

BOARD BYLAWS, BOARD POLICES, AND ADMINISTRATIVE REGULATIONS

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AR 4112 - Appointment and Conditions of Employment

Revise AR (Pages 225-226)

Reviewed by Sharon Roddick

Delete item #3 to reflect repeal of 20 USC 6319 pursuant to the Every Student Succeeds Act (P.L. 114-95), and renumber the remaining items:

(3. When required by the federal No Child Left Behind Act for teachers of core academic subjects, possess the qualifications of "highly qualified" teachers as defined in law, Board policy and administrative regulations (20 USC 6319))

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

(cf. 6171 - Title I Programs)

BP 4112.2 - Certification

Revise BP (Pages 227-232)

Reviewed by Sharon Roddick

Policy updated to add requirement, as amended by the Every Student Succeeds Act (P.L. 114-95), to notify parents/guardians of each student attending a school receiving Title I funds that they may request certain information regarding the qualifications of their child's teacher.

BP 4112.21 – Interns

Revise BP (Pages 233-236)

Reviewed by Sharon Roddick

Delete 6th paragraph to reflect repeal of 20 USC 6319 pursuant to the Every Student Succeeds Act (P.L. 114-95), as follows:

(An intern may be assigned to teach core academic subjects, as defined in law, if he/she meets the definition of a "highly qualified" teacher adopted by the State Board of Education. (20 USC 6319, 7801; 5 CCR 6100-6112))

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

AR 4112.23 - Special Education Staff

Revise AR (Pages 237-240)

Reviewed by Sharon Roddick

Delete 2nd paragraph to reflect repeal of 20 USC 6319 pursuant to the Every Student Succeeds Act (P.L. 114-95), as follows:

(Special education teachers who teach core academic subjects shall possess the qualifications required by the No Child Left Behind Act. (5 CCR 6100-6126; 20 USC 1401, 6319, 7801; 34 CFR 200.55-200.57, 300.18))

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

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BP/AR 4112.24 - Teacher Qualifications Under the No Child Left Behind Act

Delete BP/AR (Pages 241-246)

Reviewed by Sharon Roddick

Policy, regulation, and exhibits deleted since NEW FEDERAL LAW (P.L. 114-95) repealed requirements that teachers meet criteria of "highly qualified" teachers, as defined.

E 4112.9/4212.9/4312.9 - Employee Notifications

Revise E (Pages 247-256)

Reviewed by Sharon Roddick

Minor revision made in exhibit to delete notification (last item of section II) regarding the opportunity to comment and participate when a school is identified for restructuring under Title I program improvement, repealed by the Every Student Succeeds Act (P.L. 114-95).

BP 4113 - Assignments

Revise BP (Pages 257-260)

Reviewed by Sharon Roddick

Policy updated to delete material re: assignment of teachers who meet the qualifications of "highly qualified" teachers, as those requirements were repealed by the Every Student Succeeds Act (ESSA) (P.L. 114-95). Policy also revised to reflect the continuing requirement to describe in the Title I local educational agency plan how the district will address any disparities that result in low-income or minority students being taught at higher rates by ineffective, inexperienced, or out-of-field teachers. Details reflecting the state's Compliance Monitoring, Intervention and Sanctions program deleted as the CDE's ESSA transition plan indicates that districts will not be required to participate in that program in the 2016-17 school year.

AR 4115 - Evaluation/Supervision

Revise AR (Pages 261-264)

Reviewed by Sharon Roddick

Minor revision made in regulation to delete requirement that a teacher, in order to be evaluated on a five-year schedule, must meet the qualifications of a "highly qualified" teacher if applicable for the position, as the highly qualified teacher requirements were repealed by the Every Student Succeeds Act (P.L. 114-95).

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BP 4117.13/4317.13 - Early Retirement Option

New BP—Do Not Adopt (Pages 265-266)

Reviewed by Sharon Roddick

In section "Two Years of Service Credit Retirement Incentive," revise 3rd paragraph to reflect repeal of 20 USC 6319 pursuant to the Every Student Succeeds Act (P.L. 114-95), as follows:
The Board may also consider the impact of the early retirement option on the staffing needs of district schools (and the ability to satisfy federal requirements for highly qualified teachers pursuant to 20 USC 6319.)
(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment

Revise BP/AR (Pages 267-276)

Reviewed by Sharon Roddick

Policy and regulation updated to reflect NEW STATE REGULATIONS (Register 2015, No. 50), as renumbered, which extend protections against sexual harassment to unpaid interns and volunteers, require districts to instruct supervisors to report complaints, and revise requirements pertaining to the training of supervisory employees.

BP/AR 4157.1/4257.1/4357.1 - Work-Related Injuries

Delete BP; New AR (pages 277-282)

Reviewed by Sharon Roddick

Policy moved to administrative regulation and updated to clarify notification requirements, including requirements related to (1) the method and timeline for notifications; (2) availability of notifications in both English and Spanish; (3) notice to an employee who is a victim of crime at the workplace that he/she may be potentially eligible for workers' compensation benefits; (4) the filing of a report of work-related injury or illness with the district's insurer or, if the district is self-insured, with the Department of Industrial Relations (DIR); (5) notice to the DIR's Division of Occupational Safety and Health of any work-related death or serious injury/illness; and (6) the posting of workers' compensation information in a conspicuous location frequented by employees.

AR 4217.11 - Preretirement Part-Time Employment

New AR – Do Not Adopt (Pages 283-284)

Reviewed by Sharon Roddick

Regulation updated to clarify that the regulation is mandated for districts that choose to offer a reduced workload program, which allows classified employees who are members of the Public Employees' Retirement System to reduce their workload to part time while continuing to receive the service credit and other benefits they would have received as full-time employees. Eligibility

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Cont'd AR 4217.11 - Preretirement Part-Time Employment

criteria revised to more directly reflect law. New material reflects requirements re: verification of employee's eligibility, and clarifies that other employees may be allowed to work part time without the benefits of the reduced workload program.

BP 5030 - Student Wellness

Reviewed BP – Keeping current policy language (Pages 285-298)

Reviewed by Heidi Reyes

Policy updated to reflect NEW FEDERAL REGULATIONS (81 Fed. Reg. 50151) which address the content of the wellness policy, assurance of stakeholder participation in the development and updates of the policy, and periodic assessment and disclosure of compliance. Policy also reflects NEW STATE LAW (SB 1169, 2016) which no longer requires posting of district policy on nutrition and physical activity within cafeterias/eating areas, but does require annually informing the public of the content and implementation of the policy.

AR 5111.1 - District Residency

Reviewed AR (Pages 299-306)

Reviewed by Heidi Reyes

Policy updated to reflect NEW LAW (SB 1455, 2016) which establishes residency within the district for enrollment purposes to students whose parent/guardian is transferred or pending transfer into a military installation within district boundaries. Policy also reflects NEW LAW (AB 2537, 2016) which indefinitely extends district authority to grant Allen Bill transfers for students whose parent/guardian is employed within district boundaries for a minimum of 10 hours during the school week.

BP/AR 5116.1 - Intradistrict Open Enrollment

Revise BP/AR (Pages 307-318)

Reviewed by Heidi Reyes

Policy and regulation updated to delete priority for intradistrict open enrollment for students transferring out of a school identified for program improvement (PI), as the Every Student Succeeds Act (ESSA) (P.L. 114-95) eliminated requirements to offer such transfers. Policy also clarifies that Open Enrollment Act transfers for the 2016-17 school year are to be based on the CDE's 2015-16 list of open enrollment schools since the Academic Performance Index is currently suspended. Regulation also reflects ESSA requirement that students who were previously granted intradistrict transfers out of a PI school must be allowed to remain in the school to which they transferred until the highest grade offered by the school.

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BP 5116.2 - Involuntary Student Transfers

New BP (Pages 319-322)

Reviewed by Heidi Reyes

New policy reflects NEW LAW (SB 1343, 2016) which authorizes districts to involuntarily transfer a student who has been convicted of a specified violent felony or a misdemeanor associated with possession of a firearm, whenever the student is enrolled at the same school as the victim of the crime for which he/she was convicted. In order to exercise this authority, the district is mandated to adopt policy with specified components and provide notice of the policy to parents/guardians as part of the annual parental notification.

BP/AR 5121 - Grades/Evaluation of Student Achievement

Revise BP/AR (Pages 323-332)

Reviewed by Laura Wharff

Policy and regulation updated to reflect research-supported best practices regarding grading, including the separation of nonacademic factors from students' academic grades. Policy also adds optional paragraph on reports of student progress on specific academic standards.

AR 5125.3 - Challenging Student Records

Revise AR (Pages 333-336)

Reviewed by Laura Wharff

Regulation reorganized and updated to reflect the requirement to notify a parent/guardian when the superintendent corrects or removes a student record following an appeal in which the board grants the parent/guardian's request. Regulation also adds material on the composition and conduct of the hearing panel that may be established to assist in making determinations regarding challenges to student records.

BP 5131.62 - Tobacco

Revise BP (Pages 337-342)

Reviewed by Heidi Reyes and 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 and NEW LAW (SBX2 5, 2016) which establishes new definitions of "smoking" and "tobacco."

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BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions

Revise BP/AR (Pages 343-358)

Reviewed by Heidi Reyes

Policy and regulation updated to delete requirements related to the administration of medication in cases of epileptic seizures, as Education Code 49414.7 repeals by its own terms on January 1, 2017, and to clarify that districts may continue to administer such medication under the general authority in state law. Policy and regulation also reflect NEW LAW (AB 1748, 2016) which authorizes districts to stock and administer medication in cases of opioid overdose. Regulation also revises definition of epinephrine auto-injector pursuant to NEW LAW (AB 1386, 2016).

AR 5141.4 - Child Abuse Prevention and Reporting

Reviewed AR – Keeping current policy language (Pages 359-366)

Reviewed by Heidi Reyes

In section "Training," consider adding optional paragraph at end of section to reflect AB 1058 (Ch. 748, Statutes of 2015), as follows:

IN ADDITION, AT LEAST ONCE EVERY THREE YEARS, SCHOOL PERSONNEL MAY RECEIVE TRAINING IN THE PREVENTION OF CHILD ABUSE, INCLUDING SEXUAL ABUSE, ON SCHOOL GROUNDS, BY SCHOOL PERSONNEL, OR IN SCHOOL-SPONSORED PROGRAMS. (EDUCATION CODE 44691)

BP/AR 5145.3 - Nondiscrimination/Harassment

Revise BP/AR (Pages 367-384)

Reviewed by Heidi Reyes

Mandated policy revised to clarify (1) that the policy is applicable to off-campus conduct that may have a continuing impact on a student at school, and (2) that the district must investigate all allegations of discrimination of which it has notice, regardless of whether a formal written complaint is filed, and must take action to address any effect of discrimination found. Mandated administrative regulation updated to ensure consistency of reporting procedure with formal complaint process in the UCP and to clarify various provisions in the section on "Transgender and Gender-Nonconforming Students."

E 5145.6 - Parental Notifications

Revise E (Pages 385-402)

Reviewed by Heidi Reyes

Exhibit updated to delete parental notification related to the high school exit examination, suspended through the 2017-18 school year pursuant to NEW LAW (SB 172), and notifications repealed by NEW FEDERAL LAW (P.L. 114-95) including notices related to the identification

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Cont'd E 5145.6 - Parental Notifications

of a school or district for program improvement, availability of supplemental educational services to eligible students in schools identified for program improvement, and failure to make "adequate yearly progress." Item revised to reflect P.L. 114-95 requirement to notify parents/guardians when their child is taught for four or more weeks by a teacher who does not meet state certification requirements. Exhibit also adds notices related to a breach of security of district records containing personal information, exemption of a homeless student from local graduation requirements, and child care and development program operations including approval/denial of subsidized services, a change in the level of service, and fees.

BP/AR 5145.7 - Sexual Harassment

Revise BP/AR (Pages 403-416)

Reviewed by Heidi Reyes

Mandated policy revised to clarify that the district must investigate every allegation of sexual harassment of which it has notice, whether or not a formal written complaint is filed, and, when needed, must take interim measures to ensure safety of any student complainant or victim of sexual harassment. Mandated administrative regulation revised to recommend how the district may address a report of off-campus sexually harassing conduct.

AR 5148 - Child Care and Development

Reviewed AR – Keeping current policy language (Pages 417-420)

Reviewed by Heidi Reyes

Regulation updated to reflect NEW LAW (SB 792, 2015) which requires employees and volunteers at a child care center to be immunized against influenza, pertussis, and measles, with specified exemptions. Regulation revised to reflect NEW LAW (SB 277, 2015) which eliminates the personal beliefs exemption for immunization of enrolled children unless a letter or affidavit was submitted by January 1, 2016, in which case the exemption will only be effective until the child reaches the next grade span. Regulation also reflects NEW LAW (AB 982, 2015) which authorizes the district liaison for homeless students, a Head Start program, or a transitional shelter to identify a child in need of subsidized child care services.

AR 5148.3 - Preschool/Early Childhood Education

New AR – Do Not Adopt (Pages 421-430)

Reviewed by Laura Wharff

Regulation updated to reflect NEW LAW (SB 792, 2015) which requires employees and volunteers at a preschool to be immunized against influenza, pertussis, and measles, with specified exemptions. Regulation also reflects NEW LAW (AB 982, 2015) which expands the list of entities that can identify a child in need of subsidized preschool to include the district liaison for homeless children and youth, a Head Start program, or a transitional shelter.

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BP 6142.4 - Service Learning/Community Service Classes

New BP – Do Not Adopt (Pages 435-438)

Reviewed by Laura Wharff

Policy updated to emphasize the academic benefits of service learning or community service classes, reflect the inclusion of service learning in the History-Social Science Framework for California Public Schools adopted by the State Board of Education in July 2016, reflect the elimination of state and federal sources of funding for service learning, and delete material on the development of a plan for service learning.

BP 6142.94 - History-Social Science Instruction

Revise BP (Pages 435-438)

Reviewed by Laura Wharff

Policy updated to reflect key concepts in the History-Social Science Framework for California Public Schools adopted by the State Board of Education in July 2016, including, but not limited to, a new emphasis on developing student's literacy skills within the context of history-social science instruction. Policy also reflects law that encourages the use of personal testimony through oral history, videos, or other multimedia formats and establishes requirements for personal testimony provided through oral histories.

AR 6143 - Courses of Study

Revise AR (Pages 439-448)

Reviewed by Laura Wharff

Regulation updated to add comprehensive sexual health education as a required course of study for grades 7-12 and to add optional topics of instruction authorized by law, including instruction on violence awareness and prevention, the Bracero program, and genocide. Regulation also reflects NEW LAW (AB 2016, 2016) which encourages a course in ethnic studies based on a model curriculum to be adopted by the State Board of Education by March 31, 2020 and NEW LAW (AB 1719, 2016) which requires instruction in cardiopulmonary resuscitation beginning in 2018-19 school year for any district that has established health education as a high school graduation requirement.

~~BP 6146.1 – High School Graduation Requirements~~

~~New BP~~

~~Reviewed by Laura Wharff~~

~~Policy updated to reflect NEW LAW (AB 2306, 2016) which generally exempts from district established graduation requirements any student who transfers into a district school from~~

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~~Cont'd BP 6146.1 – High School Graduation Requirements~~

~~a juvenile court school after the second year of high school, unless it is determined that the student is reasonably able to complete the requirements in time to graduate by the end of his/her fourth year of high school.~~

BP/AR 6154 - Homework/Makeup Work

*Revise BP; Delete AR **Recommendation to keep AR** (Pages 449-456)*

Reviewed by Laura Wharff

Policy updated for consistency with BP 5121 - Grades/Evaluation of Student Achievement and research on effective grading practices, as summarized in recent CSBA governance brief, **BP/AR** including optional language providing for full credit to be given for makeup work satisfactorily completed within a reasonable time, regardless of whether the absence is due to an excused or unexcused absence. Policy also addresses guidelines for the assignment of homework, communication of homework expectations to students and parents/guardians, and resources to assist students in completing homework and developing good study habits. Regulation deleted and key concepts moved to BP.

AR 6158 - Independent Study

Revise AR – Keeping current policy language (Pages 457-470)

Reviewed by Laura Wharff

Minor revision made in regulation to reflect NEW LAW (SB 828, 2016) which expands the types of documents that may be maintained electronically to include supplemental agreements, assignment records, work samples, and attendance records as well as the master agreement. Related material moved to "Records" section and expanded.

BP/AR 6164.6 - Identification and Education Under Section 504

Revise BP/AR (Pages 471-482)

Reviewed by Heidi Reyes

Policy updated to add requirement to address the needs of students with disabilities in the district's local control and accountability plan. Regulation updated to reflect NEW FEDERAL REGULATIONS (81 Fed. Reg. 53203) which primarily revise definitions used in the Americans with Disabilities Act.

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AR 6171 - Title I Programs

Revise AR (Pages 483-488)

Reviewed by Marti Reed

In section "Schoolwide Programs," delete item #3 to reflect repeal of 20 USC 6319 pursuant to the Every Student Succeeds Act (P.L. 114-95), and renumber remaining items:

(3. Instruction by highly qualified teachers)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

BP/AR/E 6173 - Education for Homeless Children

Revise BP/AR/E (Pages 489-514)

Reviewed by Heidi Reyes

Policy, regulation, and exhibits updated to reflect the federal McKinney-Vento Homeless Assistance Act as amended by the Every Student Succeeds Act (P.L. 114-95), as well as updated U.S. Department of Education non-regulatory guidance. Policy includes new material on the designation of a district liaison for homeless children and youth, identification of homeless students, confidentiality of student records containing information about a homeless student's living situation, and coordination of services with other entities. Policy also reflects new mandate to adopt policy to ensure participation by district liaisons and other appropriate staff in professional development and other technical assistance activities, and NEW LAW (SB 1068, 2016) which requires the California Department of Education (CDE) to provide specified informational and training materials to district liaisons. Regulation revises the definitions of "homeless student" and "school of origin," revises the duties of the district liaison, reflects requirement to provide the district liaison's contact information to the CDE and other specified persons, provides that a homeless student will be immediately enrolled even if he/she misses application or enrollment deadlines, and revises the content of the written explanation of the district's decision related to eligibility, school selection, or enrollment. Exhibits updated to revise the content of the district's explanation of its decision(s) related to eligibility, school selection, or enrollment and to revise the dispute form for use by parents/guardians who choose to appeal the district's decision.

AR 6173.3 - Education for Juvenile Court School Students

New AR (Pages 515-520)

Reviewed by Heidi Reyes

New regulation reflects educational rights of former juvenile court school students who transition into a district school, pursuant to NEW LAW (AB 2306, 2016). These include rights related to the immediate enrollment of such students, the immediate transfer of educational records, the transfer of coursework and credits, and exemption from district-established graduation requirements under certain conditions.

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BP 6179 - Supplemental Instruction

Revise BP (Pages 521-524)

Reviewed by Laura Wharff

Policy updated to delete reference to the requirement to provide supplemental educational services to eligible students from low-income families in Title I schools identified for program improvement, as the requirement was repealed by the Every Student Succeeds Act (ESSA) (P.L. 114-95), and to add the requirement to provide alternative supports to eligible students in accordance with the CDE's ESSA transition plan.

~~BP/AR 6185 – Community Day School~~

New BP/AR

Reviewed by Laura Wharff

~~Policy updated to expand material related to program goals, collaboration with county offices of education and other districts in the development of a plan related to services for expelled students, and program evaluation. Material on location of the community day school moved from AR to BP and clarified. Regulation updated to streamline the process for involuntarily transferring a student into a community day school and to delete unnecessary details regarding facilities which reflected requirements applicable to all school facilities.~~

~~BP/AR 6200 – Adult Education~~

New BP/AR

Reviewed by Laura Wharff

~~Policy and regulation updated to reflect NEW LAW (AB 104, 2015) which establishes the Adult Education Block Grant to fund specified types of programs and coordinate services through regional consortia. Policy also describes other possible funding sources for adult education, clarifies that adult education courses must be approved by the California Department of Education as well as the district board, adds material on teacher qualifications, moves material from AR to BP re: graduation requirements, and adds material on program evaluation. Regulation also deletes prohibition against enrolling students with an F-1 visa, reflects law prohibiting offering a course exclusively through adult education if the course is required for high school graduation or academic progress, and condenses and moves material on community service classes into section on "Programs and Courses."~~

BB 9222 - Resignation

Reviewed BB – Keeping current policy language (Pages 525-526)

Reviewed by Debra Hendricks

Bylaw updated to clarify the effective date of a resignation of a member of the board, the need for the board to fill the vacancy by ordering an election or making a provisional appointment as

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Cont'dBB 9222 - Resignation

appropriate, and the need for the resigning member to file a revised Statement of Economic Interest/Form 700.

BB 9240 - Board Training

Reviewed BB – Keeping current policy language (Pages 527-528)

Reviewed by Debra Hendricks

Bylaw retitled and updated to address the purposes and importance of board training, recommended topics of training for new and first-term board members, and the district's process for selecting board training activities. The bylaw also reinforces the prohibition against a majority of the board members discussing district business of a specific nature while attending a conference or similar public gathering.

BB/E 9270 - Conflict of Interest

Reviewed BB/E – Keeping current language (Pages 529-538)

Reviewed by Debra Hendricks

Bylaw reorganized and updated to reflect requirement to submit the conflict of interest code to the code reviewing body (i.e., county board of supervisors or Fair Political Practices Commission, as appropriate) by the deadline established by the code reviewing body, merge material on the "rule of necessity" into the section "Conflict of Interest under the Political Reform Act," expand material on "noninterests" in the section "Conflict of Interest under Government Code 1090 - Financial Interest in a Contract" to include additional examples of noninterests, and include the exceptions to the gift limitation. Exhibit revised to update legal citations.

BB 9321 - Closed Session Purposes and Agendas

Reviewed BB – Keeping current language (Pages 539-546)

Reviewed by Debra Hendricks

Bylaw updated to clarify that the Board may not meet in closed session under the "personnel exception" (Government Code 54957) of the Ralph M. Brown Act to discuss or act upon any proposed change in compensation other than a reduction of compensation that results from the imposition of discipline. "Negotiations/Collective Bargaining" section revised to reflect that the Board may meet with the district's designated representatives in closed session under the "labor exception" (Government Code 54957.6) of the Ralph M. Brown Act to discuss salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees, including the Superintendent.

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BB 9323 - Meeting Conduct

Revise BB (Pages 547-550)

Reviewed by Debra Hendricks

Bylaw updated to reflect NEW LAW (AB 1787, 2016) which requires the board to provide a member of the public who uses a translator at least twice the allotted time to address the board during board meetings, unless simultaneous translation equipment is used. Bylaw also clarifies that the board may refer a member of the public to an appropriate complaint procedure, but cannot prohibit criticism of district employees, programs, or policies during a board meeting.

E 9323.2 - Actions by the Board

Revise E (Pages 551-554)

Reviewed by Debra Hendricks

Minor revision made in E(1) to add requirement for two-thirds vote of the board when a K-8 district chooses to establish a community day school.