

Board Bylaws, Board Policies, and Administrative Regulations December 2019 Policy Updates

Board Policy 2121 - Superintendent's Contract

Revise BP

Pages 1-6

Reviewed by Debra Hendricks

Policy updated to add professional development as an optional component that may be addressed in the superintendent's contract, consistent with CSBA's Superintendent Contract Template. Section on "Termination of Contract" deletes material related to maximum cash settlement requirements for contracts executed prior to January 1, 2016, since state law limits the term of the contract to a maximum of four years.

Board Policy 3600 - Consultants

Revise BP

Pages 7-10

Reviewed by Didi Peterson

Policy updated to reflect NEW LAW (AB 5) which codifies a three-part test, established in *Dynamex Operations West Inc. v. Superior Court of Los Angeles*, to determine whether a person providing services for remuneration should be classified as an employee or an independent contractor. Policy also updates the statement on nondiscrimination to include additional protected categories, and reflects law regarding harassment of or by an independent contractor.

Administrative Regulation 4030 - Nondiscrimination in Employment

Revise AR

Pages 11-16

Reviewed by Didi Peterson

Regulation updated to reflect NEW LAW (SB 778) which delays until January 1, 2021 a requirement for districts with five or more employees to provide at least two hours of sexual harassment training to supervisory employees and at least one hour of sexual harassment training to nonsupervisory employees. Regulation also reflects NEW LAW (AB 9) which allows complaints of employment discrimination to be filed with the Department of Fair Employment and Housing up to three years after the alleged act.

Board Policy 4033 - Lactation Accommodation

Revise BP

Pages 17-20

Reviewed by Didi Peterson

Policy updated to reflect NEW LAW (SB 142) which mandates districts to adopt policy that addresses an employee's right to request lactation accommodation, the process by which the employee makes the request, the district's obligation to respond to the request, and the employee's

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right to file a complaint with the Labor Commissioner alleging any violation of the right to lactation accommodation. Policy also reflects provisions of SB 142 requiring districts to provide a lactation room or location with prescribed features, prohibiting districts from discriminating or retaliating against an employee who exercises the right to lactation accommodation, and authorizing districts with fewer than 50 employees to seek an exemption from the requirement to provide lactation accommodation if the district demonstrates that the requirement poses an undue hardship.

Board Policy 4151/4251/4351 - Employee Compensation

Revise BP

Pages 21-24

Reviewed by Didi Peterson

Policy updated to clarify that, in determining whether an executive, administrative, or professional employee is exempt from overtime rules, the salary threshold established by state law supersedes the threshold established by federal law (as raised by new federal rule September 24, 2019). Policy also deletes complex information on Internal Revenue Service forms that must be completed by employees who earn compensation over 9 or 10 months but elect to spread salary payments over 12 months, thereby creating "deferred compensation."

Board Policy 4218.1 - Dismissal/Suspension/Disciplinary Action (Merit System)

NEW BP (Staff recommendation: Do not adopt policy)

Pages 25-28

Reviewed by Debra Hendricks and Didi Peterson

Policy updated to clarify that dismissal of probationary classified employees may be done without cause, delete detailed procedures for disciplinary proceedings, and reflect due process rights that must be granted to permanent employees based on the court decision in *Skelly v. State Personnel Board*. Regulation deleted and districts encouraged to replace or supplement these materials with the rules of their personnel commission.

DELETION - Administrative Regulation 4218.1 - Dismissal/Suspension/Disciplinary Action (Merit System)

Delete AR (Not currently in our policy manual, therefore no action is required)

Reviewed by Debra Hendricks and Didi Peterson

Regulation deleted and districts encouraged to replace or supplement these materials with the rules of their personnel commission.

Board Policy 5116.1 - Intradistrict Open Enrollment

Revise BP

Pages 29-34

Reviewed by Lizett Aguilar and Carrie Albert

Policy updated to delete material related to transfers under the state Open Enrollment Act and federal Program Improvement, as those programs are no longer operational. Policy also reflects NEW LAW (AB 1127) which requires districts to approve an intradistrict transfer request for a student who is a

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victim of bullying, as defined. Optional item added for districts electing to offer intradistrict transfers to all students in a school identified by the California Department of Education (CDE) for comprehensive support and improvement (CSI), in which case priority must be given to the lowest achieving students from low-income families.

Administrative Regulation 5116.1 - Intradistrict Open Enrollment

Revise AR

Pages 35-42

Reviewed by Lizett Aguilar and Carrie Albert

Regulation updated to delete material related to transfers under the state Open Enrollment Act and federal Program Improvement, as those programs are no longer operational. Regulation revised to clarify timelines for transfers out of schools identified by CDE as "persistently dangerous." For districts that offer transfers out of CSI schools, regulation allows a transfer student the opportunity to remain in the school of enrollment until completing the highest grade offered at that school.

Board Policy 5117 - Interdistrict Attendance

Revise BP

Pages 43-46

Reviewed by Lizett Aguilar and Carrie Albert

Policy updated to reflect NEW LAW (AB 1127) which requires districts to provide transportation assistance to transfer students who are victims of bullying or are children of active duty military parents/guardians, if they are also eligible for free or reduced-priced meals.

Administrative Regulation 5117 - Interdistrict Attendance

Revise AR

Pages 47-54

Reviewed by Lizett Aguilar and Carrie Albert

Regulation updated to reflect provisions of AB 1127 which (1) prohibit consideration of specified characteristics when selecting students for transfer who are victims of bullying or children of active duty military parents/guardians and (2) require a district to accept a transfer out of the district for a victim of bullying if the district has only one school offering the student's grade level.

DELETION - Board Policy 5118 - Open Enrollment Act Transfers

Delete BP

Pages 55-58

Reviewed by Lizett Aguilar and Carrie Albert

Policy deleted since CDE no longer identifies low-achieving schools based on the Academic Performance Index for purposes of developing an Open Enrollment List of schools, in which students had the option to transfer to a higher achieving school within or outside the district.

DELETION - Administrative Regulation 5118 - Open Enrollment Act Transfers

Delete AR

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Pages 59-60

Reviewed by Lizett Aguilar and Carrie Albert

Regulation deleted since CDE no longer identifies low-achieving schools based on the Academic Performance Index for purposes of developing an Open Enrollment List of schools, in which students had the option to transfer to a higher achieving school within or outside the district.

DELETION - Exhibit 5118 - Open Enrollment Act Transfers

Delete E (Not currently part of our policy manual, therefore no action required)

Reviewed by Lizett Aguilar and Carrie Albert

Exhibit deleted since CDE no longer identifies low-achieving schools based on the Academic Performance Index for purposes of developing an Open Enrollment List of schools, in which students had the option to transfer to a higher achieving school within or outside the district.

Administrative Regulation 5125 - Student Records

Revise AR

Pages 61-82

Reviewed by Lizett Aguilar and Carrie Albert

Regulation updated to reflect NEW LAW (AB 711) which requires districts to update the records of a former student who submits a written request or government-issued documentation of a name and/or gender change. Regulation also revised to reflect current law regarding the timeline for submitting the grade point average of students in grade 12 to the Student Aid Commission for use in the Cal Grant postsecondary financial aid program and the timeline for notifying students and parents/guardians of their right to opt out.

Board Policy 5131.2 - Bullying

Revise BP

Pages 83-90

Reviewed by Didi Peterson and Carrie Albert

Policy updated to reflect NEW LAW (AB 1127) which requires a district to approve an intradistrict transfer request for a victim of bullying and, if the district does not have another school with the same grade level, allows a victim of bullying to transfer out of the district.

Administrative Regulation 5131.2 - Bullying

NEW AR (Staff recommendation: Adopt policy)

Pages 91-98

Reviewed by Didi Peterson and Carrie Albert

Regulation updated to reflect NEW LAW (AB 34) which requires districts to make specified information on bullying and harassment prevention readily accessible on their web sites beginning in the 2020-21 school year.

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Board Policy 5142.21 - Administering Medication and Monitoring Health Conditions

Revise BP

Pages 99-104

Reviewed by Didi Peterson and Carrie Albert

Policy updated to reflect NEW LAW (SB 223) which authorizes the board to adopt policy allowing a parent/guardian, but not school personnel, to administer medicinal cannabis in a nonsmokeable, nonvapeable form at a school site to a student who is a qualified patient. Policy explains the conflict between state and federal law and provides options for districts to authorize or not authorize administration of medicinal cannabis at a school site. For districts that choose to authorize medicinal cannabis, policy reflects the components that are mandated to be in policy, including requirements for parents/guardians to provide a written medical recommendation for the student to be administered medicinal cannabis, sign in at the school before administering the cannabis, and remove any remaining cannabis from the school site.

Administrative Regulation 5141.21 - Administering Medication and Monitoring Health Conditions

Revise AR

Pages 105-114

Reviewed by Didi Peterson and Carrie Albert

Regulation reflects NEW LAW (AB 743) which requires districts to accept a physician statement for inhaled asthma medication from a health plan operating under the laws of Mexico that is licensed in California.

Board Policy 6143 - Courses of Study

Revise BP

Pages 115-116

Reviewed by Laura Granger

Policy updated to include the prohibition against providing any course separately on the basis of specified characteristics or refusing the participation of a student on any such basis. Policy also reflects the requirement to provide a list of courses certified as meeting California college admission criteria (i.e., "a-g" course requirements) to parents/guardians as well as students in grades 9-12.

Administrative Regulation 6143 - Courses of Study

Revise AR

Pages 117-122

Reviewed by Laura Granger

Regulation updates the list of course offerings for grades 7-12 to revise the description of the Bracero program, update the terminology for "foreign language" to "world language" consistent with current state law, reflect NEW LAW (AB 1595) which replaces references to "homemaking" with "family and consumer sciences," and delete outdated date for beginning instruction in compression-only cardiopulmonary resuscitation. Regulation also adds requirement, effective in the 2020-21 school year, to provide specified information on how to properly complete and submit the Free Application

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for Federal Student Aid (FAFSA) or the Dream Act application, as appropriate, at least once before grade 12.

Board Policy 6154 - Homework/Makeup Work

Revise BP

Pages 123-126

Reviewed by Laura Granger

Policy updated to reflect NEW LAW (AB 982) which requires that, when a parent/guardian of a student who has been suspended for two or more days requests homework that the student would have otherwise been assigned, teachers must provide such homework.

Administrative Regulation 6174 - Education for English Learners

Revise AR

Pages 127-138

Reviewed by Laura Granger

Regulation updated to clarify the process for assessment and identification of English learners, including additional notification requirements. Section on "Reclassification/Redesignation" revised to require English learners who are reclassified as fluent English proficient to be monitored for at least four years following their reclassification, consistent with CDE's Federal Program Monitoring instrument. Regulation also adds further information regarding the composition and duties of the school-level and district-level English Learner Advisory Committee.

Administrative Regulation 6175 - Migrant Education Program

New AR (Staff recommendation: Do not adopt policy)

Pages 139-146

Reviewed by Laura Granger

Regulation updated to reflect NEW LAW (AB 1319) which requires the immediate enrollment of migrant students even if they have outstanding fees, fines, textbooks, or other items or monies due to the school last attended, do not have clothing normally required by the school, or are unable to produce records normally required for enrollment. Regulation also reflects provision of AB 1319 which grants migrant students the right to remain in their school of origin, or in a school within the district of origin, regardless of any change in residence of the student.

Board Bylaw 9150 - Student Board Members

New BB (Staff recommendation: Do not adopt policy)

Pages 147-152

Reviewed by Debra Hendricks

Bylaw updated to reflect NEW LAW (AB 709) which requires student board members to be appointed to board subcommittees in the same manner as other board members, be invited to attend other functions of the board, and receive all materials received by other board members between open meetings except materials that pertain to closed session items. Bylaw also reflects provisions of AB 709 which clarify that student board members are not considered members of a legislative body

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for purposes of the Brown Act, authorize the board to award elective course credit for student board member service, and authorize the board to appoint an alternate student board member if the student board member's duties are not being fulfilled.