

CSBA's Policy Services

2014 Policies in Review



CSBA's Policy Services

2014 Policies in Review

CSBA offers a wide array of products and services to assist governance teams in school districts and county offices of education. For a complete description of the various policy services offered by CSBA, please see Appendix A.

Three times each year (April, August and December), CSBA issues a Policy Update containing new and revised sample board policies, administrative regulations, board bylaws and exhibits to recommend best practices for improving student learning and school operations and to assist districts in complying with law. Included in these packets are CSBA's *Policy News*, policy briefs and fact sheets on important and emerging issues in education.

In 2014, CSBA issued two additional editions of Policy Update. In February, CSBA issued three policies related to the implementation of AB 1266 (Ch. 85, 2013), which requires districts to permit a student to participate in sex-segregated school programs and activities, including athletic teams and competitions, and to use facilities consistent with the student's gender identity. In October, following extensive consultation with representatives from the California Department of Education (CDE) and the U.S. Department of Education's Office for Civil Rights (OCR), CSBA updated BP/AR 1312.3 - Uniform Complaint Procedures and other policies and administrative regulations related to discrimination, harassment, and bullying of students.

These updated policies and regulations reflect current law, regulatory guidance and best practices and provide a clear and consistent procedure for addressing related student complaints.

This year, CSBA also began issuing a document called "Minor Revisions" along with the Policy Update. This document includes relatively minor changes that might affect a single statement or paragraph in the text of a sample board policy, administrative regulation or board bylaw. When there is no other reason to reissue the entire sample, these Minor Revisions will alert districts to changes they should consider making in their district materials. Because the changes affect the text of the material (rather than Notes, cross-references and legal references), districts should use their normal process for adopting board policies or administrative regulations affected by these revisions.

2014 Policies in Review provides an overview of the major policy issues addressed throughout the year. Unless otherwise indicated, bills referenced in this document were signed in 2014. While the issues highlighted in this annual summary are those that affect policy in school districts, many of these issues are also applicable to county offices of education. For a list of the specific changes made to the sample policies and regulations, go to Appendix D.

See Appendices B and C for a list of publications and continuing education opportunities provided in 2014 to support the board's policy development role.

For further information, call CSBA's Member Services Department at 800-266-3382 or e-mail policy@csba.org.

2014 CSBA Leadership

Josephine Lucey, CSBA President
Jesus Holguin, CSBA President-Elect
Chris Ungar, CSBA Vice President
Cindy Marks, CSBA Immediate Past President
Vernon M. Billy, CSBA CEO & Executive Director

CSBA Staff

Naomi Eason, Assistant Executive Director, Member Services

Policy Services

Bode Owoyele, Senior Director, Policy Services
Diane Greene, Senior Policy Manual Consultant
Robert Tuerck, Senior Policy Manual Consultant
Ramona Carlos, Policy Manual Consultant
D'Karla Assagai, Policy Manual Consultant
Joan Colby, Policy Manual Supervisor
Yolanda Torres, Administrative Specialist, Member Services
Adriana Martin, Policy Manual Technician
Dolores Geiger, Policy Manual Technician
Joy Myers, Policy Manual Technician
Denee Payne, Policy Manual Technician
Jeanene Hammett-Carter, Policy Manual Technician
Suzanne St. Romain, Governance Technology Assistant

Legal Services

Keith Bray, General Counsel
Joshua Daniels, Staff Attorney



California School Boards Association

3251 Beacon Blvd. | West Sacramento, CA 95691 | 800.266.3382 | www.csba.org

Table of contents

Assessment	2	Privacy	10
State assessment system		Online privacy	
At-risk students	2	Safety	10
Dropout prevention		Child abuse reporting	
Homeless students		Student discipline	11
Facilities	3	Discipline for off-campus cyberbullying	
Direct costs for facilities use		Suspension and expulsion	
Finance	4	Appendix A	13
District reserves		CSBA Policy Services	
Local Control Funding Formula implementation		Appendix B	15
Health and wellness	5	2014 Publications	
Health examinations and emergency care		Appendix C	16
Local Control and Accountability Plan	6	2014 Leadership development	
LCAP development		Appendix D	17
Sample LCAP policy for county offices		Policies/regulations/bylaws/exhibits issued in 2014	
Nondiscrimination	7		
Rights of transgender and gender-nonconforming students			
Uniform complaint procedures			
Personnel	8		
Sick leave			
Teacher support programs			
Teacher tenure, dismissal and layoff			

Assessment

State assessment system

(December 2014)

The transition of the statewide student assessment system is progressing and CSBA has updated AR 6162.51 - State Academic Achievement Tests to reflect recent changes, including:

» **California Assessment of Student Performance and Progress (CAASPP).** Following a year of field testing the Smarter Balanced assessments for English language arts and mathematics, the State Board of Education (SBE) has determined that full implementation of the technology-enabled assessments for grades 3-8 and 11 can proceed for the 2014-15 school year. Schools that lack the necessary broadband connectivity for online testing or are not able to administer the braille version online will be allowed to administer paper-pencil assessments and are encouraged to develop a plan to overcome these barriers by the 2016-17 school year.

The California Standards Test for science will be administered to students in grades 5, 8 and 10 in 2014-15. However, efforts continue towards developing a science assessment that is aligned with the Next Generation Science Standards (NGSS) adopted by the SBE in 2013. According to the CDE's NGSS Frequently Asked Questions (<http://bit.ly/1Gr8o2k>), a new assessment aligned to the NGSS is expected to be fully implemented in the 2016-17 school year.

Students with disabilities must be included in the state assessment program with accommodations where necessary, unless they are exempted by their parents/guardians or are eligible to take an alternate assessment. Alternative tests have included the California Modified Assessment (CMA) or, for students with significant cognitive disabilities, the California Alternate Performance Assessment (CAPA). How-

ever, beginning in the 2014-15 school year, the CAPA for English language arts and mathematics has been suspended. In spring 2015, a field test will be conducted for the new California Alternate Assessment.

» **Grade 2 diagnostic assessments.** With the switch to the new assessment system, students in grade 2 are no longer required to be tested. However, state law requires the CDE to gather and share information about available diagnostic assessments that districts, at their own expense, may use to assess the mathematics and English language arts skills of their second graders. The CDE recently posted lists of diagnostic assessments that meet the requirements of state law. These tables also indicate the extent to which each assessment is aligned with Common Core State Standards.

» **Primary language assessment.** In addition to the state achievement tests, English learners may be administered a primary language assessment. SB 858 provides that districts may use the Standards-Based Test in Spanish (STS) for this purpose until a test that is aligned with the Common Core State Standards in English language arts is available. The SBE is required to adopt such an assessment to be used no later than the 2016-17 school year.

» **Language proficiency assessment.** The transition to the development of the English Language Proficiency Assessments for California (ELPAC) has begun. The ELPAC will be aligned with the 2012 English language development standards, will transition to computer-based testing, and will include separate tests for initial identification and annual summative purposes.

At-risk students

Dropout prevention

(August 2014)

Recently released data from the 2012-13 school year indicate that, for the fourth year in a row, California's graduation rate continued to increase as the dropout rate fell. Over a one-year

period between 2011-12 and 2012-13, the graduation rate rose by 1.3 percent, from 78.9 to 80.2 percent, and the dropout rate fell from 13.1 to 11.6 percent.

While dropout rates are still highest for students of color, significant improvement was noted. Dropout rates fell about 2 percent for both African American and Hispanic student populations over the past year.

See www.cde.ca.gov/nr/ne/yr14/yr14rel42.asp for the data tables and comments by State Superintendent of Public Instruction Tom Torlakson.

Despite the promising results, districts should be aware of the need to continually evaluate and refine their strategies to address

the needs of at-risk students. The Pupil Retention Block Grant was eliminated by AB 97 (2013), but at the same time AB 97 requires that districts and county offices of education address student engagement in their Local Control and Accountability Plan (LCAP), as measured by school attendance rates, chronic absenteeism rates, middle school and high school dropout rates, and high school graduation rates. Strategies for dropout prevention, intervention and recovery are described in BP 5147 - Dropout Prevention, updated in August.

Homeless students

(December 2014)

Certain protections that were recently granted to foster youth have now been extended to homeless students pursuant to AB 1806, including:

- » awarding partial credits to homeless students who transfer from one school to another
- » exempting homeless students who transfer in grades 11-12 from locally established high school graduation requirements (but not from state graduation requirements for course completion or the high school exit examination)
- » allowing homeless students to remain in high school for a fifth year to enable them to complete graduation requirements

The law does not specify how partial credits must be calculated when homeless students transfer between schools. AR 6173 - Ed-

ucation for Homeless Children, as updated in December, reflects the approach for addressing credit transfers that is recommended by the California Child Welfare Council in its *Partial Credit Model Policy and Practice Recommendations* and also presented in AR 6173.1 - Education for Foster Youth. This approach awards partial credits on the basis of 0.5 credits for every seven class periods attended per subject and provides that any class on block schedule will be equal to two regular class periods.

Other provisions of AB 1806 address expulsion hearings for homeless students and require notification of the district liaison for homeless students 10 days before the hearing when the student's alleged violation does not require a mandatory recommendation for expulsion (see the updated AR 5144.1 - Suspension and Expulsion/Due Process).

Facilities

Direct costs for facilities use

(August 2014)

State law authorizes districts to charge an amount "not exceeding" direct costs for the use of school facilities or grounds by community groups and entities, or "at least" direct costs if the group will be using school facilities for religious services. The calculation of direct costs for these purposes is clarified in 5 CCR 14037-14042, as added by Register 2014, No. 19.

To determine direct costs that districts may charge, the state regulations require districts to determine the "proportionate share" of allowable operational and capital direct costs. Operational direct costs include estimated costs of supplies, utilities, janitorial services, other services of district employees and/or contracted workers, and salaries and benefits paid to district employees directly operating and maintaining school facilities

and grounds for community use. Capital direct costs include the estimated costs of maintenance, repair, restoration and refurbishment of nonclassroom-space facilities or grounds. Organizations providing instruction during school hours or classroom-based programs after school hours (e.g., after-school, tutoring and child care programs) cannot be charged capital direct costs.

The governing board is required to adopt a fee schedule that specifies the hourly fee to be charged by the district, either for specific school facilities or grounds or for types or categories of school facilities or grounds (e.g., all gymnasiums or playgrounds).

In August, CSBA updated BP 1330 - Use of School Facilities to reflect these new rules.

Finance

District reserves

(December 2014)

Although state standards and criteria for district budgets establish a *minimum* recommended reserve for economic uncertainties based on the district's average daily attendance (ADA), the education budget trailer bill (SB 858) limits the maximum amount of funds that may be held in district reserves and ending balances. These provisions of SB 858 were contingent upon the passage of Proposition 2 in November 2014, which was approved by voters. The limit would only apply in a fiscal year immediately following a fiscal year in which the state makes a deposit of any amount into the Public School System Stabilization Account (the Proposition 98 reserve that was created by Proposition 2).

In such a case, a district with an ADA of 400,000 or less would be limited to two times the minimum recommended reserve specified in 5 CCR 15450. For a district with over 400,000 ADA, the limit would be three times the minimum recommended reserve.

A county superintendent of schools may grant an exemption of this requirement for up to two consecutive fiscal years within a three-year period to any district that documents extraordinary fiscal circumstances that substantiate the need for a reserve in excess of the limit.

CSBA and several other education groups opposed the caps on the grounds that governing boards should be allowed to determine appropriate reserve levels and funding balances to address local priorities, future expenditures and economic downturns. CSBA is continuing efforts to repeal provisions of SB 858 related to these limits. For further information about the reserve limit, including what actions districts could take to support the repeal, see www.csba.org/Advocacy/LegislativeAdvocacy.

BP 3100 - Budget was updated to reflect the new law.

Local Control Funding Formula implementation

(April, December 2014)

CSBA is continuing to update sample policies and administrative regulations to help districts implement components of the Local Control Funding Formula (LCFF) and related state regulations, including:

- » **Expenditure of supplemental and concentration funds.** State law requires that LCFF supplemental and concentration funds, apportioned on the basis of unduplicated counts of low-income students, English learners and foster youth, be used to increase or improve services for those student populations at least in proportion to the increase to the district's revenue generated from such funds. State regulations (Register 2015, No. 2) address the method of calculating the percentage by which services for unduplicated students must be increased or improved above services provided to all students in the fiscal year.

In addition, the regulations identify the conditions under which funds may be used to upgrade the entire educational program of a school, district, charter school or county office of education. The district's LCAP must identify those services

that are being funded and provided on a districtwide or schoolwide basis and describe how such services are principally directed towards, and are effective in, meeting the district's goals for its unduplicated students in state and local priority areas. If the percentage of unduplicated students is less than 55 percent of the total district enrollment or less than 40 percent of the school enrollment, the LCAP must also describe how funding the districtwide or schoolwide services constitutes "the most effective use" of the funds to meet the district's goals for its unduplicated students and the basis for this determination (i.e., any alternatives considered and any supporting research, experience or educational theory).

- » **Standards and criteria for reviewing budgets and interim reports.** State standards and criteria (5 CCR 15453-15493) have been updated to replace the standard for revenue limits with a standard for LCFF revenue beginning in the 2014-15 fiscal year. In addition, the standards and criteria provide an expectation that projected LCFF revenue for the current

fiscal year or any of the two subsequent fiscal years should not have changed by more than two percent since budget adoption.

- » **K-3 class size reduction.** Definitions and calculations for determining average class enrollments for purposes of the state K-3 grade span adjustment funding have been added in 5 CCR 15498-15498.3. The LCFF requires that, in order to receive the additional adjustment to the K-3 base grant, a

district must make progress toward maintaining an average class size of 24 students in grades K-3, unless a different ratio is negotiated for each school site.

To reflect these state regulations, CSBA updated BP 3100 - Budget, AR 3460 - Financial Reports and Accountability and BP 6151 - Class Size. For information and ongoing updates regarding the LCFF, see CSBA's LCFF Toolkit at www.csba.org/LCFF.

Health and wellness

Health examinations and emergency care

(December 2014)

Several bills signed by the Governor in 2014 address issues related to the health of students and staff:

- » AB 1667 replaces mandated tuberculosis testing of employees and volunteers with a risk assessment questionnaire administered by a health care provider. A tuberculin skin test is now required only when the risk assessment shows that the employee or volunteer has an identified risk factor. The risk assessment is available on the website of the California Department of Public Health and will be distributed to districts by the CDE.
- » AB 2217 authorizes districts to solicit and receive nonstate funds to acquire and maintain an automated external defibrillator (AED) and to train employees in its use. It also clarifies liability issues. Districts will not be liable for civil damages resulting from any act or omission in rendering emergency care or treatment if they comply with the requirements of Health and Safety Code 1797.196 including, but not limited to, requirements regarding placement of the AED, maintenance and testing of the equipment, employee notification and training, and availability of a written plan. Furthermore, except in cases of gross negligence or willful or wanton misconduct, district employees are not liable for civil damages resulting from the use, attempted use or nonuse of an AED.
- » SB 1266 requires districts to provide epinephrine auto-injectors (e.g., EpiPen) to school nurses or other employees who volunteer and receive training. The device may be used to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an anaphylactic reaction. SB 1266 deleted the requirement to develop a district plan and added requirements related to the types of epinephrine auto-injectors that must be provided to

each school, the district personnel authorized to obtain the prescriptions, an annual employee notification to request volunteers and the review of training standards every five years by the Superintendent of Public Instruction. While the new law requires at least one trained employee per school and at least one epinephrine auto-injector at each middle or high school (or one regular and one junior device at each elementary school), the California School Nurses Organization recommends that at least two or three employees be identified and trained and at least two devices be provided per site.

- » SB 1172 requires school vision tests to include near-vision screening and specifies the grade levels at which students' vision must be appraised, including in kindergarten or upon first enrollment in the district and at grades 2, 5 and 8. However, a student whose first enrollment occurs in grade 4 or 7 is not required to be appraised the following year.

AR 1240 - Volunteer Assistance, AR 4112.4/4212.4/4312.4 - Health Examinations, AR 5141 - Health Care and Emergencies, AR 5141.21 - Administering Medication and Monitoring Health Conditions and AR 5141.3 - Health Examinations have been updated to reflect new law.

Local Control and Accountability Plan

LCAP development

(April, December 2014)

The SBE adopted a template for the LCAP which districts are required to use when developing and annually updating their LCAP. The template was later updated and renumbered as 5 CCR 15497.5 (Register 2015, No. 2). It is likely that the LCAP process will continue to evolve and additional clarifications will be provided.

The template allows districts and county offices to organize their goals for the state priorities into three categories: (1) *conditions of learning*, including Williams compliance (teacher qualifications, access to instructional materials, facilities in good repair), implementation of Common Core State Standards, student access to a broad course of study and, for county offices, coordination of instruction for foster youth and for expelled students; (2) *student outcomes*, including student achievement as measured by specified indicators and student outcomes in specified courses; and (3) *engagement*, including parent involvement, student engagement and school climate. The template clarifies how a district goal may address multiple priorities or the district may identify school sites and student subgroups that have the same goals and may group and describe those goals together.

The most recent state regulations also define what it means to “consult” with students on LCAP development. Education Code 52060 and 52066 require consultation with students (as well as teachers, principals, administrators, other school personnel, employee bargaining units and parents/guardians) but do not specify a timeline or method for this consultation. According to the state regulations, the process of enabling students, including unduplicated students and other numerically significant student subgroups, to review and comment on LCAP development may include student surveys, forums with students, student advisory committees or meetings with student government bodies or other groups representing students.

The LCAP development process is addressed in BP/AR 0460 - Local Control and Accountability Plan. In April, CSBA updated BP 0200 - Goals for the School District to align the district’s goal-setting process with the LCAP development process and reflect the availability of the template. CSBA also updated BP/AR 1312.3 - Uniform Complaint Procedures to reflect the mandate that districts adopt policies and procedures implementing the use of the uniform complaint procedures to resolve complaints alleging noncompliance with requirements related to the LCAP.

Sample LCAP policy for county offices

(August 2014)

Recognizing that county offices of education are subject to certain unique requirements related to the LCAP, CSBA has developed and distributed a sample policy on the LCAP specifically for county boards. County board policy BP 0460 - Local Control and Accountability Plan provides information about plan adoption as well as continuing requirements to monitor the county office’s progress toward LCAP goals, develop an annual update to the plan, and seek technical assistance from the Superintendent of Public Instruction as needed.

In addition, CSBA has developed a related exhibit which may be approved by county superintendents for county office use as an

administrative regulation. The exhibit addresses county superintendents’ responsibilities related to the development and annual update of the county office LCAP, as well as their responsibility to review and approve district LCAPs. The policy was developed with input from the executive committee of California County Boards of Education (CCBE) and is available on CCBE’s website at <http://bit.ly/18oflly>.

Nondiscrimination

Rights of transgender and gender-nonconforming students

(April 2014)

Districts have a responsibility under state and federal law to provide a nondiscriminatory school environment for all students, and legislation signed in 2013 made it clear that this rule applies to gender-segregated facilities, programs and activities. AB 1266 provides that students must be permitted to participate in school programs and activities (e.g., athletic teams, sports competitions and field trips) and to use facilities (e.g., locker rooms, restrooms) consistent with their gender identity. An effort to stop implementation of the bill by placing a referendum on the state ballot failed to achieve a sufficient number of valid petition signatures.

Even before the outcome of the referendum effort was known, CSBA encouraged districts to address these issues because of the need to ensure school safety and nondiscrimination and to comply with California Interscholastic Federation bylaws for schools participating in interscholastic athletic programs. In February,

CSBA issued a special edition of Policy Update reflecting AB 1266 and best practices, including new sample administrative regulation AR 5145.3 - Nondiscrimination/Harassment and revisions of BP 0410 - Nondiscrimination in District Programs and Activities and AR 6145.2 - Athletic Competition. At the same time, CSBA updated and retitled its policy brief that provides information and strategies to prevent discrimination against transgender and gender-nonconforming students (*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students*, www.csba.org/PNB.aspx).

In March, CSBA's legal department updated its interim guidance on AB 1266. *Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities and Facilities* is available at www.csba.org/ELA.

Uniform complaint procedures

(October 2014)

In October, CSBA issued a special edition of Policy Update including student nondiscrimination, anti-bullying and other civil rights-related sample board policies and administrative regulations. BP/AR 1312.3 - Uniform Complaint Procedures, BP 5131.2 - Bullying, BP/AR 5145.3 - Nondiscrimination/Harassment and BP/AR 5145.7 - Sexual Harassment were updated to reflect current law, regulatory guidance and best practices and to provide a clear and consistent procedure for addressing related student complaints.

These materials reflect state regulations which require districts to adopt a uniform system of procedures that meet specified requirements for receiving, investigating and resolving complaints alleging discrimination (including discriminatory harassment, intimidation and bullying) as well as noncompliance with state law prohibiting the charging of student fees. In addition, BP/AR 1312.3 incorporates requirements to use uniform complaint procedures to resolve complaints alleging noncompliance related to development of the LCAP.

These revised samples reflect the product of extensive consultations throughout 2014 between CSBA staff and the staff of CDE and OCR, the state and federal agencies responsible for enforcing related laws and regulations. As revised, the samples go beyond minimum legal requirements and contain valuable policy guidance and information designed to address essential compli-

ance review and complaint investigation requirements specified by CDE and OCR. While these agencies did not officially approve the samples, CSBA believes that the additional details provided could help a district or county office of education during a CDE compliance review or a CDE or OCR investigation, should either one occur.

CSBA has developed a policy brief to help districts navigate the appropriate use of uniform complaint procedures and other required and district-developed complaint procedures. The *Guide to Complaint Procedures* includes a chart listing the types of complaint, persons who may file, the complaint procedure that should be used, and related CSBA sample policies and administrative regulations. Districts should consult the referenced CSBA samples for information about notifications, timelines, appeal processes and other requirements related to each type of complaint. The brief is available at www.csba.org/PNB.

Personnel

Sick leave

(December 2014)

Beginning July 1, 2015, the Healthy Workplaces, Healthy Families Act (AB 1522) requires districts to grant paid sick leave to all employees who work 30 or more days within a year, including temporary, substitute and part-time employees. Such employees will be entitled to one hour of sick leave for every 30 hours worked and may begin to use accrued sick days on the 90th day of employment. The law also expands the purposes for which sick leave may be used to include:

- » preventive care or the diagnosis, care or treatment of an existing health condition for an employee or the employee's family member (expanded to include a registered domestic partner, grandparent and sibling)
- » the need of an employee who has been a victim of domestic violence, sexual assault or stalking to obtain or seek relief (including social and legal assistance) or medical attention for himself/herself or his/her child

The sick leave provisions added by AB 1522 do not apply to employees covered by collective bargaining agreements if the

agreement expressly provides for paid sick leave for employees, final and binding arbitration of disputes regarding the application of the paid sick days provisions, premium wage rates for overtime, and a regular hourly rate of pay of at least 30 percent more than the state minimum wage rate. Thus, districts should review their collective bargaining agreements to determine whether all requirements for the exemption are met and to ensure that the agreements cover all possible uses of sick leave specified in the new law.

BP 4121 - Temporary/Substitute Personnel, AR 4161.1/4361.1 - Personal Illness/Injury Leave, AR 4161.2/4261.2/4361.2 - Personal Leaves and AR 4261.1 - Personal Illness/Injury Leave were revised in December to reflect new law.

Districts that are unsure how AB 1522 applies to certain types of employees should consult legal counsel. In addition, the California Department of Industrial Relations has posted Frequently Asked Questions regarding AB 1522 at <http://bit.ly/17M37DH>.

Teacher support programs

(August 2014)

Among the categorical programs eliminated through the establishment of the LCFF were several programs that provided support to teachers, including the Certificated Staff Mentoring Program, the Peer Assistance and Review (PAR) program, and the Teacher Credentialing Block Grant which funded the Beginning Teacher Support and Assessment (BTSA) induction program. Although specific categorical funding is no longer provided, districts should be aware of continuing requirements to provide support and guidance to certain teachers, including:

- » **Teachers with a short-term staff permit, provisional internship permit or emergency permit.** As a condition of hiring a person with such a permit, the district must verify to the Commission on Teacher Credentialing (CTC) that it will provide that person with an orientation and mentoring. AR 4112.2 - Certification, updated in August, clarifies the teacher support requirements for persons holding any of these permits.
- » **Teacher interns participating in a university or district intern program.** New state regulations (5 CCR 80033, as added by Register 2014, No. 7) require a memorandum of understanding between the district and college/university partner which details the support and supervision that will be provided to interns. For interns who do not have a valid English learner authorization, bilingual authorization or cross-cultural, language and academic development certificate, 5 CCR 80033 specifies additional requirements addressing the needs of English learners. BP/AR 4112.21 - Interns was updated in August to reflect these new state regulations.
- » **Beginning teachers who possess a preliminary teaching credential and are in their first or second year of teaching.** Even though BTSA has been eliminated, Education Code 44259 still requires beginning teachers to complete a CTC-approved induction program in order to fulfill the requirements for a clear teaching credential. If a district does not sponsor an induction program, teachers may fulfill the induction requirement by enrolling in an induction program offered online or by a college or university, a neighboring district or a county office of education, or by completing a general education clear credential program through an ac-

credited teacher preparation program at a California college or university.

The CTC has expressed concerns that changes in program funding may result in declines in program quality and in the availability of induction programs in some areas of the state. During the time that BTSA was included in "Tier 3" categorical flexibility (2009-10 through 2012-13), the number of induction programs declined and more than half of school districts responding to a Legislative Analyst's Office survey reported that they had used the categorical flexibility to shift some amount of funding away from BTSA programs. Now, under the LCFF, some programs are no longer enrolling first-year teachers and many programs will be charging a fee to participating teachers (CTC meeting, February 2014). The

CTC and stakeholders are continuing to discuss strategies to ensure that beginning teachers are provided with induction opportunities.

In addition to ensuring that teacher support programs are provided as required by law, districts should consider other circumstances in which individual teachers may need coaching, mentoring or other support to be successful. Teacher support and guidance programs have proved beneficial for increasing both teacher quality and retention and thus can contribute to the attainment of district goals for student learning.

CSBA deleted sample board policies and administrative regulations that reflected legal requirements for the BTSA, PAR and mentoring programs and folded the key concepts of these programs into a new BP 4131.1 - Teacher Support and Guidance.

Teacher tenure, dismissal and layoff

(August, December 2014)

In a decision which has been appealed, a state superior court ruled that aspects of California's teacher tenure, layoff and dismissal statutes result in disadvantaged and minority students being placed with less effective teachers, thereby violating those students' constitutional rights. The ruling in *Vergara v. State of California* cited problems with:

- » **Teacher eligibility for tenure after two years of probation.** The court cited evidence that two years is not "nearly enough time for an informed decision to be made regarding the decision of tenure" and that the probationary period is actually shorter than two years since decisions must be made by March 15. The court concluded that teachers could be reelected under this timeline who would not be reelected if the district had more time to evaluate the teacher's performance.
- » **Layoff based on seniority.** State law generally requires that, when layoffs are necessary for economic reasons specified in law, teachers with less seniority must be laid off before those with greater seniority. There is no exception based on teacher effectiveness, which the court called "unfathomable."

- » **Teacher dismissal process.** Finding the teacher dismissal process time-consuming and costly, the court concluded that districts may be reluctant to begin dismissal procedures, resulting in "grossly ineffective" teachers being left in the classroom. The court acknowledged that teachers should be afforded reasonable due process but noted that classified employees are granted due process without a "tortuous process."

The court's 16-page decision may be found at <http://bit.ly/1sZXEOy>. Also, a CSBA-sponsored archived webcast on this case and related issues may be viewed at www.csba.org/EdInsights.

CSBA updated BP 4117.3 - Personnel Reduction in August to clarify current law, and issued BP/AR 4118 - Dismissal/Suspension/Disciplinary Action in December to reflect the *Vergara* case as well as new legislation (AB 215) addressing suspension and dismissal procedures.

CSBA will continue to monitor any further developments in the *Vergara* case for policy implications. It is important to note that the appeal of the ruling is expected to take several years to resolve.

Privacy

Online privacy

(December 2014)

Confidentiality of student records, including student privacy in cyberspace, was a hot topic in 2014. Three new bills addressing this topic were signed by the Governor:

- » Pursuant to AB 1442, districts that are considering the adoption of a program for gathering or maintaining records or information from students' social media activity must first notify parents/guardians and provide an opportunity for public comment at a regularly scheduled board meeting. If a district then approves such a program, it may only collect information that pertains directly to school or student safety. As with other student records, students and parents/guardians are entitled to access the information the district gathers from social media and have the right to challenge the accuracy of the information. However, any information gathered from social media sources must be destroyed within one year of the student turning age 18 years or leaving the district, whichever occurs first.
- » AB 1584 requires that certain provisions be included in any contract between districts and vendors for cloud computing services, digital storage or educational software used for the management and retrieval of student records. Among other things, the contract must include a description of actions the third party must take to ensure the confidentiality and security of student records, the process by which parents/guardians will be notified of a security breach, a prohibition against the use of student information for targeted advertising and certification that student records will not be retained or made available to a third party upon completion of the contract. A district that chooses to enter into such a contract is mandated to adopt policy allowing such contracts.
- » Effective January 1, 2016, the Student Online Personal Information Protection Act (SB 1177) prohibits operators of educational websites, online services, online applications and mobile applications from selling or disclosing student information (e.g., name, address, phone number, test results, socioeconomic information, food purchases) or using it to target advertising. These provisions apply to vendors that provide services to K-12 students, whether in the classroom or at home. If a school or district requests that a vendor delete its copy of student data, the vendor must do so.

BP/AR 5125 - Student Records was updated in December to reflect new law.

As districts review their data protection policies, they might consult a useful guide from the National School Boards Association, *Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era* (April 2014), available at <http://bit.ly/1j9MELR>.

Safety

Child abuse reporting

(December 2014)

AB 1432 requires school districts, county offices of education and charter schools to provide annual training to all employees and persons working on their behalf who are mandated to report known or suspected child abuse or neglect. Under the new law, any mandated reporter who is hired during the school year must complete training within the first six weeks of his/her employment. In addition, all existing employees who are mandated reporters must provide proof of completing the training within

the first six weeks of each school year. Since the law is effective January 1, 2015, the obligation for existing employees to complete training within the first six weeks of the school year will start with the 2015-16 school year.

Information about online training from the California Department of Social Services, including training that will satisfy the requirements of AB 1432, is available at www.mandatedreporter.ca.com.

Several related bills were also signed by the Governor. AB 1775 revises the definition of sexual exploitation. AB 2560 requires applicants for a new or renewed credential to sign a statement that they understand their obligations as mandated reporters. AB 2016 authorizes districts to provide instruction in sexual abuse

and sexual assault awareness and prevention, and requires CDE to consider including these topics in the next revision of the health content standards and framework.

BP/AR 5141.4 - Child Abuse Prevention and Reporting has been updated to reflect new law.

Student discipline

Discipline for off-campus cyberbullying

(April 2014)

The extent to which students may be disciplined for conduct originating off campus has been considered by the courts, which have attempted to balance the need for safety on campus with students' First Amendment right to freedom of speech. Generally, the courts have upheld the right to discipline students when off-campus conduct posed an identifiable threat to the safety of other students, staff or school property or presented a risk of substantial disruption of school activities, provided that the district was able to document the impact or disruption that the conduct had, or could be expected to have, on school activities.

Recent legislation (AB 256, 2013) further clarifies and expands the authority of school administrators to discipline students for off-campus cyberbullying by defining bullying by an electronic

act to include any creation or transmission originating on or off the school site. However, the electronic act must satisfy the same criteria specified for "bullying" in Education Code 48900 (i.e., be severe or pervasive, have or reasonably be predicted to have the effect of placing a reasonable student in fear of harm to his/her person or property, and cause a substantially detrimental effect on the victim's physical or mental health or a substantial interference with his/her academic performance or his/her ability to participate in or benefit from school services, activities or privileges).

For further information, see BP 5131.2 - Bullying, BP/AR 5144.1 - Suspension and Expulsion/Due Process and CSBA's new fact sheet *Recent Legislation on Cyberbullying: AB 256*.

Suspension and expulsion

(April, December 2014)

Concerns about possible overuse of exclusionary discipline practices which take students out of the classroom, such as suspension and expulsion, and their effectiveness in correcting student behavior have recently been expressed by state and federal agencies, educators and student rights advocates. California law specifies the grounds for which districts may impose suspension or expulsion but provides that, except for specified acts violating Education Code 48900(a)-(e), suspension and expulsion may only be imposed when other means of correction have failed.

In a joint Dear Colleague Letter: Nondiscriminatory Administration of School Discipline (January 2014), OCR and the U.S. Department of Justice's (DOJ) Civil Rights Division cite studies that suggest a correlation between exclusionary discipline policies and practices and an array of serious educational, economic and social problems, including school avoidance, diminished educational engagement, decreased academic achievement, increased behavior problems, increased likelihood of dropping out of school, substance abuse and involvement with juvenile justice systems.

The problem of exclusionary discipline is compounded by findings that suggest that African American students and students with disabilities are suspended or expelled more often than other students and thus are at increased risk of missing educational opportunities. For example, the Civil Rights Data Collection conducted by OCR in 2011 and California data from the same year show significantly higher rates of suspension and expulsion for African American students which, according to OCR, cannot be explained by more frequent or more serious misbehavior by students of color. Any district determined to have engaged in unlawful discrimination may be subject to OCR investigation and significant remedial action.

In addition, the use of suspension or expulsion for incidents involving disruption of school activities or willful defiance of the authority of school personnel has increasingly come under fire by educators and advocacy groups who believe that this ground is too subjective and that suspension/expulsion should be reserved for more serious offenses. A number of districts made the decision to eliminate willful defiance as a ground for suspension/

expulsion and, in 2014, the Governor signed AB 420 which prohibits the district from expelling any student, and from suspending students in grades K-3, for disruption or willful defiance.

For further information, see CSBA's updated BP/AR 5144.1 - Suspension and Expulsion/Due Process and BP/AR 5144 - Discipline, the OCR/DOJ Dear Colleague Letter (<http://1.usa.gov/1irRa41>), CSBA's April 2014 Fact Sheet *The Case for Reducing Out-of-School Suspensions and Expulsions* (www.csba.org/GovernanceBriefs) and Public Counsel's *Fix School Discipline: How We Can Fix School Discipline Toolkit for Educators* (www.fixschooldiscipline.org/toolkit).

Appendix A

CSBA policy services

Keeping a policy manual current can be an overwhelming task. Hundreds of new laws are passed by the state legislature and Congress every year and policies can quickly become out of date. CSBA offers a variety of policy services and programs to provide policy information to districts and county offices of education and to facilitate local policy development tailored to local needs and circumstances.

For information about subscribing to CSBA policy services, please see www.csba.org/PolicyServices or contact CSBA at 800-266-3382.

The CSBA online boardroom

Gamut Online

Gamut Online is the only information system that links school governance and management resources on the Internet. It offers quick access to 650-plus sample board policies, regulations and bylaws as well as the entire Education Code, Title 5 regulations and other state and federal code sections referenced in the sample policies. The search function enables users to retrieve policies by code number or specific key words or phrases in the manual. Then export the sample to the user's word processing application for easy customization. Users can also navigate to related policies by clicking on the cross-references within the policy and can click on a legal citation within the policy to bring up that code section. Email notifications alert subscribers when the CSBA policy manual has been updated. A free 30-day trial offer is available.

Policy Online

Districts can post their local policy manual on Gamut Online and receive the following benefits:

- » Online access to the district's policy manual, legal references and other member district manuals
- » Unlimited number of user accounts for district staff and board members
- » Elimination of the need for policy binders and a cumbersome policy dissemination process
- » A "public account" providing parents, students and community members access to the district policy manual (but not providing access to Education Code, other laws and other district policy manuals)
- » Increased transparency in district operations and community engagement with the district
- » Access to new and revised district policies within 30 days after they are received by CSBA

This service is available to districts that subscribe to Gamut Online and are also Policy Manual Maintenance clients (see below).

Agenda Online

Agenda Online is an electronic board meeting agenda service. It is a Web-based application that allows development of and access to board meeting information including agendas, supporting documents and minutes, from any computer that has Internet access. Board members, staff and the public have access to information based on user type. Features include meeting and item templates, ability to attach multiple background documents, ability to link to documents already posted on the Web, "sticky note" option for board members and staff, recording of minutes including votes, printing of agenda and minutes, a district goal scorecard and more.

Bringing policy manuals into compliance

Policy Development Workshop

This service helps districts and county offices of education develop a robust, up-to-date policy manual that addresses key issues and complies with state and federal mandates. The Policy Development Workshop pairs the knowledge and experience of administrators and/or board members with the expertise of a CSBA consultant to generate a clear, user-friendly policy manual that meets local needs. Districts of all sizes can benefit from an individual workshop designed and led by CSBA.

Policy Audit Program

Through CSBA's Policy Audit Program, a CSBA consultant will review over 150 of the district's policies, including about 70 policies mandated by law and others that contain important legal requirements, to determine if they reflect current law and the CSBA sample. This report will help the district identify priority areas for policy updating and give an indication as to the overall status of the district's manual.

Keeping policy manuals updated and in compliance

Policy Manual Maintenance

CSBA's Policy Manual Maintenance service is designed to help districts save time while keeping their policy manual up to date. Districts receive policy updates three times a year containing sample policy language that can be modified to reflect local goals, philosophy, circumstances and practices. Word processing of district manuals is performed by CSBA staff, incorporating policy language modifications made by the district, adoption dates and district name. Ongoing consulting services are also available to answer the district's questions.

Appendix B

2014 Publications

The following publications, available at www.csba.org, are among those issued by CSBA in 2014 to provide information and guidance to boards on major policy issues.

Manuals/Guides

Governing to Achieve: A Synthesis of Research on School Governance to Support Student Achievement (8/14)

A Governance Perspective: Interviews with School Board Members from the Nine Linked Learning Initiative School Districts (3/14)

2013 Policies in Review (3/14)

Newsletters

Policy News (1/14, 4/14, 8/14)

Policy Briefs

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students (2/14)

Summer Learning Survey Examines District Practices, Plans and Perceptions (2/14)

Legal Guidance

Legal Guidance Regarding International Student Exchange Placement Organizations (4/14)

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities and Facilities (3/14)

Governance Briefs

Improving Student Achievement Through Teacher Collaboration (11/14)

Promoting Healthy Relationships for Adolescents: Board Policy Considerations (8/14)

Starting a Breakfast After the Bell Program (8/14)

Brown v. Board of Education: The 60th Anniversary of the Landmark Supreme Court Case (5/14)

Building the Resiliency of At-Risk Students (4/14)

New Assessment for English Learner Students: From the CELDT to the ELPAC (4/14)

Special Education Pupil Transportation: Considerations in the Era of LCFF (4/14)

Key Considerations for Implementing a Blended Learning Program (1/14)

Defining Governance

Issue 2: Governing Commitments (2/14)

Issue 3: Governance Practices (4/14)

Issue 4: Governance Decisions (6/14)

Issue 5: Engaging the Community (7/14)

English Learners in Focus

Issue 1: Demographic and Achievement Profile of California's English Learner (3/14)

Governing to the Core

Issue 6: Pathway Options for High School Mathematics (5/14)

Fact Sheets

Attendance Awareness Month (9/14)

Recent Legislation on Cyberbullying: AB 256 (4/14)

The Case for Reducing Out-of-School Suspension and Expulsions (4/14)

Turning Around a High Poverty District: Learning from Sanger (4/14)

Understanding Teacher Burnout and its Negative Effects (4/14)

Common Core Testing: The Smarter Balanced Field Test (3/14)

Linked Learning: America's Edge Report: Reducing the Skills Gap (3/14)

Linked Learning SCOPE Case Study: Sacramento (3/14)

Physical Education: A Slow Start to a Promising Educational Boost (3/14)

Summer Learning Programs: Implications of the LCFF (3/14)

Using Linked Learning to Implement CCSS (3/14)

Appendix C

2014 Leadership development

CSBA offered a number of continuing education opportunities on major policy issues throughout 2014. See the events calendar at www.csba.org/eventscalendar for upcoming workshops, webinars and other training events in 2015. Call 800-266-3382 for further information.

Roadmap to Policy Updates

This complimentary session helps districts maximize the benefits they receive from CSBA's policy services. Participants explore and discuss best practices and procedures for keeping the district's policy manual current through Gamut Online and Manual Maintenance services and discover pathways for accessing local policies online. This session has also been offered as a webinar.

Policy Online Webinar

Districts that have placed their policy manuals online through CSBA's Policy Online service may participate in a complimentary webinar to hear more about the features of the service. *My Policy Manual is Online: Now What?* assists board members and staff with locating, viewing, printing and downloading policies. The webinar also demonstrates how to increase transparency by giving staff and the public access to their policy manual.

Agenda Online Webinar

This no-obligation webinar showcases CSBA's Agenda Online service which enables easy development and dissemination of board meeting information. The webinar explains 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 learn how districts and county offices of education are saving time and money using this service.

Trainings for executive assistants

Executive assistants play a key role in the district or county office of education. In this popular, full-day training, executive assistants can learn skills, tools and strategies to effectively meet the needs of the superintendent, board, students and the community.

Annual Education Conference and Trade Show

CSBA's 2014 Annual Education Conference and Trade Show included numerous sessions on policy issues, the policy development process and CSBA policy services.

Webcasts

The following archived webcasts are available at <http://bit.ly/1EefFlp>:

Forecast Webcast (1/14)

Back-to-School Webcast (9/14)

Education Insights: Legal Update

Season 1, Episode 2: LCFF -- Breaking Down State Board Regulations and Preparing Your LCAP (3/14)

Season 1, Episode 3: Vergara v. State of California (Tenure, Layoff, Dismissal) (5/14)

Season 2, Episode 1: LCFF and Collective Bargaining (10/14)

Season 2, Episode 2: The Brown Act and Open Meeting Laws (11/14)

Appendix D

Policies/regulations/bylaws/exhibits issued in 2014

0000 Series: Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0200 - Goals for the School District (4/14)

Policy updated to delete sample goals and add concepts related to new law (AB 97, 2013) which requires districts to develop annual goals aligned with specified state priorities and any local priorities and to include those goals in the district's Local Control and Accountability Plan (LCAP). Policy also reflects new Title 5 regulations (Register 2014, No. 6) which provide a template to be used for LCAP development.

BP 0410 - Nondiscrimination in District Programs and Activities (2/14)

Mandated policy updated to reflect new law (AB 1266, 2013) which requires districts to permit a student to participate in sex-segregated school programs and activities, including athletic teams and competitions, and to use facilities consistent with the student's gender identity, regardless of his/her gender as listed on his/her educational records. Policy also references new law (AB 556, 2013) which prohibits employers from

discriminating against employees and job applicants based on their military or veteran status.

BP/AR 0420.1 - School-Based Program Coordination (12/14)

Policy and regulation deleted since School-Based Program Coordination was effectively eliminated by the Local Control Funding Formula (LCFF).

BP/AR 0440 - District Technology Plan (12/14)

Policy contains updated information about the status of state and federal grant programs requiring technology plans, provides for the district's plan to cover a three-year period consistent with California Department of Education (CDE) criteria and adds language on ensuring the confidentiality of student and staff records. Regulation updated to reflect new criteria for technology plans adopted by CDE in November 2014 and optional component on noninstructional uses of technology.

1000 Series: Community Relations

AR 1220 - Citizen Advisory Committees (12/14)

Regulation updates section on "Committees Subject to Brown Act Requirements" to include the LCAP parent advisory committee and English learner parent advisory committee. Section on "Committees Not Subject to Brown Act Requirements" revised to delete references to committees for certain categorical programs based on the redirection of categorical program funding into the LCFF and/or new law (SB 971) which repealed provisions of law requiring those committees.

BP/AR 1240 - Volunteer Assistance (12/14)

Policy updated to add optional section on workers' compensation for volunteers and to reflect new law (AB 1443) which prohibits harassment of unpaid interns and volunteers. Policy also revised to delete material on options for volunteers working in a student activity program to obtain fingerprint clearance or an Activity Supervisor Clearance Certificate, as this issue is addressed in AR. Regulation updated to reflect law allowing principal to grant permission for a sex offender to volunteer at a school if all parents/guardians are notified

at least 14 days in advance. Section on "Criminal Background Check" adds optional language for district to give volunteers working in a student activity program the discretion to choose whether to obtain fingerprint clearance or obtain an Activity Supervisor Clearance Certificate. Regulation also reflects new law (AB 1667) which requires volunteers instructing or supervising students to complete a tuberculosis risk assessment and provides that a tuberculin skin test will only be necessary if risk factors are identified.

BP 1250 - Visitors/Outsiders (12/14) – Minor Revision

Updated to reflect new law (SB 326, 2013) requiring date(s) and times to be included on any written permission granted for a sex offender to be on campus.

BP/AR 1312.3 - Uniform Complaint Procedures (10/14)

Mandated policy updated to expand the scope of the uniform complaint procedures to include complaints regarding a district's failure to comply with legal requirements related to LCAP implementation and to reflect new Title 5 regulations

(Register 2013, No. 38) regarding noncompliance with state law prohibiting the charging of student fees. Mandated regulation updated to more clearly spell out district responsibilities, especially with regards to discrimination complaints. Revised regulation also specifies practices that facilitate prompt and fair resolution of complaints, including training for compliance officer(s), establishment of well-defined timelines, and provision of comprehensive requirements regarding essential components of the complaint process such as findings of fact, notification, translation and corrective action.

AR/E 1312.4 - Williams Uniform Complaint Procedures (8/14)

Mandated regulation and exhibits updated to delete the use of Williams uniform complaint procedures for complaints regarding deficiencies in intensive instruction for students who fail to

pass the high school exit examination by the end of grade 12, since new law (AB 97, 2013) eliminated categorical funding for that program.

BP 1330 - Use of School Facilities (8/14)

Mandated policy updated to reflect new Title 5 regulations (Register 2014, No. 19) which require boards to adopt a fee schedule that specifies the hourly fee to be charged for specific school facilities or grounds or for types/categories of school facilities or grounds; contain specific rules for determining "direct costs" to be charged for use of school facilities and grounds; authorize districts to discount direct cost fees based on the type or category of the applicant; and address the expenditure of funds collected as capital direct costs.

3000 Series: Business & Noninstructional Operations

BP/AR 3100 - Budget (12/14)

Policy and regulation updated to reflect new law (AB 2585) which eliminates the option to develop the district budget using the "dual budget" process. Policy also contains material formerly in AR which addresses board responsibilities related to budget adoption and review. Section on "Budget Criteria and Standards" updated to reflect new Title 5 regulations (Register 2015, No. 2) which address the calculation of "increased and improved services" for expenditures of LCFF supplemental and concentration funding and to reflect new law (SB 858) which limits the maximum amount of funds that may be held in district reserves and ending balances under certain conditions. Updated regulation also reflects provisions of AB 2585 which specify information that must be provided for the public hearing on the budget if the budget proposes to have an ending fund balance in excess of the minimum recommended reserve, and require submission of information to the county superintendent of schools regarding any ending fund balance in excess of the minimum recommended reserve.

BP/AR 3260 - Fees and Charges (4/14)

Mandated policy updated to reflect new Title 5 regulation (Register 2013, No. 38) which addresses remedies to be provided to all affected students and parents/guardians if the district is found in violation of the prohibition against unauthorized student fees. Policy also clarifies that the prohibition against student fees does not restrict districts from soliciting for voluntary donations, participating in fundraising activities or providing prizes or other recognition for participants in such fundraising events. Regulation updated to expand and clarify the list of permissible fees and align material with CDE Fiscal Management Advisories.

BP 3280 - Sale or Lease of District-Owned Real Property (4/14)

Policy updated to reflect new law (AB 86, 2013) which requires districts to first offer to sell surplus district property to a charter school that projects an in-district average daily attendance of at least 80 students, has requested to be notified of surplus property to be offered for sale or lease, and intends to use the property exclusively to provide instruction or instructional support. Policy also reflects new law (AB 308, 2013) which authorizes the State Allocation Board, under specified conditions, to reclaim funds from districts selling any property purchased, constructed, or modernized within the previous 10 years with funds received from a state school facilities funding program.

AR 3460 - Financial Reports and Accountability (4/14)

Regulation updated to reflect new Title 5 regulations (Register 2013, No. 49) aligning the state standards and criteria for interim reports with the LCFF, effective in the 2014-15 fiscal year. Regulation also updated to reflect new law (AB 97, 2013) which requires the annual audit to include a determination as to whether funds were expended in accordance with the district's LCAP.

BP 3513.3 - Tobacco-Free Schools (4/14)

Mandated policy expands the list of prohibited products to include electronic hookahs and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products. Policy also deletes the option for districts not receiving Tobacco Use Prevention Education (TUPE) funds to allow smoking outside on school or district grounds or in designated employee breakrooms, although non-TUPE districts may continue to adopt such policy language at their discretion.

BP 3550 - Food Service/Child Nutrition Program (12/14) – Minor Revision

Updated to reflect new state Administrative Review monitoring process for food service programs.

AR 3554 - Other Food Sales (8/14) – Minor Revision

Updated to more accurately reflect federal regulations regarding recordkeeping.

4000 Series: Personnel

BP 4030 - Nondiscrimination in Employment (12/14) – Minor Revision

Military status added as a prohibited basis of discrimination and harassment pursuant to new law (AB 556, 2013).

BP/AR 4112.2 - Certification (8/14)

Policy and regulation updated to reflect new Title 5 regulations (Register 2013, No. 28) which provide that the provisional internship permit is not renewable and change the timelines for reissuance of emergency permits. Policy also adds and clarifies material, formerly in AR, on priorities for hiring when a teacher with a preliminary or clear credential is unavailable. Material on advanced certification through the National Board for Professional Teaching Standards (NBPTS) updated to reflect new law (AB 97, 2013) which eliminated categorical funding for incentive awards to NBPTS-certificated teachers. Regulation also updated to delete material on visiting faculty permits pursuant to the sunset date in Education Code 44300.1.

BP/AR 4112.21 - Interns (8/14)

Policy updated to reflect new law (AB 97, 2013) which eliminated the enhanced intern program, the alternative certification program designed to address teacher shortages in geographic or subject matter areas, the Certificated Staff Mentoring Program, and the Beginning Teacher Support and Assessment (B TSA) program. Policy also clarifies that an intern program must be approved by the Commission on Teacher Credentialing (CTC), reflects new Title 5 regulations (Register 2014, No. 7) addressing the qualifications and support/supervision of interns, and reflects new federal law (P.L. 113-46) which extends through 2015-16 the authority for districts to assign interns to teach core academic subjects if they meet the State Board of Education's (SBE) definition of a "highly qualified teacher."

AR 4112.4/4212.4/4312.4 - Health Examinations (12/14)

Regulation updated to reflect new law (AB 1667) which requires employees to complete a tuberculosis risk assessment and provides that a tuberculin skin test will only be necessary if risk factors are identified. Regulation also adds language on tuberculosis risk assessment/examination requirements for school bus drivers when the district contracts for transportation services and clarifies allowable exemptions from the tuberculosis risk assessment/examination requirements.

AR 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers (8/14) – Minor Revision

Revised to more accurately reflect federal regulations regarding post-accident testing.

AR/E 4112.5/4212.5/4312.5 - Criminal Record Check (12/14)

AR 4112.5/4312.5 - Criminal Record Check (certificated) and AR 4212.5 - Criminal Record Check (classified) consolidated and triple coded. Regulation deletes references to outdated process based on fingerprint identification cards, reflects law requiring the district to notify the Department of Justice (DOJ) when an applicant/employee whose fingerprints are maintained by DOJ is not hired or is terminated, and reflects law requiring the district to notify an applicant/employee when it receives notification from DOJ of the applicant/employee's criminal record. Section on "Maintenance of Records" revised to reflect new law (SB 1461) which deletes requirement to annually notify DOJ of the identity of the custodian of records. Exhibit renumbered and retitled from E 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records.

AR 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records (12/14)

Regulation deleted and concepts moved into AR 4112.5/4212.5/4312.5 - Criminal Record Check. Exhibit renumbered and retitled as E 4112.5/4212.5/4312.5 - Criminal Record Check.

E 4112.9/4212.9/4312.9 - Employee Notifications (4/14)

Exhibit updated to (1) reflect new law (AB 97, 2013) requiring the uniform complaint procedures notice to include information about LCAP requirements; (2) update notice requirements related to family care and medical leave and renumber cites to Title 2 regulations pursuant to Register 2013, No. 40; (3) reflect new Title 5 regulations (Register 2014, No. 14) which require notice re: employment status change reports to be given when an allegation of misconduct is pending; (4) revise notice on postretirement earnings limitation to include employment restrictions pursuant to new law (AB 1379, 2013); (5) add notification of teachers when school is identified for restructuring under Title I program improvement; (6) add notification of bus drivers when their driver's license, driver's certificate or medical certificate is expiring; and (7) move notice of vehicle idling limitations to AR 3542 - School Bus Drivers.

BP/AR 4115 - Evaluation/Supervision (8/14)

Mandated policy updated to include evaluation criteria formerly in AR since establishing criteria is a responsibility of the board. Policy also revised to clarify that evaluation procedures are subject to negotiation. Mandated regulation updated to reflect new law (AB 97, 2013) which eliminated the Peer Assistance and Review (PAR) program and to add section on qualifications of evaluators based on material formerly in BP 4315.1 - Staff Evaluating Teachers.

AR 4117.14/4317.14 - Postretirement Employment (4/14)

Regulation updated to clarify the contents of the board resolution required in order to hire a member of the California State Teachers' Retirement System within 180 days of his/her retirement. Regulation reflects new law (AB 1381, 2013) which (1) defines "financial inducement" for the purpose of determining eligibility of a retiree to receive an exemption from the 180-day waiting period and (2) extends the compensation limit to other payments (e.g., deferred compensation plans, etc.) to prevent payment in excess of the zero-dollar limit for retired member activities performed within the 180-day waiting period. Regulation also reflects new law (AB 1379, 2013) which requires districts to notify retired individuals of employment restrictions.

BP 4117.3 - Personnel Reduction (8/14)

Policy updated to clarify requirements related to the determination of the order of layoffs when it is necessary to reduce the number of certificated employees for economic reasons specified in law. Section on "Reappointment" revised to address priority for offering a laid-off employee first opportunity for substitute service during the period of preferred right to reappointment.

AR 4117.4 - Dismissal (12/14)

Regulation deleted and concepts moved into BP/AR 4118 - Dismissal/Suspension/Disciplinary Action.

AR 4117.7/4317.7 - Employment Status Reports (4/14)

Regulation updated to reflect new law (AB 449, 2013) and new Title 5 regulations (Register 2014, No. 14) which require submission of an employment status report to the CTC while an allegation of misconduct is pending; subject the superintendent to adverse action by the CTC if he/she fails to submit a report; and clarify that changes in employment status due to unsatisfactory performance or a reduction in force are not reportable.

BP/AR 4118 - Dismissal/Suspension/Disciplinary Action (12/14)

Policy and regulation retitled and updated to include requirements related to the dismissal of certificated employees, formerly in AR 4117.4 - Dismissal. Policy reflects new law (AB 215) which allows notice of the board's intent to suspend or dismiss

an employee to be given to the employee at any time of year except when the charge is unsatisfactory performance, requires any notice given outside of the instructional year to be served personally upon the employee and addresses notification of an employee charged with egregious misconduct. Regulation reflects provisions of AB 215 which amend the causes for which a certificated employee may be suspended or dismissed, establish an alternative procedure for charges related solely to egregious misconduct and amend the list of mandatory leave of absence offenses.

BP 4121 - Temporary/Substitute Personnel (12/14)

Policy updated to reflect new law (AB 1522) which requires districts to grant paid sick leave to all employees who work 30 or more days per year, including temporary and substitute employees, unless the district has adopted a collective bargaining agreement that expressly provides paid sick leave for such employees and contains additional specified provisions.

BP 4131.1 - Beginning Teacher Support/Induction (8/14)

Policy deleted due to the elimination of the BTSA program pursuant to new law (AB 97, 2013). Key concepts incorporated into new BP/AR 4131.1 - Teacher Support and Guidance.

BP/AR 4131.1 - Teacher Support and Guidance (8/14)

New policy addresses the provision of intensive support and guidance for individual teachers who are new to the profession and other teachers who need additional development in subject matter knowledge, instructional methods and/or classroom management. Policy incorporates concepts formerly in BP 4131.1 - Beginning Teacher Support/Induction, BP/AR 4138 - Mentor Teachers and BP/AR 4139 - Peer Assistance and Review for related categorical programs eliminated by AB 97 (2013). New regulation addresses the qualifications of mentors/support providers and applies consistent selection criteria for all district induction and support programs. Regulation also includes optional section reflecting general concepts of the PAR program, eliminated by AB 97.

BP/AR 4138 - Mentor Teachers (8/14)

Policy and regulation deleted due to the elimination of the Certificated Staff Mentoring Program pursuant to new law (AB 97, 2013). Key concepts incorporated into new BP/AR 4131.1 - Teacher Support and Guidance.

BP/AR 4139 - Peer Assistance and Review (8/14)

Policy and regulation deleted due to the elimination of the PAR program pursuant to new law (AB 97, 2013). Key concepts incorporated into new BP/AR 4131.1 - Teacher Support and Guidance.

AR 4161.1/4361.1 - Personal Illness/Injury Leave (12/14)

Mandated regulation updated to reflect new law (AB 1522) which requires districts to grant paid sick leave to all employees

who work 30 or more days per year, unless the district has adopted a collective bargaining agreement that expressly provides paid sick leave for such employees and contains additional specified provisions. Regulation also reflects provisions of AB 1522 which expand the allowable uses of sick leave to include (1) diagnosis, care or treatment of an existing health condition, or preventive care, for an employee or his/her family member (defined to include registered domestic partner, grandparent and sibling) and (2) the need of an employee who has been the victim of domestic violence, sexual assault or stalking to seek any relief or medical attention for himself/herself or his/her child.

AR 4161.2/4261.2/4361.2 - Personal Leaves (12/14)

Mandated regulation updated to reflect new law (AB 1522) which requires districts to allow an employee who has been the victim of domestic violence, sexual assault or stalking to use sick leave to seek any relief or medical attention for himself/herself or his/her child. Section on "Leaves for Victims of Domestic Violence and Sexual Assault," which prohibits adverse employment action against employees taking leave who are victims of domestic violence and sexual assault, expanded to include employees who are victims of stalking. Section on "Leave for Emergency Duty" updated to reflect law allowing employees who are reserve peace officers and emergency rescue personnel to take up to 14 days of leave per calendar year to receive training.

AR 4261.1 - Personal Illness/Injury Leave (12/14)

Mandated regulation updated to reflect new law (AB 1522) which requires districts to grant paid sick leave to all employees who work 30 or more days per year, unless the district has

adopted a collective bargaining agreement that expressly provides paid sick leave for such employees and contains additional specified provisions, and expands the allowable uses of sick leave to include (1) diagnosis, care or treatment of an existing health condition, or preventive care, for an employee or his/her family member (defined to include registered domestic partner, grandparent and sibling) and (2) the need of an employee who has been the victim of domestic violence, sexual assault or stalking to seek any relief or medical attention for himself/herself or his/her child.

BP 4315 - Evaluation/Supervision (8/14)

Mandated policy reorganized to delete separate sections for certificated and classified administrators/supervisors to provide consistency in evaluation purposes and procedures. Policy also revised to emphasize consistency of evaluation procedures with employee contracts and collective bargaining agreements, link staff evaluations to decisions about contract renewal as specified in AR 4312.1 - Contracts, add optional evaluation criteria specified in law, and reflect the revised California Professional Standards for Educational Leaders as adopted by the CTC in February 2014.

BP 4315.1 - Staff Evaluating Teachers (8/14)

Policy deleted and key concepts incorporated into BP 4115 - Evaluation/Supervision.

E 4319.21 - Professional Standards (8/14)

Exhibit updated to reflect the revised California Professional Standards for Educational Leaders as adopted by the CTC in February 2014.

5000 Series: Students

AR 5020 - Parent Rights and Responsibilities (12/14) – Minor Revision

Revised to update terminology for audio and video recordings consistent with current law.

BP/AR 5125 - Student Records (12/14)

Mandated policy updated to reflect new law (AB 1442) which requires districts to notify students and parents/guardians and provide an opportunity for public input before adopting a program to gather or maintain safety-related information from students' social media activity. Policy also reflects new law (SB 1177) which, effective January 1, 2016, will prohibit an online/mobile operator from selling or disclosing student information or using student information to target advertising or amass a profile about a student. Policy reflects new law (AB 1584)

which mandates districts entering into a contract with a third party for the digital storage, management and retrieval of student records to adopt policy allowing such contracts. Mandated regulation reflects new law (AB 2160) which requires districts to submit the grade point average of all 12th-graders to the Cal Grant program unless a student opts out, and law which authorizes the disclosure of records to students age 14 years and older who are homeless and unaccompanied minors, persons who complete a caregiver's authorization affidavit, and caseworkers or other agency representatives legally responsible for the care and protection of a student. New section added to AR to reflect requirements of AB 1442 for districts that choose to adopt a program to gather or maintain information from students' social media activity related to school or student safety.

BP 5131.2 - Bullying (10/14)

Policy updated to provide for an informal, site-level reporting process leading to investigation of any bullying complaint pursuant to the uniform complaint procedures and to clarify when suspension and expulsion may be used as corrective action for a student who commits an act of bullying.

BP 5131.62 - Tobacco (4/14)

Policy updated to prohibit student possession or use of electronic hookahs and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products. Policy also recommends provision of counseling, intensive education or other intervention services to assist in the cessation of tobacco use as an alternative to suspension for tobacco possession.

AR 5141 - Health Care and Emergencies (12/14)

Regulation updated to reflect new law (AB 2217) which clarifies that employees and districts will not be liable for civil damages resulting from the use of an automated external defibrillator (AED) if they comply with specified legal requirements. Regulation expanded to reflect requirements related to a written plan, maintenance and testing of the AED, and the provision of information and training to employees.

AR 5141.21 - Administering Medication and Monitoring Health Conditions (12/14)

Regulation updated to add definitions of epinephrine auto-injector and anaphylaxis and to reflect new law (SB 1266) which requires districts to provide emergency epinephrine auto-injector(s) to each school site, requires annual notice to staff requesting volunteers and deletes requirements for a district plan.

AR 5141.27 - Food Allergies/Special Dietary Needs (12/14) – Minor Revision

Revised definition of epinephrine auto-injector pursuant to new law (SB 1266).

AR 5141.3 - Health Examinations (12/14)

Regulation reflects new law (SB 1172) which specifies the grade levels at which vision tests must be conducted and requires near-vision screening to be included in the tests. Regulation also expands material on hearing tests and reflects new law (SB 852) which extends the suspension of requirements for scoliosis screening through the 2014-15 fiscal year.

BP/AR 5141.4 - Child Abuse Prevention and Reporting (12/14)

Policy and regulation updated to reflect new law (AB 1432) which mandates staff training regarding the duties of mandated reporters. Policy also updated to reflect new law (AB 2016) which authorizes districts to provide students with instruction in sexual abuse and sexual assault awareness and new law (AB

2560) which requires applicants for a new or renewed credential to sign a statement that they understand their obligations as mandated reporters. Regulation also updated to reflect new law (AB 1775) which amends the definition of sexual exploitation; to expand the list of mandated reporters to include athletic coaches, athletic administrators, and athletic directors; and to reflect current law which provides that a student's homelessness or status as an unaccompanied minor is not a reason for reporting child abuse or neglect.

BP/AR 5144 - Discipline (4/14)

Policy and regulation updated to reflect new law (AB 97, 2013) which requires the district's LCAP to include goals and specific actions for addressing student engagement and school climate. Policy also reflects new federal guidance encouraging the use of disciplinary measures that provide appropriate interventions and supports rather than exclusionary discipline practices (e.g., suspension and expulsion) and adds optional language related to the establishment of a discipline matrix listing consequences associated with various violations. Regulation also contains optional language calling for an annual review of school discipline rules and updates section on "Disciplinary Strategies" to add items on social and emotional learning programs and "trauma-sensitive" programs.

BP/AR 5144.1 - Suspension and Expulsion/Due Process (4/14, 12/14)

Mandated policy updated to reflect requirement to develop LCAP goals and actions addressing school climate; federal guidance encouraging appropriate interventions and supports rather than exclusionary discipline practices; and new law (AB 420) which prohibits districts from expelling any student, and from suspending students in grades K-3, for disruption or willful defiance. Policy also revised to include material formerly in AR related to board authority to expel. Mandated regulation updated to reflect law which clarifies that a student may be disciplined for bullying by means of electronic act even when the act originated off campus and to add a new optional section on "Stipulated Expulsion." Regulation also reflects new law (AB 1806) which requires notification of the district's liaison for homeless students when the student being considered for expulsion is a homeless student and new law (SB 1111) which provides that, if a hearing officer or administrative panel does not recommend expulsion, a student must be permitted to return to the classroom instructional program from which the expulsion referral was made. Material related to requiring parents/guardians to attend a portion of the school day when their child is removed from class for specified behaviors removed from both BP and AR.

BP/AR 5145.3 - Nondiscrimination/Harassment (2/14, 10/14)

Mandated policy and new mandated regulation reflect new law (AB 1266, 2013) which requires districts to permit a student to participate in sex-segregated school programs and activities,

including athletic teams and competitions, and to use facilities consistent with the student's gender identity, regardless of his/her gender as listed on his/her educational records. Updated policy also specifies that discrimination includes disparate treatment and provides for an informal, site-level reporting process leading to investigation pursuant to the uniform complaint procedures. Regulation reorganizes the list of measures a district could implement to prevent discrimination and clarifies the requirement for translation under certain circumstances. Section on "Process for Initiating and Responding to Complaints" revised to add new material on reporting of incidents by employees and to specify district's responsibility to investigate an incident even when a formal complaint is not filed.

E 5145.6 - Parental Notifications (4/14)

Exhibit updated to delete notices related to Advanced Placement exam fees, gifted and talented education, and intensive instruction for students who fail to pass the high school exit exam by the end of grade 12, as those programs were eliminated by new law (AB 97, 2013). Exhibit also deletes special education notices re: behavioral intervention plan and the California Modified Assessment, pursuant to new Title 5 regulations (Register 2013, No. 42 and Register 2014, No. 7). Exhibit adds notices related to (1) student's participation in state testing and option to request exemption pursuant to new Title 5 regulations (Register 2014, No. 6), (2) voluntary enrollment in continuation education pursuant to new law (AB 570, 2013), and (3) tobacco-free schools policy and enforcement proce-

dures. Legal cites to state regulations re: functional behavioral assessment and emergency interventions renumbered pursuant to Register 2013, No. 42.

BP/AR 5145.7 - Sexual Harassment (10/14)

Mandated policy revised to provide for the use of the uniform complaint procedures to investigate and resolve sexual harassment complaints and to add language for disciplining any employee who commits sexual harassment against a student. Mandated regulation revised to require designation of the employee(s) responsible for coordinating the district's Title IX compliance efforts. Regulation also contains material regarding confidentiality formerly in BP, and integrates site-level grievance processes with the uniform complaint procedures.

BP 5147 - Dropout Prevention (8/14)

Policy updated to reflect new law (AB 97, 2013) which eliminates the Pupil Retention Block Grant. Policy also adds material on efforts that support regular school attendance for all students; use of student assessment results and/or teacher evaluations to identify students at risk of dropping out; dropout prevention, intervention and recovery strategies; and indicators for measuring student engagement.

BP 5149 - At-Risk Students (8/14)

Policy deleted and key concepts incorporated into BP 5147 - Dropout Prevention.

6000 Series: Instruction

BP/AR 6141.5 - Advanced Placement (4/14)

Policy and regulation updated to reflect the self-repeal of law providing state grants to reduce the cost of Advanced Placement (AP) examination fees for economically disadvantaged students and new law (AB 97, 2013) which redirected that funding, and funding for the Gifted and Talented Education (GATE) program, into the LCFF.

BP 6142.92 - Mathematics Instruction (4/14)

Policy updated to reflect Common Core State Standards and new state curriculum framework for mathematics. Policy also updated to (1) reflect new law (AB 166, 2013) which requires the SBE, concurrent with the next revision of textbooks or the curriculum framework in mathematics, to ensure the integration of financial literacy; (2) reflect new law (AB 97, 2013) which eliminates the Professional Development Block Grant and the Mathematics and Reading Professional Development Program; and (3) add material on program evaluation.

BP 6142.94 - History-Social Science Instruction (8/14) – Minor Revision

Revised to delete reference to Standardized Testing and Reporting Program, replaced by a new state assessment system.

AR 6145.2 - Athletic Competition (2/14, 12/14)

Regulation updated to reflect new law (AB 1266, 2013) which requires districts to permit a student to participate in sex-segregated school programs and activities, including athletic teams and competitions, and to use facilities consistent with the student's gender identity, regardless of his/her gender as listed on his/her educational records. Regulation also reflects updated California Interscholastic Federation (CIF) bylaws which allow students to participate in interscholastic athletic programs consistent with their gender identity and CIF procedures for addressing student complaints regarding gender identity-based participation in interscholastic sports. Regulation reflects new law (SB 1349) which, beginning with the 2015-16 school year, requires each school that offers competitive athletics to post certain information about the participation of males and females in competitive athletics on its website or, if the school does not have a website, then

on the district website. Regulation also reflects new law (AB 2127) which limits full-contact practices by a middle or high school football team and requires an athlete with a concussion to complete a gradual return-to-play protocol.

AR 6146.2 - Certificate of Proficiency/High School Equivalency (8/14)

Regulation updated to reflect new Title 5 regulations (Register 2013, No. 39) which delete the requirement that the SBE use only the General Educational Development (GED) test for the purpose of awarding the California High School Equivalency Certificate, and subsequent action by the SBE (March 2014) designating three tests that may be used to earn the certificate: the GED, High School Equivalency Test (HiSET), and Test Assessing Secondary Completion (TASC).

BP/AR 6151 - Class Size (4/14)

Policy updated to reflect new law (AB 97, 2013) which eliminates the K-3 Class Size Reduction and Morgan-Hart Class Size Reduction programs and requires districts, as a condition of receiving an additional adjustment to the K-3 base grant under the LCFF, to make progress toward a class size of 24 in grades K-3, unless a different class size for each school site is collectively bargained. Policy also reflects new Title 5 regulations (Register 2014, No. 14) addressing the calculation of average class enrollment. Regulation deleted because program requirements for K-3 Class Size Reduction and Morgan-Hart Class Size Reduction programs were eliminated by AB 97.

BP/AR 6158 - Independent Study (12/14)

Mandated policy and regulation updated to reflect new law (SB 858) which changes the maximum length of the written master agreement and mandates policy with specified components as a condition of offering a program of course-based independent study beginning in the 2015-16 school year. Policy also adds material on the variety of independent study formats that may be offered and expands material on program evaluation to include comparison of student performance data of independent study students with students in classroom-based instruction. Mandated regulation also reflects provisions of SB 858 which clarify that the teacher-student ratio must be equivalent with that of all other educational programs at the applicable grade span unless a new higher or lower grade span ratio is negotiated.

AR 6159 - Individualized Education Program (12/14) – Minor Revision

Deleted paragraph regarding review of residential placement pursuant to new law (AB 1599).

AR 6159.4 - Behavioral Interventions for Special Education Students (8/14) – Minor Revision

Revised to clarify when a functional behavioral assessment is required.

BP 6162.5 - Student Assessment (4/14)

Policy updated to reflect new law (AB 97, 2013) which requires that statewide assessments be used as one measure of the district's LCAP goals for student achievement and revises the definition of "numerically significant" student subgroups for which districts must demonstrate comparable improvement in academic achievement. Policy also reflects new law (AB 484, 2013) which replaces the Standardized Testing and Reporting program with the California Assessment of Student Performance and Progress (CAASPP) and changes the content required for the individual record of accomplishment to include results of the CAASPP or any predecessor assessment.

AR 6162.51 - State Academic Achievement Tests (12/14)

Regulation updated to reflect new laws (SB 858 and AB 1599) which officially change the name of the state assessment system to the CAASPP. Regulation also reflects the status of CAASPP testing for the 2014-15 school year, including field testing of a new alternative test of English language arts and mathematics for students with significant cognitive disabilities. Updated regulation reflects new Title 5 regulations (Register 2014, No. 35) which establish testing windows, require parental notification related to exemption from testing, list allowable testing resources (i.e., universal tools, designated supports, accommodations) that may be used during test administration, and provide that, if test results are received from the test contractor after the last day of instruction for the school year, then the report must be disseminated to parents/guardians within the first 20 days of the next school year.

BP 6162.54 - Test Integrity/Test Preparation (4/14)

Policy updated to reflect new law (AB 484, 2013) which establishes the CAASPP assessment system, prohibits use of a program for the sole purpose of test preparation for state assessments, and allows districts to familiarize students with item types or the computer-based testing environment used in the CAASPP. Policy deletes material reflecting state regulations on test preparation repealed by Register 2014, No. 6.

BP 6163.1 - Library Media Centers (4/14)

Policy updated to reflect new law (AB 97, 2013) eliminating the School and Library Improvement Block Grant and State Instructional Materials Fund, which could be used to purchase materials for school or classroom libraries contingent upon the development of a districtwide library plan. New optional language addresses the development of a library plan that is aligned with other district and school plans.

BP/AR 6172 - Gifted and Talented Student Program (8/14)

Policy and regulation updated to reflect new law (AB 97, 2013) which eliminated categorical funding for the GATE program. Policy retains key concepts regarding the identification of gifted and talented students for specialized instructional programs, types of educational opportunities that may be offered to such students, and the participation of key stakeholders in program planning, implementation and evaluation. Regulation deletes definitions, requirement for a program plan with specified components, and appeals by parents/guardians when their child is not selected for the program. Regulation also revises material on the identification of gifted and talented students to delete detailed requirement for evaluation by experts.

AR 6173 - Education for Homeless Children (12/14)

Regulation updated to reflect new law (AB 1806) which requires districts to award partial credits to homeless students who transfer from school to school, exempts homeless students who transfer in grades 11-12 from locally established high school graduation requirements, and authorizes districts to allow a homeless student to remain in high school for a fifth year to complete graduation requirements. Regulation also reflects provisions of AB 1806 requiring districts to notify the district liaison for homeless students when a homeless student is recommended for expulsion and, when a change of placement is proposed for a homeless student with disabilities,

to invite the district liaison to participate in the individualized education program meeting to make a manifestation determination. Regulation revised to reflect law providing that, upon enrollment, a homeless student will be immediately deemed to meet residency requirements for participation in interscholastic sports or other extracurricular activities.

BP/AR 6184 - Continuation Education (4/14)

Mandated policy reflects new law (AB 570, 2013) which mandates that the district adopt policy with specified provisions if it allows students to voluntarily enroll in continuation education and new law (AB 97, 2013) which eliminates the Pupil Retention Block Grant. Policy also adds material on alignment of the program with LCAP goals, student enrollment in a regional occupational center/program in lieu of continuation education, and program evaluation. Mandated regulation updates sections on "Voluntary Enrollment" and "Intake and Orientation" to reflect AB 570 which mandates procedures governing identification, placement and intake of students who voluntarily enroll in continuation education. Regulation adds optional program components related to parent/guardian communication, parent and community involvement, professional development, support services, and safety and school climate. Regulation also reflects new court decision concluding that districts are not required to exhaust all other means of correction to bring about student improvement before involuntarily transferring a student to a continuation education program.

9000 Series: Board Bylaws**BB 9223 - Filling Vacancies (8/14) – Minor Revision**

Deleted outdated practice of board members filing a bond.

BB 9230 - Orientation (8/14) – Minor Revision

Revised to authorize the superintendent or designee to refer board candidates to the county election official for information about the election process.

BB 9321 - Closed Session Purposes and Agendas (12/14) – Minor Revision

Revised to change name of state agency to California State Auditor's Office and to add authority to meet in closed session with Governor on security matters pursuant to new law (AB 246, 2013).

E 9323.2 - Actions by the Board (8/14)

Exhibit updated to reflect new law (AB 97, 2013) which repealed requirement for a two-thirds vote of the board to transfer excess local funds from a deferred maintenance fund under certain circumstances. List of actions requiring a four-fifths vote of the board expanded to add two resolutions related to district borrowing.

BB 9324 - Minutes and Recordings (4/14)

Bylaw updated to reflect new law (SB 751, 2013) which requires that minutes of board meetings report the vote or abstention of each member present for the action. Bylaw also adds optional space for the district to specify the position responsible for signing the minutes after approval by the board.



California School Boards Association

3251 Beacon Blvd. | West Sacramento, CA 95691 | 800.266.3382 | www.csba.org