

## **BOARD BYLAWS, BOARD POLICES, AND ADMINISTRATIVE REGULATIONS**

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### **BP 0410 - Nondiscrimination in District Programs and Activities**

*Revise BP (Pages 1-6)*

*Reviewed by Debra Hendricks*

Policy updated to reflect NEW LAW (AB 30, 2015) which, effective January 1, 2017, prohibits the use of any racially derogatory or discriminatory school or athletic team name, mascot, or nickname. Policy also adds language regarding the use of uniform complaint procedures to investigate and resolve any allegation of unlawful discrimination, expands the means by which notice of the district's nondiscrimination policy will be distributed, reflects NEW LAW (SB 1375, 2016) which requires districts to post specified information regarding Title IX on their web site by July 1, 2017, and adds the district's responsibility to make its web site accessible to individuals with disabilities.

### **BP 0420.41 - Charter School Oversight**

*Revise BP (Pages 7-14)*

*Reviewed by Debra Hendricks*

Policy updated to reflect a recommendation in the 2016 edition of CSBA's Charter Schools: A Guide for Governance Teams that the district not appoint a representative to serve on the board of directors of a nonprofit public benefit corporation that operates a charter school, but rather implement other means of fulfilling its oversight responsibilities. Section on "Monitoring Charter School Performance" updated to delete references to the Academic Performance Index and federal measure of Adequate Yearly Progress, and to reflect NEW LAW (SB 828, 2016) which requires charter schools to submit an annual update of their local control and accountability plan. Policy also revised to reflect the Every Student Succeeds Act (P.L. 114-95) which provides for a new system of school support and improvement for Title I schools, including charter schools, beginning in the 2017-18 school year.

### **E 0420.41 - Charter School Oversight**

*Revise E (Pages 15-20)*

*Reviewed by Debra Hendricks*

Exhibit updated to reflect NEW LAWS (2015) which add requirements for charter schools to adopt a math placement policy (SB 359), provide lactation accommodations for students (AB 302), comply with law pertaining to the education of foster youth (SB 445), and retroactively grant a diploma to students who met all graduation requirements except the high school exit examination (SB 172). Item also added to reflect requirement of California Constitution to annually issue a school accountability report card, applicable to charter schools pursuant to Education Code 47612(c). Exhibit deletes items related to the qualifications of teachers and paraprofessionals under the No Child Left Behind Act, repealed by NEW FEDERAL LAW (Every Student Succeeds Act, P.L. 114-95), and revises item related to student assessment to

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### **Cont'd E 0420.41 - Charter School Oversight**

reflect the suspension of the high school exit examination through the 2017-18 school year (SB 172).

### **BP/AR 0450 - Comprehensive Safety Plan**

*Revise BP/AR (Pages 21-32)*

*Reviewed by Heidi Reyes*

Policy updated to clarify the district's responsibility to annually review comprehensive school safety plans. Regulation updated to delete the requirement to include hate crime reporting procedures in the safety plan, as they are no longer required by law. List of optional plan components expanded to include (1) policy related to firearms possession on campus; (2) measures to minimize gang influence; (3) guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on school campuses; (4) strategies for suicide prevention; (5) procedures to handle disruptions; and (6) concepts related to environmental safety.

### **BP/AR 0520.2 - Title I Program Improvement Schools**

*Revise BP/AR; Delete E (Pages 33-48)*

*Reviewed by Marti Reed/Heidi Reyes*

Policy and regulation updated to reflect the Every Student Succeeds Act (ESSA) (P.L. 114-95), U.S. Department of Education (USDOE) guidance, and the California Department of Education (CDE) transition plan, which require schools identified for program improvement (PI) to continue to implement their school improvement plans during the 2016-17 school year while a new system of school support and improvement activities for Title I schools is developed. Policy also deletes references to the federal measure of "adequate yearly progress" and the requirements to offer intradistrict transfers and supplemental educational services (SES) to eligible students, as these have been eliminated under ESSA. Material on the Parent Empowerment Act moved from AR to BP, and "Program Evaluation" section revised to reflect requirement to develop and post a report card with specified content. Regulation deletes sections on "Definitions," "Parental Notifications," "Student Transfers," and "Supplemental Educational Services," and adds section on "Alternative Supports" to reflect the CDE's transition plan which requires that district-defined supports be provided to eligible students. Exhibits (1) and (2) deleted since forms related to intradistrict transfers and SES are no longer needed.

### **BP/AR 0520.3 - Title I Program Improvement Districts**

*Revise BP; Delete AR (Pages 49-54)*

*Reviewed by Marti Reed/Heidi Reyes*

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### **Cont'd BP/AR 0520.3 - Title I Program Improvement Districts**

Policy updated to reflect the Every Student Succeeds Act (P.L. 114-95), USDOE guidance, and the CDE's transition plan, which, for the 2016-17 school year, require districts identified for program improvement (PI) to continue to implement their improvement plans and any recommendations of a district assistance and intervention team assigned to the district. Policy deletes outdated reference to the federal measure of "adequate yearly progress," deletes section on "Early Warning System" since districts are not being newly identified for PI, and consolidates and shortens material reflecting requirements for districts based on the number of years in PI. Regulation deleted as some requirements are no longer applicable and others are duplicated in the BP.

### **BP/AR 1230 - School-Connected Organizations**

*Reviewed BP-No Changes Made/ Revise AR (Pages 55-58)*

*Reviewed by Debra Hendricks*

Policy and regulation updated to clarify the relationship between the district and a school-connected organization, such as a booster club, parent-teacher organization, or other nonstudent organization. Policy adds material regarding the establishment of such organizations as separate legal entities subject to their own bylaws and rules, delegates the responsibility to approve organizations' fundraisers to the superintendent or designee, and reflects legal requirement that donations and participation in fundraising activities be voluntary. Regulation adds authority of the district to revoke an organization's authorization to conduct activities in the district when necessary, and adds rules designed to maintain the organization's status as a separate entity from the district based on recommendations in the Fiscal Crisis and Management Assistance Team's guidebook updated in 2015.

### **AR 1340 - Access to District Records**

*Revise AR (Pages 59-68)*

*Reviewed by Yvonne Perez*

Regulation updated to reflect NEW LAW (AB 2843, 2016) which prohibits disclosure of employees' personal cell phone numbers and birth dates, and NEW LAW (AB 2853, 2016) which authorizes the district, in response to a public records request, to post public records on its web site and refer the requesting member of the public to the location of the records on the web site. Regulation also revised to clarify access to documents containing names, salaries, and pension benefits of district employees and to records pertaining to claims and litigation against the district.

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### **BP 2121 - Superintendent's Contract**

*Reviewed BP—Keeping current policy language (Pages 69-72)*

*Reviewed by Debra Hendricks*

Policy updated to clarify the conditions under which the Governing Board may meet in closed session under the "labor exception" (Government Code 54957.6) of the Ralph M. Brown Act to discuss superintendent contact, salary, or compensation paid in the form of fringe benefits.

### **BP/AR 3230 - Federal Grant Funds**

*New BP/AR (Pages 73-84)*

*Reviewed by Yvonne Perez*

New mandated policy and mandated regulation reflect major requirements for the management of federal grant funds contained in the Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called the "Uniform Guidance"), including the mandate to adopt written procedures related to procurement, conflict of interest, cash management, and allowable costs. Policy addresses the board's desire to maintain fiscal integrity and transparency in the use of federal grant funds, key components of the district's financial management system, and the submission of performance reports in accordance with law and the requirements of the awarding agency. Regulation includes material related to allowable costs, procurement, cash management, audits, and records, including requirements for employees to document "time and effort" spent on grant activities. Regulation also reflects the option to delay implementation of the procurement standards in the Uniform Guidance up to July 1, 2017, provided that the decision is documented in the district's procurement policy.

### **BP/AR 3270 - Sale and Disposal of Books, Equipment and Supplies**

*Revise BP/AR (Pages 85-92)*

*Reviewed by Laura Wharff*

Policy and regulation updated to make minor revisions in the renumbering of legal cites pursuant to the Uniform Guidance for federal grant funds and to cross-reference new BP/AR 3230 - Federal Grant Funds.

### **BP/AR 3311 - Bids**

*Revise BP/AR (Pages 93-108)*

*Reviewed by Yvonne Perez*

Policy and regulation updated to move some material into new BP/AR 3311.1 - Uniform Public Construction Cost Accounting Procedures, AR 3311.2 - Lease-Leaseback Contracts, AR 3311.3 - Design-Build Contracts, and AR 3311.4 - Procurement of Technological Equipment.

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### **Cont'd BP/AR 3311 - Bids**

Regulation also revises section on "Award of Contract" to expand the exceptions to awarding contracts based on lowest responsible bidder to include lease-leaseback contracts, which are based on "best value" as defined.

### **BP/AR 3311.1 - Uniform Public Construction Cost Accounting Procedures**

*New BP/AR (Pages 109-116)*

*Reviewed by Yvonne Perez*

New policy and regulation include material formerly in BP/AR 3311 - Bids pertaining to requirements of the Uniform Public Construction Cost Accounting Act (UPCCAA). Policy also adds prohibition against splitting a project or purchase into smaller work orders in order to evade requirements for competitive bidding, and legal authority to suspend the UPCCAA bidding process for the replacement or repair of a school facility in cases of emergency. Regulation also clarifies the requirement to disseminate the bid notice to the district's list of contractors.

### **AR 3311.2 - Lease-Leaseback Contracts**

*New AR (Pages 117-120)*

*Reviewed by Yvonne Perez*

New regulation includes material formerly in BP/AR 3311 - Bids pertaining to requirements for awarding lease-leaseback contracts. Material significantly revised to reflect NEW LAW (AB 2316, 2016) which no longer permits the selection of a lease-leaseback contractor without advertising, and instead requires districts to use a comprehensive "best value" selection process.

### **AR 3311.3 - Design-Build Contracts**

*New AR (Pages 121-124)*

*Reviewed by Yvonne Perez*

New regulation includes material formerly in BP/AR 3311 - Bids pertaining to requirements for awarding design-build contracts. Minor editorial changes made to clarify the process and more directly reflect law.

### **AR 3311.4 - Procurement of Technological Equipment**

*New AR (Pages 125-126)*

*Reviewed by Yvonne Perez*

New regulation includes material formerly in BP/AR 3311 - Bids pertaining to requirements for the "competitive negotiation" process authorized for procurement of computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus.

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### **AR 3314 - Payment for Goods and Services**

*Revise AR (Pages 127-128)*

*Reviewed by Yvonne Perez*

Revise 4th paragraph to reflect Public Contract Code 7201, as amended by AB 1705 (Ch. 670, Statutes of 2014), as follows:

The proceeds to be withheld by the district may exceed five percent when the Board has made a finding, prior to the bid and during a properly noticed and regularly scheduled PUBLIC meeting, that the project is substantially complex and requires a higher retention amount than five percent. In such cases, the Board's finding SHALL INCLUDE A DESCRIPTION OF THE SPECIFIC PROJECT AND WHY IT IS A UNIQUE PROJECT THAT IS NOT REGULARLY, CUSTOMARILY, OR ROUTINELY PERFORMED BY THE DISTRICT OR LICENSED CONTRACTORS. THE BID DOCUMENTS SHALL INCLUDE DETAILS EXPLAINING THE BASIS FOR THE FINDING and the actual amount to be withheld (shall be included in the bid documents). (Public Contract Code 7201)

### **AR 3440 - Inventories**

*Revise AR (Pages 129-132)*

*Reviewed by Yvonne Perez*

Regulation updated to make minor revisions in the renumbering of legal cites pursuant to the Uniform Guidance for federal grant funds, cross-reference new BP/AR 3230 - Federal Grant Funds, and reflect requirement to annually submit an inventory listing of federally owned property in the district's custody to the federal agency that granted the award.

### **AR 3460 - Financial Reports and Accountability**

*Revise AR (Pages 133-138)*

*Reviewed by Yvonne Perez*

Regulation updated to add general language on the need to audit federal grant funds, while deleting detailed material regarding the submission of records related to the audit of federal funds, now addressed in AR 3230 - Federal Grant Funds. Section on "Other Postemployment Benefits Report" updated to reflect Governmental Accounting Standards Board (GASB) Statement 75, which supersedes GASB Statement 45 for fiscal years beginning after June 15, 2017, although earlier implementation is encouraged. Revisions reflect the requirements to report the total unfunded liability for OPEBs and to perform an actuarial valuation every two years regardless of the number of members in the OPEB plan, although an alternative method is still allowed for plans with fewer than 100 members.



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### **AR 3512 -Equipment**

*Revise AR (Pages 139-142)*

*Reviewed by Yvonne Perez*

Regulation updated to make minor revisions in the renumbering of legal cites pursuant to the Uniform Guidance for federal grant funds and to cross-reference new BP/AR 3230 - Federal Grant Funds.

### **BP/AR 3513.3 - Tobacco-Free Schools**

*Revise BP/AR (Pages 143-148)*

*Reviewed by Marti Reed*

Policy updated to reflect NEW LAW (ABX2 9, 2016) which requires all districts, not just those receiving state Tobacco-Use Prevention Education funds, to prohibit tobacco use on school campuses. Policy also reflects new definitions of "smoking" and "tobacco" pursuant to NEW LAW (SBX2 5, 2016). Regulation reflects provision of ABX2 9 which requires signs prohibiting tobacco use to be displayed at all school entrances, and deletes option to designate a smoking area on campus.

### **BP/AR 3515.2 - Disruptions**

*Revise BP/AR (Pages 149-154)*

*Reviewed by Heidi Reyes*

Policy updated to add optional components that may be addressed in district plans to prevent or respond to disruptions. Material on gun-free school zones deleted since possession of firearms and/or ammunition on school grounds is now addressed in BP 3515.7 - Firearms on School Grounds. Regulation updated to authorize the principal or designee to remove from school grounds or a school activity any person who threatens the immediate physical safety of a student, staff, or others. Regulation also reflects law allowing a person who has been directed to leave school facilities to reenter a location where the superintendent's or board's office is located for the purpose of filing an appeal.

### **AR 3515.5 - Sex Offender Notification**

*Reviewed AR—Keeping current policy language (Pages 155-158)*

*Reviewed by Heidi Reyes*

Add paragraph to end of AR as follows:

WHENEVER THE PRINCIPAL HAS GRANTED PERMISSION TO A PERSON WHO IS REQUIRED TO REGISTER AS A SEX OFFENDER PURSUANT TO PENAL CODE 290 TO COME INTO A SCHOOL BUILDING OR UPON SCHOOL GROUNDS TO VOLUNTEER AT THE SCHOOL, HE/SHE SHALL NOTIFY THE PARENT/GUARDIAN OF EACH

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### **Cont'd AR 3515.5 - Sex Offender Notification**

STUDENT AT THAT SCHOOL, AT LEAST 14 DAYS IN ADVANCE USING ONE OF THE METHODS SPECIFIED IN EDUCATION CODE 48981, THAT A REGISTERED SEX OFFENDER HAS BEEN GRANTED SUCH PERMISSION, THE DATE(S) AND TIMES FOR WHICH PERMISSION HAS BEEN GRANTED, AND THE PARENT/GUARDIAN'S RIGHT TO OBTAIN INFORMATION REGARDING THE PERSON FROM A DESIGNATED LAW ENFORCEMENT AGENCY. (PENAL CODE 626.81)

*(CF. 1240 - VOLUNTEER ASSISTANCE)*

*(CF. 5145.6 - PARENTAL NOTIFICATIONS)*

### **BP/E 3515.7 - Firearms on School Grounds**

*NEW BP/E (Pages 159-168)*

*Reviewed by Heidi Reyes*

New policy reflects NEW LAW (SB 707, 2015) which eliminates the exception that had allowed persons with a Carry Concealed Weapon (CCW) license to possess a firearm on campus. The law now requires such persons to obtain written permission of the Superintendent or designee in order to possess a firearm and/or ammunition on school grounds. Policy contains options for the Board either to prohibit any person from possessing a firearm on campus, unless that person is specifically allowed such possession by law, or to authorize the Superintendent or designee to use his/her legal authority to permit persons with a CCW license to possess a firearm and/or ammunition on campus. For districts choosing to allow such permission to be granted on a case-by-case basis, the policy establishes optional criteria and conditions that must be met. Two new Exhibits provide (1) a sample form for persons to apply for permission to possess a firearm and/or ammunition on school grounds and (2) a sample agreement describing responsibilities and restrictions on such possession which should be signed by the Superintendent or designee and by the person granted permission.

### **AR 3516.3 - Earthquake Emergency Procedure System**

*Revise AR (Pages 169-174)*

*Reviewed by Heidi Reyes*

Minor revision made in regulation to change name of the California Emergency Management Agency to the California Governor's Office of Emergency Services.

### **BP 3541.2 - Transportation for Students with Disabilities**

*Revise BP/Delete AR (Pages 175-180)*

*Reviewed by Yvonne Perez*

Policy updated to clarify the policy's applicability to students receiving services pursuant to Section 504 of the federal Rehabilitation Act of 1973, add sample criteria for individualized



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### **Cont'd BP 3541.2 - Transportation for Students with Disabilities**

education program (IEP) teams to use when determining a student's transportation needs, and add material re: the provision of information to IEP teams. Regulation deleted and material moved to BP re: provision of alternative transportation when a student is excluded from school bus transportation for a disciplinary or other reason, assurance that a contract with a nonpublic, nonsectarian school or agency addresses transportation as necessary, and transportation of service animals.

### **AR 3543 - Transportation Safety and Emergencies**

*Revise AR (Pages 181-188)*

*Reviewed by Yvonne Perez*

Regulation updated to reflect NEW LAW (SB 1072, 2016) which (1) expands the required components of the transportation safety plan to include procedures to ensure that a student is not left unattended on the bus and procedures for designating an adult chaperone to accompany students on a student activity bus, and (2) requires installation of a child safety alert system on school buses by the beginning of the 2018-19 school year. Regulation also reflects NEW LAW (AB 1785, 2016) which prohibits a bus driver from using any electronic wireless communications device while driving, except when the device is voice-operated and used in hands-free mode or with a function that requires only a single swipe or tap of the driver's finger.

### **BP/AR 3553 - Free and Reduced Price Meals**

*Revise BP/AR (Pages 189-198)*

*Reviewed by Yvonne Perez*

Minor revisions made in policy and regulation to delete references to sharing free and reduced-price meal records for the purpose of determining the eligibility of students in Title I program improvement schools for school choice and supplemental educational services, as those requirements were eliminated in the Every Student Succeeds Act (P.L. 114-95), and instead authorize the use of those records to determine eligibility for alternative supports offered in accordance with the CDE's transition plan.

### **BP 3555 - Nutrition Program Compliance**

*Revise BP (Pages 199-206)*

*Reviewed by Yvonne Perez*

Policy updated to clarify that, although state and federal law prohibit discrimination in child nutrition programs for all protected categories, the CDE and U.S. Department of Agriculture (USDA) only investigate complaints of discrimination based on race, color, national origin, sex, age, and disability. Policy also reorganizes and expands the responsibilities of the district's civil

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### **Cont'd BP 3555 - Nutrition Program Compliance**

rights coordinator to reflect CDE's guidebook as updated in November 2015, and updates the addresses where complaints may be submitted. Nondiscrimination statement that is required to be printed on program documents, pamphlets, brochures, and other materials updated to reflect the USDA's 2015 statement.

### **BP 3580 - District Records**

*Revise BP (Pages 207-210)*

*Reviewed by Yvonne Perez*

Policy updated to reflect legal requirement to disclose any breach of security of district records that contain personal information, as defined, by providing a written or electronic notification that meets the content and formatting requirements specified in law.

### **BP/AR 4030 - Nondiscrimination in Employment**

*Revise BP/AR (Pages 211-224)*

*Reviewed by Sharon Roddick*

Policy and regulation updated to reflect NEW STATE REGULATIONS (Register 2015, No. 50), as renumbered, which specify certain requirements to be included in district policy or regulation and extend protections against discrimination to unpaid interns and volunteers. Policy also adds requirement to post the California Department of Fair Employment and Housing publication on workplace discrimination and harassment, and reflects NEW LAW (SB 1063, 2016) which prohibits the payment of different wage rates based on race or ethnicity and prohibits the use of prior salary history by itself to justify any disparity in compensation. Regulation reflects provisions of new state regulations regarding training of supervisors and dissemination of the district's nondiscrimination policy to all employees.