

# **POLICY GUIDE SHEET October December 2016**

## **Page 1 of 6**

Note: Descriptions below identify revisions made in CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts should review the sample materials and modify their own policies accordingly.

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

(BP revised)

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

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

(BP revised)

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

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

(AR revised)

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

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

(BP/AR revised)

Policy and regulation updated to move some material into new BP/AR 3311.1 - Uniform Public Construction Cost Accounting Procedures, AR 3311.2 - Lease-Leaseback Contracts, AR 3311.3 - Design-Build Contracts, and AR 3311.4 - Procurement of Technological Equipment. Regulation also revises section on "Award of Contract" to expand the exceptions to awarding contracts based on lowest responsible bidder to include lease-leaseback contracts, which are based on "best value" as defined.

## **POLICY GUIDE SHEET October December 2016**

### **Page 2 of 6**

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

(BP/AR added)

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

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

(AR added)

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

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

(AR added)

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

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

(AR added)

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

#### **9. BP 3470 - Debt Issuance and Management**

(BP added)

New policy reflects **NEW LAW** (SB 1029, 2016) which mandates that boards adopt a debt management policy prior to issuing any debt, including, but not limited to, general obligation bonds, tax and revenue anticipation notes, and certificates of participation. Policy addresses the components mandated by law, including (1) the purposes for which the debt proceeds may be used; (2) the types of debt that may be issued; (3) the relationship of the debt to, and integration with, the district's capital improvement program or budget, if applicable; (4) policy goals related to the district's planning goals and objectives; and (5) internal control procedures to ensure that the proceeds of the proposed debt issuance will be directed to the intended use.

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

(AR revised)

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

## **POLICY GUIDE SHEET October December 2016**

### **Page 3 of 6**

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

(BP/AR revised)

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

#### **12. BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment**

(BP/AR revised)

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.

#### **13. BP 4151/4251/4351 - Employee Compensation**

(BP revised)

Policy updated to add new section on "Overtime Compensation" and to reflect **NEW FEDERAL REGULATIONS** (81 Fed. Reg. 32391) which adjust the salary level at which employees become eligible to receive overtime pay. Policy also revised to reflect the requirement to classify nonadministrative, nonsupervisory certificated employees on the salary schedule based on years of training and experience, the prohibition against paying certificated employees different salaries solely on the basis of the grade levels they teach, the board's authority to determine the frequency and schedule of salary payments for employees who work less than 12 months per year, and the requirement to post a notice of federal minimum wage provisions.

#### **14. AR 4157.1/4257.1/4357.1 - Work-Related Injuries**

(BP deleted; AR added)

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.

#### **15. BP 5030 - Student Wellness**

(BP revised)

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.

## **POLICY GUIDE SHEET October December 2016**

### **Page 4 of 6**

#### **16. AR 5111.1 - District Residency**

(AR revised)

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.

#### **17. BP 5116.2 - Involuntary Student Transfers**

(BP added)

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.

#### **18. AR 5125.3 - Challenging Student Records**

(AR revised)

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.

#### **19. BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions**

(BP/AR revised)

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).

#### **20. AR 5148 - Child Care and Development**

(AR revised)

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.

#### **21. AR 5148.3 - Preschool/Early Childhood Education**

(AR revised)

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.

**POLICY GUIDE SHEET October December 2016**  
**Page 5 of 6**

**22. BP 6142.4 - Service Learning/Community Service Classes**

(BP revised)

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.

**23. BP 6142.94 - History-Social Science Instruction**

(BP revised)

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.

**24. AR 6143 - Courses of Study**

(AR revised)

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.

**25. BP/AR 6154 - Homework/Makeup Work**

(BP revised; AR deleted)

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, 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.

**26. BP/AR 6164.6 - Identification and Education Under Section 504**

(BP/AR revised)

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.

## **POLICY GUIDE SHEET October December 2016**

### **Page 6 of 6**

#### **27. BP/AR/E 6173 - Education for Homeless Children**

(BP/AR/E revised)

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.

#### **28. AR 6173.3 - Education for Juvenile Court School Students**

(AR added)

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.

#### **29. BP/AR 6185 - Community Day School**

(BP/AR revised)

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.

#### **30. BB 9240 - Board Training**

(BB revised)

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.

#### **31. BB 9323 - Meeting Conduct**

(BB revised)

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.

#### **32. E 9323.2 - Actions by the Board**

(E revised) 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.