be deferred because of the uncertainty surrounding statewide testing in general. For instance, the Standardized Testing and Reporting program is scheduled to expire in July 2015, a group of states is developing a national test based on common core standards and Governor Jerry Brown has expressed concern about the amount of testing in California classrooms. The SBE has authorized the State Superintendent of Public Instruction to pursue legislation that would postpone implementation of alternative tests until July 2015.

CSBA's sample AR 6162.52 – High School Exit Examination reflects the exemption for students with disabilities and does not include a date for expiration of the exemption. Thus, CSBA determined it was not necessary to revise this administrative regulation to reflect the SBE's recent action.





Despite the exemption, a student with disabilities may be administered the exam with any test variations, accommodations or modifications specified in his/her individualized education program (IEP) (see BP/AR 6159 – Individualized Education Program as revised in March). The exemption also does not affect the ability of districts/COEs to provide a waiver of the requirement for a student with disabilities who does take one or more sections of the exit exam and receives a passing score, but was administered that section of the test using a modification that alters what the exam is intended to measure (e.g., use of a calculator on the math test or a spell checker on the writing test). As described in AR 6162.52, the use of any such modification generally would result in the student's score being marked "not valid." However, the principal may request that the board approve a waiver if the student's IEP or Section 504 plan requires the modification and the student has satisfactorily completed or demonstrated progress in high school level coursework sufficient to have attained the skills and knowledge otherwise needed to pass the exit exam.

State Seal of Biliteracy now available

The State Seal of Biliteracy, established by AB 815 (2011), will be available to eligible students who graduate from high school this year. This voluntary program recognizes graduates who have attained a high level of proficiency in speaking, reading and writing in one or more languages in addition to English. Criteria for the award have been added to BP/AR 5126 – Awards for Achievement.

It is the responsibility of the district/COE to identify eligible students and to submit a form to the CDE listing the number of eligible students at each school and the languages in which the students are proficient. Beginning in April, the CDE will begin providing the embossed, self-adhesive insignias which can be affixed to the students' diplomas or transcripts.

The Insignia Request Form may be submitted at any time, but the CDE recommends that the request be submitted sufficiently early to allow for CDE processing time (generally three to six weeks) and time for the insignias to be affixed prior to graduation.

The Insignia Request Form is available on the CDE website (www.cde.ca.gov/sp/el/er/sealofbiliteracy.asp), along with a checklist for districts/COEs to use to identify eligible students, Frequently Asked Questions and language resources.

Before the State Seal of Biliteracy was established, districts/COEs could create their own biliteracy awards based on their own criteria. Californians Together, an organization which promotes implementation of the award, reports that 6,000 students in 57 districts/COEs gave biliteracy awards in 2011. It is hoped that the availability of the state seal will encourage more students to study world languages.

CSBA leadership development opportunities

To register for any of the following leadership development opportunities, go to the Events Calendar at www.csba.org/TrainingAndEvents.aspx or call 800-266-3382.

Roadmap to Policy Updates

CSBA's complimentary Roadmap to Policy Updates workshop helps districts maximize the benefits they receive from CSBA's policy services. In this 2½ hour workshop, participants will explore and discuss best practices and procedures for keeping their policy manual current through CSBA's GAMUT Online and Manual Maintenance services and will discover ways to access policies online. The workshop includes a discussion of the components of a policy manual and a GAMUT Online demonstration.

Upcoming workshops include the following (all workshops are 1:30–4:00 p.m.):

May 15 — Tehama County Office of Education, Red Bluff

May 16 — Butte County Office of Education, Oroville

June 13 — Santa Clara County Office of Education, San Jose

June 14 — San Mateo County Office of Education, Redwood City

July 18 — Kern County Office of Education, Bakersfield

July 19 — Pixley Union Elementary School District, Tulare County

September 19 — East Whittier City Elementary School District, Los Angeles County

Executive assistants, administrators, board members, board policy committee members and others charged with the task of creating or maintaining the policy manual would all benefit from this workshop.

AgendaOnline webinar

An online demonstration of CSBA's *AgendaOnline* service will be offered July 12 and 25. *AgendaOnline* is a web-based service that allows development of and access to board meeting information including agendas, supporting documents and minutes. Learn how to submit agenda items; view, navigate, set up and print agendas; and use the "sticky notes" and search features of the service. Participants will have an opportunity to ask questions.

Training for executive assistants

This popular professional development opportunity is tailored to the role of the executive assistant. The all-day (9:00 a.m. – 3:00 p.m.) session will give executive assistants the skills, tools and strategies they need to effectively meet the needs of the superintendent, board, students and community. The registration fee includes a continental breakfast, lunch and materials. Remaining sessions this spring include:

May 1 — Marin County Office of Education, San Rafael

May 8 — West End Educational Service Center, Rancho Cucamonga

Kindergarten readiness webinar

Big changes are in the works for California's youngest learners. This webinar will focus on the state's latest school readiness programs and instruments, including transitional kindergarten and the Desired Results Development Profile – School Readiness (DRDP-SR), a standardized school readiness assessment. Learn the value and fundamentals of the DRDP-SR from Children Now and get the latest on the implementation of transitional kindergarten in the context of the May budget revision from CSBA's governmental relations staff. The webinar will be presented May 24 at 1:00 p.m.

Seminar on board and superintendent evaluation

Evaluation is a powerful tool for growth and professional development. This interactive one-day seminar (9:00 a.m. – 3:00 p.m.) will assist boards and superintendents in developing meaningful, productive strategies for board self-evaluation and superintendent evaluation. The registration fee includes a continental breakfast, lunch and materials. Upcoming sessions include:

April 30 — Sacramento County Office of Education, Mather

May 1 — Marin County Office of Education, San Rafael

May 8 — West End Educational Service Center, Rancho Cucamonga





Helpful resources

Policy brief on nutrition standards

With support from The California Endowment, CSBA's policy brief *Nutrition Standards for Schools: Implications for Student Wellness* has been updated and expanded to reflect recent changes in federal and state law and growing knowledge of best practices. As revised, the policy brief now addresses:

- new federal regulations adopted January 26, 2012 which amend the requirements for meal patterns and nutrition standards for the National School Lunch Program effective July 1, 2012 and the National School Breakfast Program effective July 1, 2013
- a recent decision by the U.S. Department of Agriculture to disallow the use of the state's Shaping Health as Partners in Education (SHAPE) meal planning option for schools participating in the federal lunch or breakfast program and to instead require that such schools follow the single food based menu planning approach
- upcoming federal standards for foods sold outside the meal programs
- changes in requirements for local wellness policies pursuant to the Healthy, Hunger-Free Kids Act (P.L. 111-296) signed in December 2010
- state and federal law requiring the provision of free, fresh drinking water during meal times
- nutrition standards related to summer meal programs, after-school programs and child care programs

Policy considerations for boards, other actions that boards can take to support student nutrition and a list of additional resources are also included.

The policy brief is available at www.csba.org/pab.aspx. CSBA also expects to update AR 3550 – Food Service/Child Nutrition Program to reflect the new federal regulations.

Forum on community schools

Across the state, communities are stepping up to provide resources that improve student success while building stronger families and healthier communities. In response to this trend, the California Community Schools Forum has been launched to provide a place for state's education leaders, school site staff and community members to discuss the hopes, challenges and successes of community-school partnerships.

To join the free forum and begin engaging with others across the state, go to www.cacommunityschools.org/forum. For further information on community schools, see CSBA's policy brief *Community Schools: Partnerships Supporting Students, Families and Communities* at www.csba.org/pab.aspx and *Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement* at www.csba.org/wellness.aspx.

Policy Online

CSBA's Policy Online service provides Internet access to the district/COE policy manual, CSBA staff assistance in incorporating the new and revised policies submitted by the district/COE, and access to CSBA's sample policies and legal resources through GAMUT Online. The service provides an unlimited number of user accounts for board members and staff and allows a limited public account so that parents, students and community members can access the district/COE manual.

A recent return-on-investment survey of current Policy Online clients found an average savings of \$102,411 per year for subscriber districts, including savings in staff time as well as direct costs such as legal fees, consulting fees and policy development costs.

For further information about this service, see www.csba.org/Services/Services/GovernanceTechnology.aspx or call CSBA's Policy Services at 800-266-3382.

Facilities planning service

BP 7110 – Facilities Master Plan has been updated to reflect plan components recommended by the CDE and to recommend that the plan include any identified need to upgrade school facilities to comply with general standards for the design and construction of school facilities, the Americans with Disabilities Act, and green building standards. As districts/COEs review this sample policy, they should consider whether it is also time to review and update their facilities master plan. The State Allocation Board's *Public School Construction Cost Reduction Guidelines* recommends that plans be reevaluated whenever a new construction project is initiated or at intervals not exceeding five years.

To assist districts/COEs with the development of facilities master plans, CSBA partners with Total School Solutions to provide plans that are linked to educational needs, funding resources, construction demands and modern building systems and technology. The service also can provide enrollment projections, developer fees justification studies and assistance with state eligibility and funding applications. For further information, click on the link to facilities planning at www.csba.org/Services/Services/DistrictServices.aspx or call 800-266-3382 ext. 3327.

Stay tuned . . .

Among the issues that CSBA expects to address in future policy updates are:

- **Education technology.** CSBA is currently participating in ON[the]LINE, a statewide project to help districts/COEs promote responsible use of rapidly changing technologies. The goal of the project is to provide a one-stop comprehensive clearinghouse of related policies, guidelines and other tools. Led by Santa Clara County Office of Education technology staff, the partnership also includes the Association of California School Administrators, California County Superintendents Educational Services Association, California Educational Technology Professionals Association, Technology Information Center for Administrative Leadership, and the law firm of Fagen, Friedman & Fulfro.

In addition, Superintendent of Public Instruction Torlakson has appointed an Education Technology Task Force which will present recommendations for updating the state's education technology plan.

CSBA will monitor these initiatives to determine implications for sample policies related to technology plans, student and employee use of technology, and/or district websites and social media.

- **Linked learning.** BP/AR 6178.1 – Work-Based Learning was expanded in March to include other types of work-based learning beyond work experience education (e.g., cooperative career technical education, community classrooms, job shadowing, student internships, apprenticeships, service learning, employment in social/civic or school-based enterprises, and technology-based or other simulated work experiences). Now CSBA policy staff will be working with CSBA's Linked Learning Task Force to determine the need for new or revised policy on other topics that are key elements of linked learning, an approach which blends rigorous academic instruction, career technical education, work-based learning experiences and support services.



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