

**MARCH 2016 UPDATES - GUIDESHEET**  
**BOARD MEMBERS FIRST READ: AUGUST 10, 2016**  
**BOARD ADOPTION: SEPTEMBER 14, 2016**

**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.

**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.

**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

**March Updates**

**First Read: August 10, 2016**

**Adopt: September 14, 2016**

**Page 2**

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.

**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.

**AR 4261.1**

**Personal Illness/Injury Leave**

(AR revised) 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.

**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

**March Updates**

**First Read: August 10, 2016**

**Adopt: September 14, 2016**

**Page 3**

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.

**BP/AR 6142.7/6242.7**

**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.

**BP 6152**

**Class Assignment**

(BP revised) Policy updated to reflect NEW LAW (AB 1012, 2015) which prohibits, unless certain conditions are satisfied, the assignment of a student in grades 9-12 to (1) any course period "without educational content" for more than one week in any semester or (2) any course that he/she previously completed with a grade determined by the district to satisfy minimum requirements for high school graduation and admission to California postsecondary institutions. Policy also calls for the use of multiple objective academic measures when assigning students to appropriate courses and classes, consistent with NEW

LAW (SB 359, 2015) mandating policy on placement in mathematic courses.

**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.

**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.

**APRIL 2016 UPDATES - GUIDESHEET**  
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**BOARD ADOPTION: SEPTEMBER 14, 2016**

**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.

**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.

**MAY 2016 UPDATES - GUIDESHEET**  
**BOARD MEMBERS FIRST READ: AUGUST 10, 2016**  
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**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).

**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.

**BP/AR 3311**

**Bids**

(BP/AR revised) Policy and regulation updated to include

**May Updates**  
**First Read: August 10, 2016**  
**Adopt: September 14, 2016**  
**Page 2**

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).

**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.

**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.

**BP/AR/E 4112.24 DELETE**

**Teacher Qualifications Under the No Child Left Behind Act**

(BP/AR/E - 4112.24 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.

**E 5145.6**

**Parental Notifications**

(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.

**BP/AR 6200**

**Adult Education**

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



**May Updates**

**First Read: August 10, 2016**

**Adopt: September 14, 2016**

**Page 4**

**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.

**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.

**JUNE 2016 UPDATES - GUIDESHEET**  
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**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.