

## BOARD BYLAWS, BOARD POLICES, AND ADMINISTRATIVE REGULATIONS

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### **BP 0460 - Local Control and Accountability Plan**

Pages 1-10

*Reviewed by Marti Reed*

(BP revised) Policy updated to reflect NEW LAW (Proposition 58, 2016) which requires the local control and accountability plan (LCAP) development process to include solicitation of parent/guardian and community input on effective and appropriate instructional methods, including language acquisition programs. Policy also reflects the State Board of Education's (SBE) adoption of evaluation rubrics (the "California School Dashboard") that will assist districts in evaluating progress toward their LCAP goals.

### **BP/AR 1312.3 - Uniform Complaint Procedures**

Pages 11-34

*Reviewed by Laura Wharff*

(BP/AR revised) Policy and regulation updated to reflect NEW LAW (AB 2306, 2016) which authorizes the use of uniform complaint procedures for complaints alleging noncompliance with requirements related to course credit transfer and exemption from local graduation requirements for former juvenile court school students. Regulation also references NEW LAW (SB 1375, 2016) which requires districts, on or before July 1, 2017, to post information relating to Title IX, including specified information about complaint procedures, on their web sites.

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

Pages 35-38

*Reviewed by Cabinet Members*

(BP revised) Policy updated to reflect NEW COURT DECISION (City of San Jose v. Superior Court) which held that using a personal account or device to send or receive communications regarding public business does not categorically exclude those records from disclosure in response to a request under the California Public Records Act and that public agencies are obliged to disclose applicable records that they can locate with reasonable effort.

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

Pages 39-44

*Reviewed by Debra Hendricks*

(BP revised) Policy updated to reflect NEW LAW (SB 1436, 2016) which requires the board, prior to taking final action on the superintendent's salary or benefits, to orally report a summary of the recommended action during open session of a board meeting. Updated policy also clarifies that deliberations regarding the superintendent's salary or other compensation cannot be held during a special meeting of the board.

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### **BP/AR 3260 - Fees and Charges**

Pages 45-52

*Reviewed by Yvonne Perez*

(BP/AR revised) Policy reorganized and updated to reflect a California Department of Education (CDE) management advisory regarding the prohibition against requiring parent/guardian volunteer hours or payment as a condition of the student's enrollment or participation in educational activities. Regulation updated to reflect NEW LAW (AB 2615, 2016) which permits districts to charge a fee for participation in After School Education and Safety (ASES) programs, 21st Century Community Learning Center (21st CCLC) programs, and 21st Century High School After School Safety and Enrichment for Teens (ASSETs) program, as long as the fee is waived or reduced for low-income families and, effective July 1, 2017, the fee is not charged for a homeless or foster youth. Regulation also clarifies the permissibility of charging a fee for in-state field trips in accordance with CDE's interpretation of law, provided that no student is prevented from participating based on a lack of funds.

### **BP/AR 3551 - Food Service Operations/Cafeteria Plan**

Pages 53-62

*Reviewed by Yvonne Perez*

(BP/AR revised) Policy and regulation updated to reflect NEW FEDERAL GUIDANCE (U.S. Department of Agriculture Memorandum SP 46-2016 and SP 23-2017) which mandates any district participating in the National School Lunch and/or Breakfast Program to adopt a written policy on meal charges, including the collection of delinquent meal charge debt, no later than July 1, 2017, and to annually communicate that policy to parents/guardians. Policy and regulation also reflect NEW STATE GUIDANCE (California Department of Education Management Bulletin SNP-03-2017) which requires district policy to ensure that students with unrecovered or delinquent meal charge debt are not overtly identified, requires that debt collection efforts are consistent with specified cost principles, and establishes conditions for reclassifying unpaid debt as bad debt. Policy also revised to reflect the Buy American provision of federal regulations which requires districts, to the maximum extent practicable, to purchase domestically grown and processed foods.

### **AR 3580 - District Records**

Pages 63-68

*Reviewed by Cabinet Members*

(AR revised) Regulation updated to revise material related to the retention of electronic records, including records pertaining to district business that are created, saved, sent, or received on an employee's or board member's personal device, to reflect NEW COURT DECISION (City of San Jose v. Superior Court) which held that such records may be accessible to the public in accordance with the California Public Records Act.

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**AR 4112.22 - Staff Teaching English Learners**

Pages 69-72

*Reviewed by Sharon Roddick*

(AR revised) Regulation updated to revise definition of "English learner" pursuant to Proposition 58 (2016). Regulation also deletes material regarding the Certificate of Staff Development issued by the Commission on Teacher Credentialing and provides a general paragraph applicable to multiple types of authorizations to teach English learners. Title of regulation updated to reflect current terminology.

**E 4112.9/4212.9/4312.9 - Employee Notifications**

Pages 73-82

*Reviewed by Sharon Roddick*

(E revised) Exhibit updated to add notice seeking volunteers to administer opioid antagonist pursuant to NEW LAW (AB 1748, 2016), delete notice seeking volunteers to administer anti-seizure medication as the requirement self-repealed on January 1, 2017, add notice informing new employees of their right to purchase Public Employment Retirement Service credit for certain active military service, and update legal citations.

**BP/AR 4127/4227/4327 - Temporary Athletic Team Coaches**

Pages 83-90

*Reviewed by Sharon Roddick and Dawn Allen*

(BP/AR revised) Policy and regulation updated to reflect NEW LAW (AB 1639, 2016) which requires coaches, beginning July 1, 2017, to complete a training course related to the nature and warning signs of sudden cardiac arrest and to retake such a course every two years thereafter. Policy also allows a coach to submit either the Activity Supervisor Clearance Certificate or the Department of Justice and Federal Bureau of Investigation criminal background check. Material regarding certification of coaches' qualifications to the board and the State Board of Education moved from AR to BP.

**BP 4312.1 - Contracts**

Pages 91-94

*Reviewed by Sharon Roddick*

(BP revised) Policy updated to reflect NEW LAW (SB 1436, 2016) which requires the board, prior to taking final action on the salary or benefits of employees whose position within the district is established through an employment contract, to orally report a summary of the recommended action during open session of a board meeting. Updated policy also clarifies the limited

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**CONTINUED BP 4312.1 - Contracts**

circumstances under which salary and benefits may be discussed in closed session and the prohibition against discussing salary or other compensation during a special meeting of the board.

**BP 5111 – Admission**

Pages 95-98

*Reviewed by Laura Wharff/Marti Reed/Yvonne Perez*

(BP revised) Policy updated and released on GAMUT in February, in conjunction with new CSBA Legal Guidance, to clarify that, under state compulsory education laws and the U.S. Supreme Court decision in Plyler v. Doe, students cannot be denied a free public education on the basis of their citizenship or immigration status, including their status as undocumented children. Policy includes direction not to inquire into a student's citizenship or immigration status nor deny enrollment on the basis of citizenship or immigration status. Policy also reflects NEW LAW (AB 2308, 2016) which extends the requirement that the district's enrollment forms include an informational item about affordable health care options and available enrollment assistance through the 2020-21 school year.

**BP 5111.1 - District Residency**

Pages 99-104

*New BP (we currently don't have a BP, but do have an AR and E)*

*Reviewed by Yvonne Perez*

(BP revised) Policy updated and released on GAMUT in February, in conjunction with new CSBA Legal Guidance, to clarify that, under state compulsory education laws and the U.S. Supreme Court decision in Plyler v. Doe, districts cannot deny enrollment on the basis of citizenship or immigration status and therefore should not request visas, passports, or other documentation that would discourage undocumented children from enrolling in school.

**BP/AR 5113 - Absences and Excuses**

Pages 105-112

*Reviewed by Sharon Roddick and Laura Wharff*

(BP/AR revised) Policy updated to reflect the requirement for a board resolution approving reasonable methods by which students can verify absences due to illness or quarantine. Policy also deletes section on "Effect of Absence on Grades/Credits," as that material is covered in BP/AR 5121 - Grades/Evaluation of Student Achievement and BP 6154 - Homework/Makeup Work. Regulation updated to reflect NEW LAW (AB 1593, 2016) which provides that a student's attendance at his/her own naturalization ceremony constitutes an excused absence. Regulation also

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**CONTINUED BP/AR 5113 - Absences and Excuses**

includes parent notification requirement formerly in BP, and adds notifications that a student may be excused for religious exercises or instruction and that a student's grade will not be lowered following an excused absence provided that missed schoolwork is completed within a reasonable period of time.

**BP 5121 – Grades/Evaluation of Student Achievement**

Pages 113-116

*Revise BP*

*Reviewed by Laura Wharff*

(BP revised) After the March 21, 2017, Board adoption, staff realized the content on page (a) was inconsistent with the language on the student report cards. New language now coincides with information on the student report cards.

**AR 5145. 3 - Nondiscrimination/Harassment**

Pages 117-126

*Reviewed by Sharon Roddick and Dawn Allen*

(AR revised) Regulation updated to reflect NEW LAW (SB 1375, 2016) which requires districts and schools to post specified Title IX information on their web sites by July 1, 2017. Regulation also explains the limited impact in California of the February 22, 2017 federal action to rescind earlier guidance regarding transgender students' use of sex-segregated facilities in accordance

**E 5145.6 -Parental Notifications**

Pages 127-144

*Revise E (Please note: This policy was also included in the 2015 updates and is being reviewed by the board for adoption on May 30, 2017)*

*Reviewed by Sharon Roddick and Laura Wharff*

(E revised) Exhibit updated to reflect NEW LAWS adding parental notifications related to language acquisition programs (Proposition 58, 2016), involuntary transfer of a student convicted of violent felony or firearms-related misdemeanor (SB 1343, 2016), enrollment priorities for homeless and foster youth in before/after school programs (AB 2615, 2016), and exemption from local graduation requirements for former juvenile court school students (AB 2306, 2016). Exhibit also deletes notification related to structured English immersion programs pursuant to Proposition 58, and updates legal citations and referenced CSBA sample policies/regulations.

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**BP/AR 5148.2 - Before/After School Programs**

Pages 145-158

*Reviewed by Laura Wharff*

(BP/AR revised) Policy and regulation updated to reflect NEW LAW (AB 2615, 2016) which permits districts to charge a family fee for participation in an ASES, 21st CCLC, or ASSETs program, as long as the fee is waived or reduced for low-income families and, effective July 1, 2017, the fee is not charged for a homeless or foster youth. Policy also links program content with goals in the district's LCAP, and includes material formerly in AR related to priorities for establishing district programs consistent with state and federal priorities for funding programs. Regulation also reflects provisions of AB 2615 which require first priority for enrollment, beginning July 1, 2017, to be given to students identified as homeless or foster youth and require ASSETs programs to provide for access to computers and technology.

**BP 6111 - School Calendar**

Pages 159-162

*Reviewed by Sharon Roddick*

(BP revised) Policy updated to clarify that a district must offer a minimum of 175 instructional days per school year until it meets or exceeds its funding target under the local control funding formula, at which time the minimum required number of instructional days is 180. Policy also adds reference to the requirement for a minimum of 163 instructional days per year for multitrack year-round schools.

**BP 6117 - Year-Round Schedules**

Pages 163-168

*Do Not Adopt New BP*

*Reviewed by Marti Reed/Laura Wharff*

(BP revised) Policy updated to clarify that a year-round school is generally required to offer a minimum of 175 instructional days per school year until the district meets or exceeds its funding target under the local control funding formula, at which time the minimum required number of instructional days is 180. Policy adds conditions under which a multitrack year-round school may instead offer a minimum of 163 instructional days.

**BP/AR 6142.1 - ~~World/Foreign Language Instruction~~ Sexual Health and HIV/AIDS  
Prevention Instruction**

Pages 169-182

*BP replaced/New AR updated to reflect current CSBA policy language and title*

*Reviewed by Laura Wharff*

We are deleting our current board policy 6142.1 World/Foreign Language and replacing it with the updated CSBA board policy. Administrative Regulation is a completely new policy for review and adoption.

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**CURRENT BP/AR 6142.2 – Aids Prevention Instruction (SEE BELOW)**

*Delete BP/AR*

*Reviewed by Laura Wharff*

We are deleting this policy and updating policy numbering with CSBA; BP/AR World/Foreign Language. **NOTE: Our current BP/AR 6142.2 is AIDS Prevention Instruction**

**BP/AR 6142.2 - World/Foreign Language Instruction (*new Policy Numbering*)**

Pages 183-194

*Reviewed by Laura Wharff*

(BP/AR revised) Policy and regulation updated to reflect NEW LAW (Proposition 58, 2016) which authorizes the establishment of dual-language immersion programs that provide integrated language learning and academic instruction for English learners and native speakers of English. Policy also reflects NEW LAW (AB 2290, 2016) which requires the SBE to consider revisions to the state content standards for world languages by March 31, 2019. Regulation reflects provisions of Proposition 58 which (1) delete the requirement that a parent/guardian request a waiver of structured English immersion instruction so that an English learner may participate in a dual-language immersion program, (2) require dual-language immersion programs in grades K-3 to meet class size requirements, and (3) require a parental notice with information on the district's dual-language and other language acquisition programs.

**BP – 6142.93 - Science Instruction**

Pages 195-198

*Reviewed by Laura Wharff*

(BP revised) Policy updated to reflect the NEW CURRICULUM FRAMEWORK for science instruction adopted by the State Board of Education in November 2016 and the Next Generation Science Standards. Policy also adds new material related to the required course of study, science courses required for high school graduation, staff development, program evaluation, and safety in science laboratories.

**BP 6144 - Controversial Issues**

Pages 199-202

*Reviewed by Laura Wharff*

(BP revised) Policy updated to provide that parents/guardians may be given an opportunity to opt out of instruction on controversial issues only when required by law, not at the discretion of a teacher or administrator. Policy also clarifies the district's right to limit teacher expressions of personal opinion when teachers are in the classroom and therefore acting on behalf of the district.

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**BP 6145 - Extracurricular and Cocurricular Activities**

Pages 203-206

*Reviewed by Sharon Roddick*

(BP revised) Policy updated to reflect law which provides that a homeless student must be immediately deemed to meet all residency requirements for participation in extracurricular activities. Legal cites added for the prohibition against student fees and the requirement to annually review the policy.

**BP/AR 6145.2 - Athletic Competition**

Pages 207-220

*Reviewed by Laura Wharff*

(BP/AR revised) Policy and regulation updated to reflect NEW LAW (AB 1639, 2016) which requires (1) distribution to student athletes and parents/guardians of information on the nature and warning signs of sudden cardiac arrest, (2) training of coaches and athletic directors on the nature and warning signs of sudden cardiac arrest, and (3) removal of a student from an athletic activity if he/she passes out or faints, until clearance is obtained from a health care provider. Policy also updated to reflect the prohibition against the use of a racially derogatory or discriminatory athletic team name, mascot, or nickname. Policy reflects law which provides that a homeless student must be immediately deemed to meet all residency requirements for participation in interscholastic athletic activities. Regulation also updated to reflect NEW LAW (SB 1375, 2016) which requires districts and schools to post specified Title IX information on their web sites by July 1, 2017.

**BP/AR/E 6174 - Education for English Learners**

Pages 221-242

*Reviewed by Laura Wharff*

(BP/AR revised; E 6174 deleted) Policy and regulation substantially revised to reflect NEW LAW (Proposition 58) which authorizes parents/guardians to select a language acquisition program that best suits their child and eliminates the requirement for parents/guardians to request a waiver from the district if they want to enroll their child in a program other than a structured English immersion program. Policy reflects provisions of Proposition 58 that require districts to (1) offer, at a minimum, a structured English immersion program; (2) seek parent/guardian and community input on language acquisition programs during development of the district's LCAP; and (3) to the extent possible, offer a language acquisition program requested by parents/guardians of 30 or more students at a school or 20 or more students in any grade level at the school. Policy and regulation also reflect revisions in Title III English learner programs, including renumbering of accountability requirements and changes in the required parental notification, pursuant to the Every Student Succeeds Act. Title of policy and regulation updated to reflect current terminology. Exhibit deleted as districts no longer need a sample form for the parental exception waiver.

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**BP 6176 - Weekend/Saturday Classes**

Pages 243-246

*New Do Not Adopt*

*Reviewed by Laura Wharff*

(BP revised) Policy updated to reflect NEW LAW (AB 2659, 2016) which authorizes makeup classes for any type of absence, including excused absences, to be offered during the weekend. Policy also adds material regarding the circumstances under which teachers cannot be assigned to work on a weekend.

**BP/AR 6178.1 - Work-Based Learning**

Pages 247-258

NEW – Do Not Adopt

*Reviewed by Laura Wharff*

(BP/AR revised) Policy updated to add material formerly in AR regarding board approval of any district plan for work-based learning and board approval to pay students' wages out of district funds. Regulation updated to reflect NEW LAW (AB 2063, 2016) which authorizes the district to grant credit for satisfactory completion of a work experience education program to students ages 14-15 when the principal certifies that such credit is necessary for the student's participation in a career technical education (CTE) program. Regulation also reflects provision of AB 2063 which allows students to participate in job shadowing activities for up to 40 hours per semester, intersession, or summer school session if the principal certifies that it is necessary for participation in a CTE program.

**BP 7214 - General Obligation Bonds**

Pages 259-266

*Reviewed by Yvonne Perez*

(BP revised) Policy updated to reflect NEW LAW (SB 1029, 2016) which requires the board to adopt a debt management policy prior to issuing any debt, including a general obligation bond, and to certify to the California Debt and Investment Advisory Commission that any proposed issuance of debt is consistent with the district's policy. Policy also reflects NEW LAW (AB 2116, 2016) which requires the board to obtain reasonable and informed projections of assessed valuations that take into consideration projections of assessed property valuations made by the county assessor, and NEW LAW (AB 2738, 2016) which prohibits districts from withdrawing proceeds from bond sales at any time for the purpose of making investments outside the county treasury. Policy also adds caution that some uses of bond proceeds that are specified in the Education Code for bond elections with a 66.67 percent threshold may be inconsistent with the California Constitution and encourages consultation with legal counsel.

MANDATED BOARD POLICY UPDATES  
AUGUST 29, 2017 "PREVIEW" FIRST READING GIVEN TO BOARD  
SEPTEMBER 12, 2017 SECOND READING  
OCTOBER 10, 2017 ADOPTION

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**BB 9012 - Board Member Electronic Communications**

Pages 267-270

*Reviewed by Debra Hendricks*

(BB revised) Bylaw updated to reflect NEW COURT DECISION (City of San Jose v. Superior Court) which held that using a personal account or device to send or receive communications regarding public business does not categorically exclude those records from disclosure in response to a request under the California Public Records Act and that public agencies are obliged to disclose applicable records that they can locate with reasonable effort.