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## Redesigned GAMUT Online adds new features

CSBA's online policy information service is getting a makeover. While GAMUT Online will continue to offer access to the complete CSBA sample policy manual and legal references, new features have been added based on client suggestions and feedback.

CSBA is currently testing the beta version of the newly designed program and expects to provide the service to all clients by this summer.

The redesigned program will include an enhanced search feature which allows users to search sample policies and legal codes simultaneously. Clients who have their locally adopted policy manual posted on GAMUT Online will be able to search the almost 400 local policy manuals in a single request.

Best of all, the new GAMUT Online allows for the formatting of data. When viewing policy documents, users will see the enhanced formats available in Word documents, such as boxed notes and bold, underlined and italicized policy language.

The new version of GAMUT Online is being demonstrated via webinars and at all Roadmap to Policy Updates workshops. See below for dates and times of upcoming Roadmap to Policy Updates workshops.

## Districts obligated to provide extracurricular athletics for disabled students

In a Dear Colleague letter issued Jan. 25, 2013, the U.S. Department of Education's Office for Civil Rights (OCR) clarifies the responsibilities of districts under Section 504 of the Rehabilitation Act of 1973 regarding the provision of extracurricular athletics to students with disabilities (see <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.pdf>).

The OCR guidance was issued in response to an earlier report published by the U.S. Government Accountability Office which found that students with disabilities are not being afforded an equal opportunity to participate in extracurricular athletics in public elementary and secondary schools. *Students with Disabilities: More Information and Guidance Could Improve Opportunities in Physical Education and Athletics* (2010), available at [www.gao.gov/assets/310/305770.pdf](http://www.gao.gov/assets/310/305770.pdf), highlights the health and social benefits of participation in extracurricular athletic opportunities, including improved teamwork and leadership skills, socialization and fitness.

Existing federal law and regulations require districts to provide all qualified students with disabilities an equal opportunity to participate in district programs. For purposes of Section 504, a person with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.



As the OCR guidance clarifies, districts may still require a level of skill or ability for a selective or competitive program and hold students with disabilities to the same standard, as long as the selection or competition criteria are not discriminatory: “Equal opportunity does not mean, for example, that every student with a disability is guaranteed a spot on an athletic team for which other students must try out.” However, districts may not operate their program or activity on the basis of generalizations, assumptions, prejudices or stereotypes about disabilities. They must also make reasonable modifications and provide those aids and services that are necessary to ensure an equal opportunity to participate, unless the district can show that doing so would be a fundamental alteration to the program.

According to the examples provided in the OCR guidance, a modification might constitute a “fundamental alteration” if it alters such an essential aspect of the activity or program that it would be unacceptable even if it affected all competitors equally (such as adding an extra base in baseball) or if it gives a particular player with a disability an unfair advantage over others. The district may not use that modification but would still be required to determine if other modifications might be available that would permit the student’s participation.

“Unnecessarily” providing totally separate or different services for students with disabilities would be considered discriminatory. However, students with disabilities who cannot participate in the existing extracurricular athletics programs, even with reasonable modifications or aids and services, should have an opportunity to receive the benefits of such programs. In such cases, the district should create additional opportunities for those students with disabilities. Districts are encouraged to work with their community and athletic associations to develop opportunities to include students with disabilities in all extracurricular athletic activities.

CSBA has updated BP/AR 6164.6 - Identification and Education Under Section 504 to reflect the OCR guidance.

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## Sample policy clarifies districts’ authority to control advertising

CSBA has updated its sample BP 1325 - Advertising and Promotions to clarify that the policy applies to advertisements on school facilities and in school-sponsored publications by nonschool groups (i.e., businesses, organizations or other outside entities.)

As updated, BP 1325 also clarifies the distinction between a “nonpublic forum” and a “limited public forum” for purposes of accepting advertisements or distributing materials. If the board chooses to establish its schools as a nonpublic forum, it may choose to prohibit all forms of advertising. If it chooses to establish its schools as a limited public forum, it may accept some advertising and establish reasonable rules to achieve its intended purpose for the forum, as long as the rules do not discriminate against members of the public based on their viewpoints. For example, in a limited forum, the board may adopt policy that allows distribution of noncommercial materials about special events while prohibiting distribution of commercial materials. It may decide to allow advertising in student yearbooks but not on scoreboards. Or it may allow advertising at its high schools while prohibiting advertising at elementary schools.

Whether district schools are nonpublic or limited public forums, it is important that school officials enforce the district’s policy in a consistent manner. In making rulings about the appropriateness of district actions pertaining to advertising, courts look beyond district policy and look at the actual practice of school officials to determine whether a district facility or publication is in fact a nonpublic or limited public forum.

Because of the complexity of law in this area, districts are encouraged to consult legal counsel prior to adopting policy pertaining to advertising.

## CSBA helps districts address hazardous substances

Whenever employees may potentially be exposed to hazardous substances in the workplace, state regulations (8 CCR 5194) require that the employer develop and implement a written hazard communications program. As reflected in BP/AR 3514.1 - Hazardous Substances, the district's program must include components related to container labeling, safety data sheets, employee information and training, a list of hazardous substances present in the workplace, hazardous nonroutine tasks, and provision of information to contractors.

8 CCR 5191 establishes additional requirements for any employer maintaining workplaces where there is laboratory use of hazardous chemicals, such as science laboratory classes at any grade level. Such districts are required to have a written "chemical hygiene plan." The plan must include provision of information and training to employees working in laboratories on topics which are largely the same as those addressed in the hazard communications program. In addition, the plan is required to include control measures to reduce exposure to hazardous chemicals (such as engineering controls, the use of personal protective equipment and hygiene practices) and provisions for medical consultations and examinations in the event of exposure to a hazardous chemical. BP/AR 3514.1 was updated in April to include requirements for the chemical hygiene plan. Also see the California Department of Education's *Science Safety Handbook for California Public Schools* (available at [www.cde.ca.gov/pd/ca/sc](http://www.cde.ca.gov/pd/ca/sc)) for further information about safe handling of potentially hazardous substances in science laboratory classes.

CSBA, in partnership with 3E Company, offers a HazMat Communications service that relieves districts and county offices of education of the time-consuming and expensive maintenance of safety data sheet binders and helps them comply with requirements for hazardous material use, transportation and storage. Features include:

- Immediate access to physicians, toxicologists and poison control specialists
- Safety data sheets that describe a specific product, its hazardous ingredients, physical data, fire/explosion potential, health hazards, spill or leak procedures, special handling, special precautions and other regulatory information
- Assistance with management of spills and contaminations, transportation, storage and use of hazardous materials in order to ensure compliance in inspections by the Department of Industrial Relations, Division of Occupational Safety and Health (Cal-OSHA)

Pricing is based on the number of sites and the number of calls. For further information, see <http://www.csba.org/ProductsAndServices/AllServices/HazMatCommunicationsProgram.aspx>.





## CSBA training opportunities

For further information about the following events or to register, go to [www.csba.org/TrainingAndEvents](http://www.csba.org/TrainingAndEvents).

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### 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 demonstration of the redesigned GAMUT Online.

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

- April 30 – Bakersfield, Kern County Office of Education
- May 1 – Fresno, Fresno County Office of Education
- May 8 – San Jose, Santa Clara County Office of Education
- May 9 – Redwood City, San Mateo County Office of Education
- May 14 – West Sacramento, CSBA offices
- June 4 – Santa Rosa, Bellevue Union Elementary School District

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### AgendaOnline Webinar

This no-obligation webinar will showcase CSBA's *AgendaOnline* service which enables easy development and dissemination of board meeting information. The webinar will explain features of the service, such as creating meeting templates, electronic submission of agenda items from staff, attaching and linking supporting documents, recording minutes and more. Attendees will learn how districts and county offices of education are saving time and money using this service.

The webinar is scheduled for May 16 and July 25, 1:00-2:00 p.m. There is no fee to attend, but registration is required.

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### 2013 IRS 403(b) Plan Audit Workshop

This complimentary workshop helps districts and county offices of education prepare for the possibility of an IRS 403(b) audit, including understanding their plan needs and implementing their plan. CSBA has teamed up with Tax Deferred Solutions to offer a series of regional workshops.

Upcoming workshops are scheduled as follows:

- May 7 – Redding, Shasta County Office of Education
- May 8 – Eureka, Humboldt County Office of Education
- May 9 – Yreka, Siskiyou County Office of Education

The two-hour workshops will begin at 9:15 a.m. Continental breakfast will be served at 8:45 a.m.

## New resources

### Student wellness

State and federal law require schools to make free, fresh drinking water available for consumption during meal service. Districts also should encourage water consumption since it impacts student health and obesity prevention and therefore impacts student learning. To help districts effectively and efficiently increase students' access to drinking water, CSBA has issued a policy brief (*Increasing Access to Drinking Water in Schools*, April 2013) which provides information about the legal requirements, the extent to which schools are complying with those legal requirements, strategies for providing water, board actions and resources. The policy brief is available at [www.csba.org/PNB.aspx](http://www.csba.org/PNB.aspx).

The provision of drinking water is addressed in AR 3550 - Food Service/Child Nutrition Program and has now been added to BP 5030 - Student Wellness. As updated in April, BP 5030 also adds optional language regarding school gardens, provision of nutrition education and physical activity in summer learning programs, and other school-based wellness activities such as professional development, school health services and bullying prevention. Material related to program evaluation was updated for consistency with CSBA's publication *Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies* (2012).

### Summer learning and wellness

Responding to growing evidence of learning loss over the summer break from school, particularly among children from low-income families, CSBA is engaging in several efforts to assist districts in providing high-quality summer programs. These activities are supported by a grant from the David and Lucile Packard Foundation and are being conducted in collaboration with the Partnership for Children and Youth, a nonprofit organization that oversees the statewide Summer Matters campaign.

In April, CSBA updated and retitled BP 6177 - Summer Learning Programs to address summer learning opportunities in addition to summer school. At the same time, concepts related to summer wellness were added to BP 5030 - Student Wellness.

CSBA also issued a policy brief on summer learning and wellness (*School's Out, Now What? How Summer Programs Are Improving Student Learning and Wellness*), which is available on CSBA's website at [www.csba.org](http://www.csba.org). The policy brief presents research findings on the negative impacts of summer break on student learning and wellness, examines the extent to which summer programs are currently being offered throughout California, describes characteristics of effective programs and possible sources of program funding, and suggests actions that governing boards may take to promote and facilitate the provision of summer programs.

A special Summer Learning Series of articles has been launched in order to bring greater focus to specific topics related to summer learning and wellness. Issue 1 presents an overview of research demonstrating that many students lose ground academically and physically over summer break. Issue 2 will focus on characteristics of effective summer programs and Issue 3 will focus on sources of funding.



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