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Proposition 58 reverses requirement for English-only instruction

Eighteen years after California voters passed Proposition 227 eliminating bilingual education in schools and mandating that nearly all instruction be in English, almost 73 percent of the electorate approved Proposition 58 in November to allow non-English languages to be used in public school instruction. Under Proposition 227, the only way that parents/guardians of English learners could opt out of the “structured English immersion” classroom was to request a waiver on the grounds that their child already possessed sufficient English language skills, that an alternate course of study would be better suited to the student’s rapid acquisition of basic English skills, or that the child had special physical, emotional, psychological or educational needs warranting an alternate course of educational study. Effective July 1, 2017, Proposition 58 authorizes parents/guardians to select a language acquisition program that best suits their child.

Districts and county offices of education (COEs) will still be required to offer a structured English immersion program that ensures English learners become proficient in English and have access to the core academic content standards. However, under the new law, districts/COEs also will be able to provide additional transitional or developmental programs for English learners that provide instruction in both English and a student’s native language in order to assist the student in achieving English proficiency and academic mastery of subject matter content and higher order skills. Furthermore, dual-language immersion programs may provide integrated language learning and academic instruction for native speakers of either English or another language.

As a result of Proposition 58, the waiver process to allow an alternative to structured English immersion has been eliminated, giving parents/guardians the choice of language acquisition programs available at the school. To the extent possible, a school must provide a particular language acquisition program designed to provide language instruction whenever such a program is requested by the parents/guardians of 30 or more students in a school or 20 or more students at any grade level. Information on the types of language programs available in the district/COE must be included as part of the annual parental notification required pursuant to Education Code 48980.

Proposition 58 also requires districts/COEs to solicit input on effective and appropriate instructional methods, including, but not limited to, language acquisition programs, as part of the parent/guardian and community engagement process required for the development of the Local Control and Accountability Plan (LCAP). Thus, before the LCAP is adopted by the board prior to July 1 each year, specific opportunities to discuss language acquisition programs should be provided.

CSBA plans to update BP/AR 6174 - Education for English Language Learners, BP 0460 - Local Control and Accountability Plan and E 5145.6 - Parental Notifications in the March 2017 Policy Update to reflect the provisions of Proposition 58.

Other recent changes will also impact policy on English learners. The federal Every Student Succeeds Act shifts accountability requirements related to English learners



from Title III to Title I and deletes specified notification requirements. The state continues to transition to a new language proficiency assessment, the English Language Proficiency Assessments for California (ELPAC), which will include an initial screening test to identify students who may be English learners (operational July 2018) and a summative assessment which will be used to determine English learners' level of English proficiency and progress in acquiring the skills of listening, speaking, reading and writing in English (operational in spring 2018). Finally, pursuant to AB 2785 (Ch. 579, 2016), the California Department of Education (CDE) will be developing, by July 1, 2018, a manual providing guidance to districts/COEs on identifying, assessing, supporting and reclassifying English learners who may qualify for special education services and students with disabilities who may be classified as English learners.

New law mandates policy on debt management

Under new law (SB 1029, Ch. 307, 2016), any district/COE that proposes to issue debt (bonds, notes, certificates of participation or other debt) will be required to certify that it has adopted a policy with specified components and that the proposed debt issuance is consistent with that policy. The certification must be filed with the California Debt and Investment Advisory Commission (CDIAC) as part of the Report of Proposed Debt Issuance, at least 30 days prior to the sale of any debt issue. The new law applies to any debt issue sold after the effective date of the bill (Jan. 1, 2017), including general obligation bonds authorized in the November 2016 elections.

The debt policy must include all of the following:

- » The purposes for which the debt proceeds may be used
- » The types of debt that may be issued
- » The relationship of the debt to, and integration with, the district's or COE's capital improvement program or budget, if applicable
- » Policy goals related to the district's or COE's planning goals and objectives
- » The internal control procedures that the district or COE has implemented, or will implement, to ensure that the proceeds of the proposed debt issuance will be directed to the intended use

An uncodified section of SB 1029 contains the Legislature's declaration that state and local agencies should adopt comprehensive written debt management policies pursuant to the recommendation of the Government Finance Officers Association (GFOA), a national association of government finance professionals.

SB 1029 also requires districts/COEs to prepare an annual report for any debt sold after January 1, 2017. The report is due to the CDIAC within seven months of the end of the reporting period (July 1 through June 30). Thus, the annual report would begin with the report due in January 2018. The report must include specified information regarding any debt authorized or outstanding during the reporting period and the use of proceeds of the debt.

According to the legislative bill analysis for SB 1029, the enhanced transparency requirements imposed by the new law are similar to requirements that already apply to some types of debts, including Mello-Roos districts' bonds and school districts' general obligation bonds. The new law applies similar standards to all types of state and local debt.

In a special release in December, CSBA will issue a new sample policy and regulation, BP/AR 3470 - Debt Issuance and Management, addressing the legal requirements for debt policies and reports. BP/AR 3470 will need to be significantly tailored to meet local needs and goals. Further information about debt policies is available on the CDIAC's website at www.treasurer.ca.gov/cdiac and on the GFOA's website at www.gfoa.org/topic-areas/debt-management and www.gfoa.org/debt-management-policy. Examples of detailed city and county debt policies are posted at www.gfoa.org/financial-policy-examples-debt-management.



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Juvenile court school students face challenges transitioning to regular schools

Juvenile court schools serve students who are under the protection or authority of the county juvenile justice system and have been placed in juvenile halls, juvenile homes, day centers, ranches, camps or regional youth education facilities. Such schools offer a standards-based curriculum leading to a high school diploma. If students are released from a juvenile facility, they are required to continue attending school until they graduate or receive a high school equivalency certificate.

Data on this student population are difficult to collect because of the transient nature of the program. Over 42,000 students spend at least some time in a California juvenile court school each year, according to CDE data. Some students may only attend for a few days or weeks while waiting for court trials or placement at another facility.

A recent report by the Youth Law Center (*Educational Injustice: Barriers to Achievement and Higher Education for Youth in California Juvenile Court Schools*, 2016) suggests that students in the California juvenile justice system are among the most academically at-risk student groups in the state. They often arrive at the juvenile court school already performing lower than their age-equivalent peers and having experienced one or more forms of trauma. Of students who completed both entry and exit assessments during the 2013-2014 school year, less than 60 percent demonstrated gains in reading or math proficiency. The dropout rate was nearly 38 percent. Data for 2011-12 showed that only 56 percent of juvenile court school students enrolled in their local school district within 30 to 90 days of exiting the juvenile court school. (The full report is available at www.ylc.org.)

Recognizing that juvenile court school students are at greater risk of educational failure, AB 2306 (Ch. 464, 2016) grants juvenile court school students transferring to a regular school certain educational rights that are also available to homeless students and foster youth. These include requirements that the district/COE:

- » Immediately enroll a student and immediately transfer educational records
- » Award full credit for coursework completed at the juvenile court school, or partial credit for the portion of the course completed
- » Exempt the student from locally established graduation requirements if the student transfers 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
- » Allow the student to stay in high school for a fifth year if it is determined that the student would be reasonably able to complete the locally established graduation requirements within the fifth year of high school

Complaints alleging failure to comply with any of these requirements may be addressed through the uniform complaint procedures.

CSBA has issued a new administrative regulation, AR 6173.3 - Education for Juvenile Court School Students, and has revised BP 6146.1 - High School Graduation Requirements to reflect the new law. BP/AR 1312.3 - Uniform Complaint Procedures and county board policy BP 6186 - Juvenile Court Schools will also be updated.



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Board training is critical to effective governance

Just as staff members need professional development to continuously learn and improve their skills, school board members need professional development to understand their responsibilities, stay abreast of new developments in education, and develop skills to communicate effectively with each other, staff and the community.

New and first-term board members need specialized training to be prepared for their role as quickly as possible. Very few people who are elected or appointed to a governing board come into the job with the full scope of knowledge they will need to govern effectively and in compliance with law. Board development is equally important for veteran board members, as changing laws and new research continually affect board operations and strategies for providing high-quality education programs.

It is recommended that boards set aside funding for board training each year and make decisions about how such funds will be allocated to ensure that each board member has an opportunity to participate in activities that will improve his or her knowledge and skills. Boards should consider whether each board member will select activities within the amount allocated to him or her, or whether the full board will be involved in determining activities that are aligned with the district/COE vision and goals, district needs and/or individual board member needs.

In early 2016, CSBA's Board of Directors adopted four strategic priorities to drive the association's work for the next two to three years, one of which is to support the effectiveness of boards by increasing board members' participation in CSBA's board development activities. CSBA offers a carefully planned series of board development activities designed to address priorities of boards across the state.

Education opportunities available through CSBA include the Institute for New and First-Term Board Members, Masters in Governance program, Annual Education Conference and Trade Show, Legal Symposium for Experienced Board Members, Board Presidents Workshop, The Brown Act Workshop, Back-to-School Webcast, other workshops and webinars on specific topics, and in-district governance consulting services. A full listing of upcoming activities is available at www.csba.org/TrainingAndEvents.

CSBA's sample board bylaw BB 9240 - Board Training has been substantially revised to describe the purposes and goals of board development, suggest topics for orientation and training of new and first-term board members, encourage boards to specify the manner in which board development activities will be selected or approved, and clarify the prohibition against a majority of the board discussing district/COE business at a conference or public gathering.

New resources from CSBA

Implementing the Next Generation Science Standards

The California Next Generation Science Standards (CA-NGSS) (2013) and the updated *Science Framework for California Public Schools* (November 2016) establish expectations that science and engineering instruction will be provided to students at every grade level. They also shift the focus of instruction from knowing science facts to knowing and applying science concepts.

To inform board members about the content and implementation of the CA-NGSS and to provide recommendations on how governing boards can best support such efforts, CSBA has issued a governance brief *Supporting Implementation of the California Next Generation Science Standards* (CA-NGSS), available at www.csba.org/GovernanceAndPolicyResources. In addition, CSBA will update BP 6142.93 - Science Instruction in the March 2017 Policy Update.



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The governance brief includes information on the need for the CA-NGSS, the timeline for science instructional materials adoptions and assessments, the importance of providing professional development to help teachers and administrators better understand and integrate the standards, actions that boards can take to support implementation, questions for boards to consider and links to additional resources.

Reviewing charter school petitions

CSBA has launched a series of governance briefs aimed at supporting boards to provide effective oversight of charter schools. The first issue in the Charter Schools in Focus series, *Managing the Petition Review Process*, addresses the responsibility of the board to ensure that a robust review process is conducted prior to making a decision on a charter petition. An effective review process is crucial to the determination of the likely success of the charter school and the establishment of parameters guiding the relationship between the district/COE and charter school.

Noting the relatively short timeline for the review process, the brief recommends that boards have policies, procedures and key staff in place prior to receiving any charter petition. Districts/COEs should have a review team in place, adopt policy regarding charter school authorization, determine whether any staff support will be available to petitioners, and provide information to the public and petitioners.

Once a petition is received, the board must follow a fair and efficient process that enables the district/COE to meet all deadlines required by law. The board must grant approval of the petition unless written factual findings are made that certain petition requirements have not been met. Some of these findings are subjective and so it is important for boards to have established clear criteria for evaluating the charter petition, including whether the charter presents an “unsound educational program,” the petitioners are “demonstrably unlikely to successfully implement the program,” or the petition does not contain “reasonably comprehensive” descriptions of the required components.

For assistance with the charter review process, see the governance brief at www.csba.org/GovernanceAndPolicyResources. Also see CSBA's *Charter Schools: A Guide for Governance Teams* and BP/AR 0420.4 - Charter School Authorization.

Fact sheet on Latino students

Latino Students in California's K-12 Public Schools, a fact sheet issued by CSBA in October, summarizes key demographic and achievement data as part of an effort to highlight the opportunities and challenges facing Latino students. Key findings include:

- » Over half (54 percent) of California's K-12 students are Latino. The percentage varies widely across counties and school districts.
- » Latino students are the most economically disadvantaged ethnic student group in California. About 80 percent of Latino students are economically disadvantaged, compared to 28 percent of white students and 74 percent of African American students.
- » About one-third of Latino students are English learners.
- » State assessment results indicate that a significant achievement gap persists between Latino students and their white and Asian peers.
- » According to four-year cohort graduation data, 79 percent of Latinos graduate from high school compared to 88 percent of white students and 93 percent of Asian students, although the gap has closed slightly over the past five years.

For additional data on Latino students, read the full fact sheet at www.csba.org/GovernanceAndPolicyResources.



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Future governance briefs will expand on these data and offer information about research-supported strategies and recommendations for board members to promote Latino student achievement.

CSBA education opportunities

Institute for New and First-Term Board Members

The roles and responsibilities of a school board member are diverse, oftentimes complex, and always important. The Institute for New and First-Term Board Members is an innovative two-day seminar designed to help board members determine how they can be effective and make the greatest impact in their district or COE. The institute focuses on four major areas of board responsibility and authority: effective governance, finance, student learning and human resources.

Upcoming events include:

January 27-28: Sacramento, Hyatt Regency Sacramento

February 24-25: Coronado, Marriott Coronado Island Resort & Spa

March 17-18: Bakersfield, Bakersfield Marriott at the Convention Center

March 24-25: Burlingame, Hilton San Francisco Airport Bayfront

March 31-April 1: Anaheim, Sheraton Park Hotel at the Anaheim Resort

April 7-8: Redding, Red Lion Hotel

The institute will be held 8:30 a.m. to 4:30 p.m. both days.

The registration fee (\$325 for early registration, \$350 for on-site registration) includes materials, lunch both days and refreshments. Registration is complimentary for superintendents who attend with their district's or COE's new board members.

To register online, go to www.csba.org/TrainingAndEvents.

County Board Governance Workshop

The two-day County Board Governance Workshop is one of the best opportunities for newly elected and first-term county board members to learn about their unique role and responsibilities. Offered by the California County Boards of Education in collaboration with CSBA, the training will present tools that county board members can use to become a more effective member of the governance team. Participants will explore and learn to apply processes related to budget and finance, the county board's appellate role involving inter-district transfers and expulsions, legislative advocacy, community leadership, Local Control and Accountability Plans, board policy and bylaws. The workshop also provides an opportunity to network with other county board members.

The training will be held in Sacramento on Jan. 27-28, from 8:30 a.m. to 4:00 p.m. each day. The \$355 registration fee includes lunch and materials.

Veteran board members are also encouraged to attend as an annual refresher course. Registration will be complimentary for superintendents who attend with three members of their county board.

To register online, go to www.csba.org/TrainingAndEvents.

Board Presidents Workshop

CSBA's Board Presidents Workshop prepares current and aspiring board presidents to provide leadership and strategic vision, forge effective governance teams, conduct meaningful meetings and focus efforts on improved student learning and achievement.



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This all-day workshop (8:30 a.m. to 4:00 p.m.) is scheduled at the following locations:

January 28: Sacramento, Hyatt Regency Sacramento

February 25: Coronado, Marriott Coronado Resort & Spa

The registration fee (\$250 for early registration, \$275 for on-site registration) includes materials, morning refreshments and lunch. A discounted rate is offered for participants who register to attend the Board Presidents Workshop and the Brown Act workshop in the same weekend.

For more information or to register, see www.csba.org/TrainingAndEvents.

Brown Act Workshop

Every board member needs to know about the Brown Act. Participants in this fact-filled workshop will increase their understanding of the intricacies and complexities of the Brown Act and learn how to apply the law. The program includes information about the development and distribution of the board agenda, open meeting laws and circumstances under which closed sessions are allowed or not allowed. The three-hour workshop will be held on Friday evenings, from 5:30 to 8:30 p.m., at the following locations:

January 27: Sacramento, Hyatt Regency Sacramento

February 24: Coronado, Marriott Coronado Island Resort & Spa

March 24: Burlingame, Hilton San Francisco Airport Bayfront

March 31: Anaheim, Sheraton Park Hotel at the Anaheim Resort

The registration fee is \$185 for early registration and \$210 for on-site registration. Participants who register to attend the Board Presidents Workshop during the same weekend in January or February will save \$75 on the total registration fee.

See www.csba.org/TrainingAndEvents for more information and online registration.



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