

GUIDESHEET DECEMBER 2015, MARCH, APRIL, MAY, JUNE 2016

1. E 0420.41 - Charter School Oversight

(E revised)

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deletes items related to the qualifications of teachers and paraprofessionals under the No Child Left Behind Act, repealed by **NEW FEDERAL LAW** (Every Student Succeeds Act, P.L. 114-95), and revises item related to student assessment to reflect the suspension of the high school exit examination through the 2017-18 school year (SB 172).

2. BP/AR 1230 - School-Connected Organizations

(BP/AR revised)

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.

3. BP/AR 1312.3 - Uniform Complaint Procedures

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAWS** which authorize the use of uniform complaint procedures to resolve complaints of noncompliance with requirements related to accommodations for lactating students (AB 302, 2015), educational rights of foster youth and homeless students (AB 379, 2015), assignment of students to courses without educational content for more than one week per semester or to courses they have previously completed (AB 1012, 2015), and physical education instructional minutes in elementary schools (AB 1391, 2015). Regulation also reflects provisions of these laws which allow appeals of the district's decision related to these complaints to the California Department of Education and provide that, if any complaint regarding physical education instructional minutes is found to have merit, the district must provide a remedy to all affected students and parents/guardians.

4. BP 2121 - Superintendent's Contract

(BP revised)

Policy updated to reflect contract components recommended in CSBA's new Superintendent Contract Template and federal law which prohibits favoring "highly compensated" individuals (i.e., generally the highest paid 25 percent of all district employees) in terms of the level of benefits provided. Policy also reflects **NEW LAW** (AB 215) which amends the maximum cash settlement that may be granted upon termination of a superintendent contract executed on or after January 1, 2016 and which provides that no cash or noncash settlement may be given if the termination is for fraud or other illegal fiscal practices. 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 contract, salary, or compensation paid in the form of fringe benefits.

5. BP 3270 - Sale and Disposal of Books, Equipment and Supplies

Revise 4th paragraph of BP to more directly reflect law, as follows:

If the Board members who are in attendance at a meeting unanimously find that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board or may be disposed of ~~by dumping in~~ **the local public dump**. (Education Code 17546)

6. BP/AR 3311 - Bids

(BP/AR revised)

Policy and regulation updated to include requirements for districts that choose to use the alternative Uniform Public Construction Cost Accounting Act (UPCCAA) for contracting for public works projects. Policy and regulation also updated to reflect **NEW LAW** (AB 1358, 2015) which authorizes a district to award a design-build contract for a public works project in excess of \$1 million on the basis of either low bid or "best value," as defined. Regulation also reflects new 2016 bid limit established by the Superintendent of Public Instruction for specified projects, and adds new section on "Lease-Leaseback Contract" reflecting legal requirements and **NEW COURT DECISION** (McGee v. Balfour Beatty Construction LLC).

7. AR 3314 - Payment for Goods and Services

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)

8. BP/AR 3515.2 - Disruptions

(BP/AR revised)

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.

9. AR 3515.5 - Sex Offender Notification

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 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)

10. BP/E 3515.7 - Firearms on School Grounds

(BP/E added)

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.

11. BP/AR 3541.2 - Transportation for Students with Disabilities

(BP revised; AR deleted)

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 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.

12. AR 3550 - Food Service/Child Nutrition Program

In section "Nutrition Standards for School Meals," revise item #1 to delete legal cite to 7 CFR 220.23, superseded by the requirements in 7 CFR 220.8 effective July 1, 2013, as follows:

1. Comply with National School Lunch and/or Breakfast Program standards for meal patterns, nutrient levels, and calorie requirements for the ages/grade levels served, as specified in 7 CFR 210.10; ~~or 220.8, or 220.23~~ as applicable

13. BP/AR 3553 - Free and Reduced-Price Meals

(BP/AR revised)

Policy updated to reflect the timeline for submitting a request to the State Board of Education for a waiver of the requirement to provide free and reduced-price meals during summer session. Policy also revised to reflect law authorizing sharing of students' free and reduced-price meal eligibility information with another local educational agency serving another child living in the same household as the student and with the Superintendent of Public Instruction for purposes of determining local control funding formula allocations. Regulation updated to reflect **NEW LAW** (SB 708, 2015) which authorizes districts to make free and reduced-price meal applications available electronically as long as the online application complies with specific requirements, including the provision of clear instructions for homeless or migrant families.

14. BP 3580 - District Records

(BP revised)

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.

15. BP/AR 4030 - Nondiscrimination in Employment

(BP revised; AR added)

Policy updated to reflect the mandate to adopt policy necessary to implement the state's nondiscrimination laws. Policy also updated to reflect **NEW LAW** (AB 987) which prohibits districts from retaliating or otherwise discriminating against a person for requesting accommodation of his/her disability or religious beliefs, regardless of whether the accommodation request was granted. New regulation includes the designation of the district's coordinator for nondiscrimination in employment, addresses measures to prevent employment discrimination and harassment, and incorporates complaint procedures and material on other remedies formerly in AR 4031 - Complaints Concerning Discrimination in Employment.

In 1st paragraph, add prohibited discrimination against an employee or job applicant on the basis of his/her association with a person or group with one or more of the listed characteristics, as follows:

The Governing Board is determined to provide district employees and job applicants a safe, positive environment where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. The Board prohibits district employees from discriminating against or harassing any other district employee or job applicant on the basis of the person's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation, **or association with a person or group with one or more of these actual or perceived characteristics.**

16. AR 4031 - Complaints Concerning Discrimination in Employment

(AR deleted)

Regulation deleted and complaint procedures incorporated into AR 4030 - Nondiscrimination in Employment.

17. AR 4032 - Reasonable Accommodation

Add new 2nd paragraph under item #2 to reflect Government Code 12940, as amended by AB 987 (Ch. 122, Statutes of 2015), as follows:

No employee or job applicant who requests an accommodation for his/her physical or mental disability shall be subjected to discrimination or to any punishment or sanction, regardless of whether the request for accommodation was granted. (Government Code 12940)

Revise the subsequent paragraph to change designation of coordinator for nondiscrimination in employment from BP 4030 to AR 4030, as follows:

The district designates the position specified in **BP AR 4030 - Nondiscrimination in Employment** as the coordinator of its efforts to comply with the Americans with Disabilities Act (ADA) and to investigate any and all related complaints.

18. AR 4112 - Appointment and Conditions of Employment

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)~~

19. BP 4112.21 - Interns

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)~~

20. AR 4112.23 - Special Education Staff

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)~~

21. BP/AR/E(1)/E(2) 4112.24 - Teacher Qualifications Under the No Child Left Behind Act

(BP/AR/E deleted)

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.

22. AR 4112.6/4212.6/4312.6 - Personnel Files

Move 4th paragraph and cf to the end of the AR under new subhead and add new paragraph to reflect Education Code 44939.5, as amended by AB 1452 (Ch. 59, Statutes of 2015), as follows:

Records Retention

Personnel records for current and former employees shall be retained in accordance with 5 CCR 16023.

(*cf. 3580 - District Records*)

The Superintendent or designee shall not expunge from an employee's personnel file, nor enter into an agreement that would authorize expunging from an employee's personnel file, any documentation of a credible complaint, substantiated investigation, or discipline regarding egregious misconduct as defined in Education Code 44932. However, such documentation may be removed if, during a hearing before the Board, an arbiter, personnel commission, Commission on Professional Competence, or administrative law judge, the employee prevailed, the allegations were determined to be false, not credible, or unsubstantiated, or a determination was made that the discipline was not warranted. (Education Code 44939.5)

23. E 4112.9/4212.9/4312.9 - Employee Notifications

In section I (To All Employees), revise item on automated external defibrillators to reflect Health and Safety Code 1797.196, as amended by SB 658 (Ch. 264, Statutes of 2015), as follows:

	Education or	Board Policy/	
When/Whom	Other Legal	Administrative	
to Notify	Code	Regulation #	Subject
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan

In section V (To Individual Employees Under Special Circumstances), add new 1st item at top of section, as follows:

	Education or	Board Policy/	
When/Whom	Other Legal	Administrative	
to Notify	Code	Regulation #	Subject
In the event of a breach of security of district records, to affected employees	Civil Code 1798.21	BP 3580	Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

24. BP 4117.13/4317.13 - Early Retirement Option

Currently CUSD does not have this optional policy as the provision is included in our collective bargaining agreement.

25. BP 4119.11/4219.11/4319.11 - Sexual Harassment

Revise 6th paragraph to change cite to administrative regulation containing procedures for employee complaints of sexual harassment from AR 4031 to AR 4030, as follows:

Complaints of sexual harassment shall be filed in accordance with ~~AR 4031—Complaints Concerning Discrimination in Employment~~ **AR 4030 - Nondiscrimination in Employment**. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

26. BP 4121 - Temporary/Substitute Personnel

(BP revised)

Policy updated to reflect **NEW LAW** (AB 304) which amends the Healthy Workplaces, Healthy Families Act (AB 1522, 2014) to (1) authorize paid sick leave accrual on a basis other than one hour for each 30 hours worked, provided that the accrual is on a regular basis and the employee will have 24 hours of accrued sick leave available by the 120th calendar day of employment (new Option 2 in section "Paid Sick Leave"); (2) clarify that retired annuitants who have not reinstated to the applicable public retirement system are excluded from participation in these leave benefit provisions; and (3) provide that the district has no obligation to inquire into the purposes for which an employee uses sick leave or paid time off.

27. AR 4161.1/4361.1 - Personal Illness/Injury Leave

(AR revised)

Regulation updated to reflect **NEW LAW** (AB 375, 2015) which requires differential pay for a certificated employee who has exhausted all available sick leave and continues to be absent due to maternity or paternity leave for the birth, adoption, or foster care placement of a child. Regulation also reflects **NEW LAW** (SB 579, 2015) which allows an employee to use sick leave, up to the amount he/she would accrue during six months, for all the purposes specified in the Healthy Workplaces, Healthy Families Act. Regulation reflects **NEW LAW** (AB 304, 2015) which allows districts to use a different sick leave accrual method which provides for the accrual to be on a regular basis so that an employee accrues at least 24 hours of sick leave or paid time off by the 120th calendar day of his/her employment or each calendar year or 12-month period.

28. AR 4161.2/4261.2/4361.2 - Personal Leaves

(AR revised)

Regulation updated to reflect **NEW LAW** (SB 579, 2015) which expands the purposes of leave for child-related activities to include (1) enrolling or reenrolling a child in a school or with a licensed child care provider and (2) addressing a school or child care emergency, as defined. Regulation also adds definition of "parent/guardian" for purposes of such leave, expanded by SB 579 to include a stepparent, foster parent, or person who stands in loco parentis to the child.

29. AR 4217.11 - Preretirement Part-Time Employment

(AR revised)

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 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.

30. AR 4261.1 - Personal Illness/Injury Leave

(AR revised)

Policy updated to reflect **NEW LAW** (AB 304) which amends the Healthy Workplaces, Healthy Families Act to (1) authorize sick leave accrual on a basis other than one hour for each 30 hours worked, provided that the accrual is on a regular basis and the employee will have 24 hours of accrued sick leave available by the 120th calendar day of employment (new Option 2 in section "Short-Term and Substitute Employees"); (2) exclude retired annuitants who have not reinstated to the applicable public retirement system from participation in these leave benefit provisions; and (3) provide that the district has no obligation to inquire into or record the purposes for which an employee uses sick leave or paid time off.

Regulation updated to reflect **NEW LAW** (SB 579, 2015) which allows employees to use sick leave, in an amount not less than the employee would accrue during six months at his/her current rate of accrual, for the purposes specified in the Healthy Workplaces, Healthy Families Act, rather than just for attending to the illness of the employee's child, parent, spouse, domestic partner, or domestic partner's child. Regulation also clarifies circumstances under which the district may require an employee to verify the need for sick leave.

31. BP/AR 5111.1 - District Residency

(BP added; AR revised)

New policy reflects **NEW LAW** (AB 1101) which mandates any district that elects to conduct investigations of students' residency to adopt policy with specified components, including (1) the circumstances under which the district may initiate an investigation; (2) the investigatory methods that may be used, including whether the district may use the services of a private investigator; (3) a prohibition against surreptitious photographing or video-recording of students who are being investigated; and (4) an appeals process. Policy also contains material formerly in AR re: enrollment not requiring district residency. Regulation updated to reflect **NEW LAW** (SB 200 and AB 224) which provides that a student will be deemed to meet residency requirements if his/her parent/guardian lives with the student in the place of his/her employment within district boundaries at least three days during the school week. Regulation also contains material formerly in AR 5111.12 - Residency Based on Parent/Guardian Employment authorizing districts to grant residency status to students whose parent/guardian is employed within district boundaries for at least 10 hours during the school week (Allen bill transfers), and reflects provisions of SB 200 and AB 224 which provide that this option will sunset July 1, 2017 unless further legislation is passed.

32. AR 5111.12 - Residency Based on Parent/Guardian Employment

(AR deleted)

Regulation deleted and key concepts incorporated into BP/AR 5111.1 - District Residency.

33. BP 5117 - Interdistrict Attendance

Add new paragraph at the end of the BP to reflect Education Code 48301, as amended by AB 306 (Ch. 771, Statutes of 2015), as follows:

A child of an active military duty parent/guardian shall not be prohibited from transferring out of the district to a school district of choice, if the other school district approves the application for transfer. (Education Code 48301)

(cf. 6173.2 - Education of Children of Military Families)

34. BP 5123 - Promotion/Acceleration/Retention

Revise last paragraph of BP as follows to clarify that provision of supplemental instruction to students "at risk" of retention is optional:

~~When a student is~~ **any student in grades 2-9 is retained or** recommended for retention ~~or is identified as being at risk for retention~~, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. **The Superintendent or designee also may offer supplemental instruction to a student in grades 2-6 who is identified as being at risk for retention. (Education Code 37252.2, 37252.8, 48070.5)**

35. AR 5125 - Student Records

In section "Access for Limited Purpose/Legitimate Educational Interest," revise 1st paragraph of item #6 to reflect Education Code 69432.9 and 69432.92, as amended and added by AB 1091 (Ch. 637, Statutes of 2015), as follows:

6. The Student Aid Commission, ~~for the purpose of providing to provide~~ the grade point average (GPA) of all district students in grade 12 **and, when requested, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program. ~~except~~ However, such information shall not be submitted** when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, **69432.92**)

36. BP/AR 5141 - Health Care and Emergencies

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAW** (SB 658) which requires the principal of any school that has an automated external defibrillator (AED) to annually provide employees with information on sudden cardiac arrest, the school's emergency response plan, and the proper use of an AED and which eliminates the requirement that the principal designate the trained employees who will be available to respond to an emergency that may involve the use of an AED. Regulation also reflects provisions of SB 658 which require the district to notify the local emergency medical services agency regarding the existence, location, and type of AED acquired, require that instructions on how to use the AED be posted next to every AED, and reduce the inspection requirements to once every 90 days.

37. AR 5141.4 - Child Abuse Prevention and Reporting

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)

38. E 5141.6 - School Health Services

(Exhibit deleted)

Exhibit containing sample resolution urging outreach to increase children's access to affordable health care programs deleted since current law requires the district's enrollment forms for the 2015-16, 2016-17, and 2017-18 school years to include an informational item about affordable health care options and available enrollment assistance.

39. AR 5144.1 – Suspension/Expulsion Due Process

"Stipulated expulsion" is for districts that have adopted an expedited procedure which allows a student to waive his/her right to a pre-expulsion hearing in exchange for an agreement as to the terms of the expulsion. Such waivers are not specifically addressed in law and districts should ensure that the due process rights of students are included in the stipulated agreement and are clearly explained to them before the agreement is signed. Districts should consult legal counsel as appropriate.

40. BP/E 5145.6 – Parental Notifications

(BP/Exhibit revised)

Policy revised to (1) reflect NEW LAW (AB 1575, 2012) which requires the uniform complaint procedure notice to include information about complaints regarding student fees; (2) add notice regarding process for reclassifying English learners as fluent English proficient and the opportunity for parents/guardians to participate in that process; (3) consolidate and clarify notifications related to education of English learners; (4) add notice of failure to achieve annual measurable achievement objectives for English learners; and (5) add notice regarding student's assignment to a supervised suspension classroom.

(E revised)

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 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.

41. BP 5146 - Married/Pregnant/Parenting Students

(BP revised)

Policy updated to reflect state requirement that any education program or activity offered separately to pregnant students be "equal" to that offered to other district students, a standard that is more stringent than the federal standard for "comparable" programs. Policy also reflects NEW LAW (AB 302, 2015) requiring schools to offer reasonable accommodations, as specified, to any lactating student on the campus and providing that any complaint regarding noncompliance with these provisions may be addressed through the district's uniform complaint procedures.

42. BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAW** (AB 329) which requires districts to provide comprehensive sexual health education in grades 7-12 and to integrate such instruction with HIV prevention education. Policy also updated to clarify requirements related to parental consent. Regulation adds new section on "Definitions" and, pursuant to AB 329, expands program criteria and merges the components of sexual health education and HIV prevention education.

43. BP/AR 6142.7 - Physical Education and Activity

(BP/AR revised)

Policy updated to add information regarding required qualifications of physical education teachers. Policy also incorporates material formerly in AR regarding the minimum school day for high school students who are granted two-year or permanent exemptions from physical education courses, and adds the amount of instructional time in physical education that must be provided to students who are excused from physical education courses in order to participate in driver training. Regulation updated to reflect clarify instructional time requirements, describe recent lawsuits alleging districts' noncompliance with these requirements, provide optional methods for documenting the number of instructional minutes provided, and reflect related CSBA Legal Alert. Regulation also reflects **NEW LAW** (AB 1391, 2015) which authorizes the use of uniform complaint procedures for any complaint that an elementary school has not complied with the instructional minute requirement.

44. BP 6142.92 - Mathematics Instruction

Under the 6th paragraph, add the following paragraph to reflect Education Code 51224.7, as added by SB 359 (Ch. 508, Statutes of 2015):

The Superintendent or designee shall develop protocols to ensure that students are appropriately placed in mathematics courses and are not unnecessarily required to repeat a course that they have successfully completed in an earlier grade level.

(cf. 6152.1 - Placement in Mathematics Courses)

45. AR 6158 - Independent Study

In section "Course-Based Independent Study," revise item #1 to reflect repeal of 20 USC 6319 pursuant to the Every Student Succeeds Act (P.L. 114-95), as follows:

1. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential, ~~meet the requirements for highly qualified teachers pursuant to 20 USC 6301,~~ and are employed by the district or by another district, charter school, or county office of education with which the district has a memorandum of understanding to provide the instruction.

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

46. AR 6162.51 - State Academic Achievement Tests

(AR revised)

Regulation updated to reflect **NEW TITLE 5 REGULATIONS** (Register 2015, No. 48) which establish a July 1 deadline for designating a district test coordinator, address the qualifications of "test administrators" who administer California Assessment of Student Performance and Progress (CAASPP) achievement tests and test examiners who administer California Alternate Assessments (CAA) for students with significant cognitive disabilities, prohibit a student's sibling from serving as his/her translator or scribe during test administration, establish testing windows for the CAA and for schools on year-round tracks, and amend the testing variations that may be used during CAASPP administration.

47. BP 6164.2 - Guidance/Counseling Services

(BP revised)

Policy updated to reflect **NEW LAW** (SB 451, 2015) which expresses legislative intent regarding the responsibilities of school counselors, specifies required and optional components to be included in a comprehensive counseling program if the district chooses to offer such a program, and requires that certain strategies be included in professional development related to career and vocational counseling. Policy also clarifies options regarding access to students by college and employment recruiters, including military recruiters.

48. AR 6171 - Title I Programs

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)~~

49. BP/AR 6173 - Education for Homeless Children

(BP/AR revised)

Updated policy reflects **NEW LAW** (AB 104) which adds homeless students as a "numerically significant student subgroup" whose needs must be addressed in the district's local control and accountability plan and adds material on program evaluation. Section on "Transportation" moved to AR. Regulation revises the definition of "school of origin" to reflect **NEW LAW** (SB 445) and revises the definition of "best interest" for consistency with policy on foster youth. Regulation reflects requirements of SB 445 to immediately enroll homeless students, allow a homeless student to remain in the school of origin or matriculate to a feeder school even if the student is no longer homeless, and provide transportation to a formerly homeless student whose individualized education program indicates that transportation is a necessary related service. Section on "Applicability of Graduation Requirements" revised to reflect **NEW LAW** (SB 172) which suspends through the 2017-18 school year the requirement to pass the high school exit exam and **NEW LAW** (AB 1166) which provides that a homeless student who transfers between schools or into the district after the second year of high school must be exempted from local graduation requirements under certain conditions even after he/she ceases to be homeless and even if the district fails to provide the required notification.

50. AR 6173.2 - Education of Children of Military Families

In section on "Enrollment," add new paragraph at the end of section to reflect Education Code 48301, as amended by AB 306 (Ch. 771, Statutes of 2015), as follows:

A child of an active military duty parent/guardian shall not be prohibited from transferring out of the district to any district that has declared itself to be a "school district of choice" pursuant to Education Code 48300-48316, if the other school district approves the application for transfer. (Education Code 48301)

51. AR 6173.1 - Education for Foster Youth

(AR revised)

Regulation updated to reflect **NEW LAW** (AB 854) establishing the Foster Youth Services Coordinating Program to facilitate ongoing collaboration among local educational agencies, county child welfare agencies, and county probation departments. Section on "Applicability of Graduation Requirements" revised to reflect **NEW LAW** (SB 172) which suspends through the 2017-18 school year the requirement to pass the high school exit exam and **NEW LAW** (AB 1166) which provides that a foster youth who transfers between schools or into the district after the second year of high school must be exempted from local graduation requirements under certain conditions even after he/she ceases to be a foster youth and even if the district fails to provide the required notification. New section on "Notification and Complaints" reflects **NEW LAW** (AB 379) which provides that complaints of noncompliance with specified laws regarding the education of foster youth may be filed using uniform complaint procedures.

52. BP 6177 - Summer Learning Programs

In section "Summer School," delete item #2 to reflect the suspension of the high school exit examination through the 2017-18 school year pursuant to Education Code 60851.5, as added by SB 172 (Ch. 572, Statutes of 2015), as follows. Renumber remaining items in list.

2. ~~Have not made sufficient progress toward passing the state exit examination required for high school graduation~~

53. BP 6179 - Supplemental Instruction

(BP revised)

Policy updated to delete material requiring supplemental instruction to be provided to students in grades 7-12 who do not demonstrate sufficient progress toward passing the high school exit exam, as the exit exam is suspended through the 2017-18 school year pursuant to **NEW LAW** (SB 172). Policy also revised to clarify that the provision of supplemental instruction to students in grades 2-6 who are "at risk" of retention is optional. List of optional instruction consolidated and revised to add item #3 regarding instruction to high school students who need support to successfully complete courses required for graduation.

54. AR 7111 - Evaluating Existing Buildings

In last paragraph of section on "Structural Safety," delete last sentence reflecting authority that expired September 30, 2015, and delete legal cite to Education Code 17292, as follows:

A relocatable school building or structure shall meet the requirements of Education Code 17280-17317 and 17365-17374 pertaining to structural safety. ~~However, a relocatable building that does not meet the requirements of Education Code 17280 may be used as a school building until September 30, 2015, if all the conditions specified in Education Code 17292 are met and the Board so certifies to the Department of General Services. (Education Code 17291, 17292)~~

55. BB 9222 - Resignation

(BB revised)

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

56. BB/E 9270 - Conflict of Interest

(BB/E revised)

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.

57. BB 9321 - Closed Session Purposes and Agendas

(BB revised)

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.

58. E(1) 9323.2 - Actions by the Board

In section "Actions Requiring a Four-Fifths Vote of the Board," add new item #5 as follows:

- 5. Resolution to award a contract for a public works project at \$187,500 or less to the lowest responsible bidder, when the district is using the informal process authorized under the Uniform Public Construction Cost Accounting Act for projects of \$175,000 or less, all bids received are in excess of \$175,000, and the Board determines that the district's cost estimate was reasonable (Public Contract Code 22034)**

59. BP 5030 – Student Wellness

(BP revised)

In section Nutrition Education and Physical Activity Goals” added suggested language by Safe Routes to School.