

# Policy News

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## A preview: New state laws will impact policies

In 2016, Gov. Jerry Brown signed nearly 900 bills into law, over 130 of which may impact K-12 education. Because many of the bills were signed late in September, CSBA will update the affected sample board policies and administrative regulations for release in either the December 2016 Policy Update or future Policy Updates, depending on the date that the laws become operative. Some of the issues affecting district and county office of education (COE) policies and regulations include:

- » **District residency.** The authority to admit a student whose parent/guardian is employed within district boundaries for 10 or more hours during the school week (so-called "Allen bill transfers") was scheduled to become inoperative on July 1, 2017. However, new law (AB 2537, Ch. 106) indefinitely extends the authority to grant such transfers. A second bill impacting district residency criteria (SB 1455, Ch. 312) provides that a student meets residency requirements if his/her parent/guardian is transferred or is pending transfer to a military installation that is within the boundaries of the district. For such students, districts must accept electronic submissions of applications for enrollment and course registration. Policy impact: BP/AR 5111.1 - District Residency.
- » **Intradistrict transfers.** SB 1343 (Ch. 154) allows a district to transfer a student who is convicted of a violent felony or specified misdemeanors if the victim of the crime is enrolled at the same school. In order to exercise this authority, the governing board is mandated to adopt policy with specified components, and must also notify parents/guardians of the policy through the annual parental notification. Policy impact: BP/AR 5116.1 - Intradistrict Open Enrollment and E 5145.6 - Parental Notifications.
- » **Graduation requirements.** AB 2306 (Ch. 464) extends to students in juvenile court school and students formerly in juvenile court school certain educational rights that are currently granted to homeless students and foster youth. These rights include exemption from locally established graduation requirements if a student transfers between schools any time after completing his or her second year of high school, unless the district/COE makes a finding that the student is reasonably able to complete the local requirements by the end of his or her fourth year of high school. If it is determined that a former juvenile court school student would be reasonably able to complete district-established graduation requirements within the *fifth* year of high school, the district must allow the student to stay in school for a fifth year to complete the district graduation requirements. Complaints alleging failure to comply with any of these requirements may be addressed through the uniform complaint procedures. Policy impact: BP 6146.1 - High School Graduation Requirements, BP/AR 1312.3 - Uniform Complaint Procedures, and county board policy BP 6186 - Juvenile Court Schools.



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- » **Student wellness.** SB 1169 (Ch. 280) enacts the Healthy Food, Healthy Student Act to conform state nutritional standards to federal nutritional standards. Furthermore, as amended, state law no longer requires districts to post their nutrition and physical activity policies in public view within all school cafeterias or other central eating areas. Instead, it requires districts to inform the public about the content of the school's local school wellness policy, as established pursuant to the federal Healthy, Hunger-Free Kids Act of 2010. Policy impact: BP 5030 - Student Wellness, AR 3550 - Food Service/Child Nutrition Program and AR 3554 - Other Food Sales.
  - » **CPR instruction.** Pursuant to AB 1719 (Ch. 556), any district or charter school that requires completion of a health education course for high school graduation will be required, beginning with the 2018-19 school year, to include instruction in performing compression-only cardiopulmonary resuscitation (CPR). Such instruction must be based on national guidelines for compression-only CPR, such as those developed by the American Heart Association or the American Red Cross, and must include hands-on practice. The California Department of Education (CDE) will be providing guidance on how to implement these provisions. AB 1719 also encourages districts and charter schools to provide students with general information on the use and importance of an automated external defibrillator. Policy impact: AR 6143 - Courses of Study and AR 6142.8 - Comprehensive Health Education.
  - » **Suicide prevention.** AB 2246 (Ch. 642) mandates that any district, COE or charter school that serves students in grades 7-12 adopt policy on suicide prevention by the beginning of the 2017-18 school year. The law requires that the policy be developed in consultation with school and community stakeholders, mental health professionals employed at schools, and suicide prevention experts. The policy must address procedures related to suicide prevention, intervention and postvention (i.e., support provided to the bereaved after a suicide) and any training to be provided to teachers. It must also include strategies to specifically address the needs of high-risk groups, including, but not limited to, youth bereaved by suicide; youth with disabilities, mental illness or substance use disorders; homeless students; foster youth; and lesbian, gay, bisexual, transgender or questioning youth. Policy impact: BP/AR 5141.52 - Suicide Prevention and E 0420.41 - Charter School Oversight.
  - » **Before/after school programs.** Beginning July 1, 2017, AB 2615 (Ch. 470) requires that homeless and foster youth be given first priority for enrollment in a before-school or after-school program operated under the After School Education and Safety (ASES) program. Also, although ASES programs are allowed to charge family fees to cover the unfunded costs of the program, beginning July 1, 2017, AB 2615 prohibits charging a fee to the family of a homeless or foster youth and requires programs to waive or reduce the fee for students who are eligible for free or reduced-price meals. Similarly, AB 2615 allows programs operating under the 21st Century High School After School Safety and Enrichment for Teens Program (ASSETs) to charge fees, but requires a waiver or reduction of fees for low-income students. Another bill signed by the governor (AB 1567, Ch. 399) made many of the same amendments, but AB 2615 was chaptered last and thus prevails. Policy impact: BP/AR 5148.2 - Before/After School Programs and AR 3260 - Fees and Charges.
  - » **Lease-leaseback contracts.** Lease-leaseback is a process whereby the board may, without advertising for bid, rent district property for a minimum of \$1 a year to any person, firm or corporation. The person, firm or corporation can then work on construction projects on school buildings before renting the facility back to the district. At the end of the lease, the district resumes title to the building and site. Unlike other construction contracting methods, the lease-leaseback process has not required advertising for bids, which has been controversial and resulted in a number of lawsuits in recent years. Now, AB 2316 (Ch. 521) has repealed the authority of districts to award lease-leaseback contracts without advertising for bids. It requires districts to use a



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“best value” procurement process in which proposals are objectively evaluated and the contract is awarded based on the best combination of price and qualifications. Policy impact: AR 3311 - Bids.

- » **Board meetings.** Several new laws affect the notice or conduct of board meetings. AB 1787 (Ch. 507) is designed to ensure that non-English speakers have equal opportunity to directly address the board on any item described in the meeting notice. When boards choose to limit the amount of time allocated to individuals for public comment as allowed by the Ralph M. Brown Act, the new law requires boards to provide at least twice the allotted time to a member of the public who utilizes a translator, unless simultaneous translation equipment is used. Another new law, SB 1436 (Ch. 175), requires boards to orally report a summary of a recommendation for a final action on the salaries, salary schedules, or benefits of a superintendent, deputy or assistant superintendent, department head or other executive staff during the open meeting in which the final action is to be taken. Beginning Jan.1, 2019, AB 2257 (Ch. 265) requires any district with a website to post its meeting agenda on its primary homepage accessible through a prominent, direct link. Alternatively, the district may use an integrated agenda management platform that meets specified requirements, including that the current agenda is the first agenda available at the top of the integrated agenda management platform. Policy impact: BB 9320 - Meetings and Notices, BB 9322 Agenda/Meeting Materials, BB 9323 - Meeting Conduct and BB 9321.1 - Closed Session Actions and Reports.

For further information about new legislation, see CSBA's *What's New for 2017: A Compendium of New Laws that Impact K-12 Education in California*. This publication, compiled by CSBA's Governmental Relations Department, lists all the bills which CSBA had closely monitored throughout the legislative session due to their impact on education and which were signed into law. For each 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), date the law becomes effective, and an indication as to whether or not CSBA sample board policies are impacted. In addition, the compendium indicates the relation of each bill to 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/LegislativeNews](http://www.csba.org/LegislativeNews).

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## Federal guidance clarifies obligations to homeless students

When the McKinney-Vento Homeless Assistance Act was reauthorized by the Every Student Succeeds Act (ESSA) in 2015, it included stronger requirements for identifying homeless students and providing related professional development. Now the U.S. Department of Education (USDOE) has updated *Education for Homeless Children and Youth Program: Non-Regulatory Guidance* to incorporate changes in the Act and “address the challenges that homeless children and youths have faced in enrolling, attending, and succeeding in school.”

The guidance cites statistics showing that the number of homeless children and youth in the nation nearly doubled between the 2006-07 and 2013-14 school years, reaching approximately 1.3 million in 2013-14. In California, the number of homeless children and youth in 2013-14 was estimated at 284,022, representing over 21 percent of the homeless students in the United States (National Center for Homeless Education, [http://nche.ed.gov/states/state\\_resources.php](http://nche.ed.gov/states/state_resources.php)).

To address the needs of these students, the federal law and guidance emphasize the need for districts/COEs to identify and remove barriers to the identification, enrollment, attendance or school success of homeless children and youth, including unaccompanied homeless youth. Major changes in the McKinney-Vento Homeless Assistance Act include requirements to:



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- » Identify preschool-aged homeless children and ensure that they have access to programs and services for which they are eligible, including preschool programs and the Early Intervention Program for Infants and Toddlers with Disabilities.
  - » Allow homeless children to remain in a preschool that is their “school of origin.”
  - » Create procedures to ensure the transfer of full and partial academic credit for homeless students. (Note that California law already includes such a provision.)
  - » Adopt policy and practices to ensure that the district/COE liaison for homeless students and other appropriate staff participate in professional development and other technical assistance activities designed to assist them in identifying and meeting the needs of homeless students and understanding the definition of terms related to homelessness.
  - » Collaborate with other agencies to meet the needs of homeless students, including public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child-care providers, runaway and homeless youth centers, providers of services and programs funded under the Runaway and Homeless Youth Act, and providers of emergency, transitional and permanent housing (including public housing agencies, shelter operators and operators of transitional housing facilities).

In California, districts, COEs and charter schools that have at least 15 homeless students are also required to include annual goals for homeless students in their Local Control and Accountability Plan (LCAP). These goals must be aligned with state priorities and annually reviewed based on an assessment of progress toward the goals.

CSBA updated BP/AR 6173 - Education for Homeless Children in October to reflect the ESSA and federal guidance. The guidance is available at [www2.ed.gov/policy/elsec/leg/essa](http://www2.ed.gov/policy/elsec/leg/essa).

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## **SBE adopts evaluation rubrics for new state accountability system**

At its September meeting, the State Board of Education (SBE) adopted a set of evaluation rubrics designed to assist districts/COEs in evaluating their progress toward the goals identified in their LCAP, as required under the Local Control Funding Formula (LCFF).

The rubrics consist of state and local indicators, performance standards for the indicators, and criteria for determining eligibility for technical assistance and intervention. State indicators use some data already collected by the state and include English language arts and mathematics assessment results, English learner proficiency, graduation rate, chronic absenteeism, suspension rate, and college and career readiness. For each of these indicators, the SBE will provide a status indicator that rates the current overall performance of the district/COE or school. It will also report improvement or decline of performance over prior year(s). State data for the rubrics will be released to districts/COEs in November for review and correction, and will be publicly released in January 2017.

In addition, the following four indicators will be based on self-assessment data uploaded to the rubrics by the district/COE: the Williams Act checklist (i.e., appropriate teacher assignment, sufficient access to standards-aligned instructional materials, and facilities in good repair), implementation of academic standards, school climate and parent engagement. For these local indicators, the standard requires that the district/COE review the area and report the findings to the local board and community. Districts/COEs will self-certify whether the standard was met, not met for one year, or not met for two or more years.

The evaluation rubrics will be a key component of California’s new system of accountability. They will serve as a reference for schools and districts/COEs as they develop strategies for continuous improvement and will be used to identify districts and schools, including charter schools, that need technical support. The accountability system will replace the state’s



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Academic Performance Index, which was suspended in 2015, and the federal measure of Adequate Yearly Progress, which was eliminated by the ESSA.

The ESSA requires that states have an accountability system in place by the 2017-18 school year. The details will be included in the state plan to be submitted to the USDOE by June 2017. California's plan is still in development and will incorporate related state regulations that are currently awaiting approval. The SBE continues to emphasize its intent that there will be a single system that integrates state and federal accountability requirements.

CSBA's sample BP 0500 - Accountability will be updated when the new accountability system is finalized. BP/AR 0520.2 - Title I Program Improvement Schools and BP 0520.3 - Title I Program Improvement Districts were updated in July 2016 to reflect interim requirements for the 2016-17 school year, but are expected to be updated again when the new system of school support and improvement is implemented.

CSBA's governance brief *LCFF Rubrics, Issue 1: What Boards Need to Know About the New Rubrics* (August 2016), available at [www.csba.org/GovernanceBriefs](http://www.csba.org/GovernanceBriefs), provides further information about the evaluation rubrics, communication tips and talking points. Also see CSBA's archived webinar, *The LCFF Rubrics Are Coming – What You Need to Know*, originally broadcast Aug. 17, 2016 and available at [www.csba.org/ArchivedWebcastsWebinars](http://www.csba.org/ArchivedWebcastsWebinars).

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## Updated curriculum framework guides history-social science instruction

Although state content standards for history-social science instruction have not been updated since 1998, a new curriculum framework was adopted by the SBE on July 14, 2016 to keep up with educational reforms that necessitate changes in instruction.

The *History-Social Science Framework for California Public Schools* not only reflects the state content standards still in force, but also the Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects and the state's English language development standards. The framework provides guidance and detailed classroom examples that demonstrate how teachers can integrate instruction to build students' history-social science knowledge and skills, literacy skills (reading, writing, speaking and listening), and English language development.

The updated framework also expands content on civic learning consistent with the work of the California Task Force on K-12 Civic Learning, and incorporates additional topics that recent legislation either required or encouraged the framework to address. For instance, information was added about financial literacy, voter education, genocide, and the contributions of lesbian, gay, bisexual and transgender Americans and people with disabilities to the history of California and the United States.

The next step is the adoption of instructional materials aligned to state standards and the newly revised curriculum framework. According to the timeline adopted by the SBE, the SBE is expected to take action on recommended materials by November 2017.

The CDE has also recommended the development of three state computer-based summative assessments for history-social science (elementary, middle and high school) as part of the California Assessment of Student Performance and Progress, but no action has yet been taken. Different types of assessments that may be useful in determining what students know and understand in the subject area of history-social science are described in the curriculum framework.

CSBA has updated BP 6142.94 - History-Social Science Instruction, AR 6143 - Courses of Study and BP 6142.4 - Service Learning/Community Service Classes to reflect key concepts in the curriculum framework.



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The framework may be downloaded at [www.cde.ca.gov/ci/hs/cf/sbedraftthssfw.asp](http://www.cde.ca.gov/ci/hs/cf/sbedraftthssfw.asp). Information about the California Task Force on K-12 Civic Learning is available at [www.cde.ca.gov/eo/in/civicedinitiative.asp](http://www.cde.ca.gov/eo/in/civicedinitiative.asp).

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## Federal Uniform Guidance mandates procedures for grant funds

Management of any federal grant received by districts/COEs is subject to the requirements specified in the Office of Management and Budget (OMB) *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, commonly called the “Uniform Guidance.” This includes both discretionary grants and formula grants, such as funding for Title I or the Individuals with Disabilities Education Act.

The Uniform Guidance adds new requirements, but primarily consolidates, supersedes, and renumbers federal regulations containing earlier OMB circulars. It is important to note that the new federal regulations mandate the adoption of written procedures related to federal grant funds, including regulations addressing procurement, conflict of interest, cash management, payments, and allowable costs. In a special Policy Update released in September, CSBA issued a new policy and regulation, BP/AR 3230 - Federal Grant Funds, which reflect the major requirements of the Uniform Guidance. However, CSBA recommends that districts/COEs adopt a more detailed administrative regulation and/or maintain a separate procedures manual that addresses all of the mandated components and is tailored to the district/COE’s unique needs and circumstances.

The Uniform Guidance is applicable to all grants awarded after December 26, 2014, except that districts/COEs may choose to delay implementation of the procurement standards until July 1, 2017. If they choose to do so, they must adopt policy documenting this decision. Note that the Council on Governmental Relations, a national association of research institutions, has recommended an extension of the grace period to July 1, 2018 and indicates that OMB is reviewing the request. CSBA will monitor the federal rulemaking process to determine if such an extension is granted.

Compliance with the audit requirements in the Uniform Guidance must begin with the fiscal year ending June 30, 2016. The audit must be submitted to the grant awarding agency within 30 calendar days after receipt of the auditor’s report or nine months after the end of the audit period, whichever is earlier. Thus, districts/COEs must ensure that all policies and procedures are in place and are being implemented.

In CSBA’s September Policy Update, other related policies were updated to ensure consistency and to renumber legal citations, including BP/AR 3270 - Sale and Disposal of Books, Equipment and Supplies, AR 3440 - Inventories, AR 3460 - Financial Reports and Accountability and AR 3512 - Equipment.

For further information about the Uniform Guidance, see USDOE’s Questions and Answers Regarding 2 CFR Part 200 and other useful tools at [www.whitehouse.gov/omb/grants\\_docs](http://www.whitehouse.gov/omb/grants_docs). Also see the resources available on the U.S. Chief Financial Officers Council website at <https://cfo.gov/cofar/uniform-guidance>.

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## CSBA education opportunities

### Webcast: Guns on campus

The Gun-Free School Zone Act was amended last year (SB 707, 2015) to eliminate, with limited exceptions, licensed concealed weapon holders from carrying guns on school grounds without district/COE approval. This Education Insights: Legal Update webcast will explain what boards and superintendents need to know to implement effective policies in accordance with the



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revised law. Topics will include:

- » Policies to adopt for granting or denying permission to carry guns on campus
- » Conditions that may be imposed if districts decide to grant permission
- » Examples of districts that have recently approved or prohibited carrying guns on campus

The webcast will be moderated by CSBA General Counsel Keith Bray and feature Anne Collins, attorney at Lozano Smith; David Moreno, attorney at Fagen Friedman and Fulfrost; and Mike Reid, board member at Caruthers Unified School District.

The one-hour webinar will be presented Oct. 26, 12:00-1:00 p.m. To register, go to [www.csba.org/WebcastsAndWebinars](http://www.csba.org/WebcastsAndWebinars).

For related policy language, see CSBA's sample BP/E 3515.7 - Firearms on School Grounds.

## Annual Education Conference and Trade Show

CSBA's 2016 Annual Education Conference and Trade Show, to be held December 1-3 in San Francisco, will feature three general sessions and numerous workshops, critical issue sessions and table talk sessions. This premier education event will deliver practical solutions to help governance teams from districts and COEs improve student learning and achievement.

General session speakers include:

- » First General Session: Design, technology and leadership will be addressed by internationally recognized designer, engineer and creative leader John Maeda, author of *The Laws of Simplicity*, *Creative Code*, and *Redesigning Leadership*. This session will also feature special guest speaker actor/director Edward James Olmos.
- » Second General Session: Michael Eric Dyson, best-selling author and professor of sociology at Georgetown University, will address issues of equity and adequacy in education and achievement for all students.
- » Third General Session: The intersection of STEM education, space and the future of education will be addressed in a special two-part session. First, Christopher Emdin, associate professor in the Department of Mathematics, Science and Technology at Teachers College at Columbia University, will provide thought-provoking insight on the importance of empowering our youth with innovative STEM education programs. Then, CSBA's Executive Director and CEO Vernon M. Billy will join retired NASA astronauts José Hernández and Mae Jemison and current NASA astronaut Victor Glover as they share inspiring stories of how they forged their own pathways to reach new frontiers.

Workshops cover a broad range of topics related to innovation and student learning, students' social and emotional well-being, finance and facilities, leadership through governance, and accountability. CSBA's Policy Services staff will be presenting workshops on CSBA Policy Updates, Policy and Governance for Small School Districts, and Getting the Most Out of Your CSBA Services, and will be available in the CSBA Pavilion to provide information and answer questions about policy services.

Executive assistants are invited to a one-day program on Dec. 2. The one-day registration fee includes a continental breakfast, lunch and materials, a resource room for executive assistants to network and meet, and choice of breakout sessions. Executive assistants are also invited to attend other sessions of the Annual Education Conference that day.

To register for the conference or obtain additional information, go to <http://aec.csba.org>.



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