

## **CSBA POLICY GUIDE SHEET**

### **December 2020**

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

#### **Administrative Regulation 0430 - Comprehensive Local Plan for Special Education**

Regulation updated to reflect **NEW LAW (SB 98, 2020)** which extends, from July 1, 2021 to July 1, 2023, the date by which the Special Education Local Plan Area (SELPA) must include in its local plan an annual assurances support plan demonstrating how the SELPA and its participating agencies are coordinating to assure effective outcomes for students with disabilities.

#### **Board Policy 1312.3 - Uniform Complaint Procedures**

Policy updated to reflect the relationship between the state uniform complaint procedures (UCP) and **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** regarding Title IX complaints of sexual harassment. Policy also reflects **NEW STATE REGULATIONS (Register 2020, No. 21)** which limit the applicability of the UCP for complaints regarding special education and child nutrition programs, add procedures for addressing complaints regarding health and safety deficiencies in license-exempt California State Preschool Programs (CSPP), and delete the referral of complaints of fraud to the California Department of Education (CDE). The list of programs subject to the UCP revised and reorganized to more directly reflect CDE's 2020-21 Federal Program Monitoring (FPM) instrument.

#### **Administrative Regulation 1312.3 - Uniform Complaint Procedures**

Regulation updated to provide optional language stating that the compliance officer for purposes of the UCP will be the same person designated to serve as the Title IX Coordinator for addressing complaints of sexual harassment. Section on "Notifications" reflects CDE's 2020-21 FPM instrument which requires additional content for the annual notification to students, parents/guardians, employees, and others. Regulation also updated to reflect **NEW STATE REGULATIONS (Register 2020, No. 21)** which (1) clarify that for complaints related to the local control and accountability plan (LCAP) the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP, (2) designate the final written decision as the "investigation report" and specifies required components for that report, (3) change the timeline for filing an appeal to CDE from 15 calendar days to 30 calendar days, (4) expand the basis upon which an appeal may be filed, (5) require the district to submit specified documents to CDE within 10 days after the district has been notified that an appeal has been filed, (6) require the district to investigate and address any allegations that CDE determines were not addressed in the district's investigation, (7) require CDE to issue a written decision regarding an appeal within 60 days of CDE's receipt of the appeal unless extended by written agreement or documentation by CDE of exceptional circumstances, and (8) authorize either party to request reconsideration by the Superintendent of Public Instruction or designee within 30 days of the appeal decision. Section on "Health and Safety Complaints for License-Exempt Preschool Programs" reflects a requirement of new state regulations to include in the annual UCP notification a list of which district programs are licensed or exempt from licensing.

#### **Board Policy 4119.25/4219.25/4319.25 - Political Activities of Employees**

Policy updated to recognize the importance of employee political activity, voting, and civic engagement, and reflect Pickering v. Board of Education Township High School District regarding the prohibition against dismissing or demoting an employee due to engagement in constitutionally protected political activity.

#### **Administrative Regulation 4119.25/4219.25/4319.25 - Political Activities of Employees**

Regulation updated to reflect law which makes it a misdemeanor to use any reproduction of the district's seal in any campaign literature or mass mailing with the intent to deceive voters, the prohibition against posting or distributing political campaign materials in classrooms or through distance learning platforms, and the court's decision in San Leandro Teachers Association v. Governing Board of San Leandro Unified School District regarding the district's ability to refuse to permit the use of school mailboxes for union

communications involving candidate endorsements. Regulation also updated to delete material regarding employee organization communications which do not constitute political activity, now addressed in 4140/4240/4340 - Bargaining Units, and to delete material regarding employee activities during a concerted action or work stoppage.

#### **Board Policy 4140/4240/4340 - Bargaining Units**

Policy updated to reflect Public Employment Relations Board decisions regarding the wearing of union buttons, clarify material regarding employees in management, senior management, and confidential positions, divide material regarding "Access to Employee Orientations" and "Access to Employee Contact Information," and add section on "Communications with Employees" with material formerly in AR 4119.25/4219.25/4319.25 - Political Activities of Employees.

#### **Board Policy 5113.2 - Work Permits**

Policy updated to reflect **NEW LAW (AB 908, 2020)** which prohibits consideration of grades, grade point average, or school attendance in the event of an extended campus closure due to a natural disaster, pandemic, or other emergency.

#### **Administrative Regulation 5113.2 - Work Permits**

Regulation updated to reflect **NEW LAW (AB 908, 2020)** which prohibits consideration of grades, grade point average, or school attendance in the event of an extended campus closure due to a natural disaster, pandemic, or other emergency and provides flexibility in the work permit application process during such a closure. Regulation also updated to clarify that (1) students who have graduated early from high school or have received a certificate of proficiency need a "certificate of age" rather than a work permit to be employed; (2) a work permit is not required for students who are serving with written parent/guardian permission as unpaid trainees, volunteers, or in an in-school placement, nor for students who are employed in agricultural, horticultural, viticultural, or domestic labor during non-school hours when the work is performed for or under the control of the parent/guardian; (3) a student applying for a full-time work permit needs to appear in person with the student's parent/guardian except during an extended school closure; (4) a work permit shall not be denied based on a student's grades, grade point average, or school attendance when a student will be participating in a government-administered employment and training program that will occur during a school vacation or recess; (5) work permits are required to be issued on forms provided by or authorized by CDE; and (6) impairment of a student's health can be the basis for revocation of a work permit.

#### **Board Policy 5126 - Awards for Achievement**

Policy updated to add optional language for the presentation of biliteracy awards to students who are English learners upon their reclassification as fluent English proficient. New optional section on "State Seal of Civic Engagement" addresses awards for students who have demonstrated excellence in civics education and participation and an understanding of the U.S. Constitution, the California Constitution, and the democratic system of government. Policy also clarifies that a district committee established by the board to administer a scholarship and loan fund is subject to the open meeting requirements of the Brown Act.

#### **Administrative Regulation 5126 - Awards for Achievement**

Regulation updated to add eligibility criteria for the Golden State Seal Merit Diploma which had been removed while the criteria were in flux. Regulation also adds eligibility criteria for the State Seal of Biliteracy and reflects **NEW LAW (SB 98, 2020)** which authorizes the Superintendent of Public Instruction to provide alternative criteria for students on track to graduate in 2020 or 2021 who were not able to take the English Language Proficiency Assessments for California or who did not receive a letter grade in English language arts due to COVID-19, and waives the requirement to take the California Assessment of Student Performance and Progress for students who were not able to take the exam. New section on "State Seal of Civic Engagement" includes eligibility criteria, clarifies that the state criteria establish a framework for the development of qualifications based on local contexts, and adds material regarding the provision of insignias.

#### **Board Policy 5141.31 - Immunizations**

Policy updated to reflect **NEW LAWS (SB 276, 2019 and SB 714, 2019)** which specify conditions under which a medical exemption is effective. Policy also deletes outdated date regarding immunization requirements for enrollment or advancement to grade 7.

**Administrative Regulation 5141.31 - Immunizations**

Regulation updated to delete outdated material regarding immunization requirements for enrollment or advancement to grade 7, and to add material regarding immunization records and the California Immunization Registry (CAIR). Regulation also updated to reflect **NEW LAWS (SB 276, 2019 and SB 714, 2019)** addressing medical exemptions, including provisions that (1) medical exemption requests must be made by a licensed physician or surgeon on an electronic, standardized, statewide form developed by the California Department of Public Health (CDPH) and transmitted using CAIR; (2) a student who has a medical exemption issued prior to January 1, 2020 must be allowed to continue enrollment until the next grade span, except that after July 1, 2021 a student may not be admitted or advanced to grade 7 unless the student has been immunized as required or a medical exemption form has been filed; (3) temporary exemptions cannot exceed one year and all medical exemptions cannot extend beyond the grade span; (4) medical exemptions may be revoked by CDPH if it is determined that the exemption does not meet applicable criteria; (5) a parent/guardian may appeal the revocation of a student's medical exemption to the Secretary of California Health and Human Services; and (6) districts must annually file the written report on the immunization status of new students to CDPH and the local department of public health.

**Board Policy 5148.3 - Preschool/Early Childhood Education**

Policy updated to reflect **NEW STATE REGULATIONS (Register 2020, No. 21)** which establish modifications to the UCP for investigating and resolving complaints alleging violation of applicable health or safety requirements for license-exempt programs operating under the CSPP.

**Administrative Regulation 5148.3 - Preschool/Early Childhood Education**

Regulation updated to clarify that families need to meet at least one of two specified criteria to be eligible for subsidized services. Regulation also reflects **NEW LAW (SB 75, 2019)** which authorizes eligibility for a full-day CSPP without meeting the requirements related to the need for child care services if all families meeting those requirements have been enrolled and establishes enrollment priorities for schools where at least 80 percent of students are eligible for free or reduced-price meals.

**Board Policy 6146.1 - High School Graduation Requirements**

Policy updated to change "foreign language" to "world language" to reflect current terminology in law, add material regarding the provision of credits towards community service hours for completion of a course in community emergency response training, and reflect **NEW LAW (AB 1350, 2020)** which authorizes districts to award a retroactive diploma to students who were in good standing and on track to graduate at the end of the 2019-20 school year but were unable to complete the statewide graduation requirements due to COVID-19.

**Board Policy 6146.2 - Certificate of Proficiency/High School Equivalency**

Policy updated to clarify the distinction between a certificate of proficiency and a high school equivalency certificate. Policy also reflects that there is a fee for these tests which is waived for homeless or foster youth under 25 years of age who meet all other registration requirements and submit certification of homeless or foster youth status.

**Administrative Regulation 6146.2 - Certificate of Proficiency/High School Equivalency**

Regulation updated to reflect **NEW LAW (SB 820, 2020)** which requires CDE to schedule testing dates at least once in the fall semester and once in the spring semester, add the requirement that districts develop a consent form that may be used by persons receiving a certificate of proficiency to be exempted from compulsory school attendance, and reflect the two tests currently approved by the State Board of Education for the purpose of attaining a California High School Equivalency Certificate (the General Educational Development test and the High School Equivalency Test).

**NEW - Exhibit 6146.2 - Certificate of Proficiency/High School Equivalency**

New exhibit presents a sample consent form to be used by students who receive a certificate of proficiency, and their parents/guardians if the student is under 18 years of age, for the purpose of requesting an exemption from compulsory school attendance for the student.

**Board Policy 6170.1 - Transitional Kindergarten**

Policy updated to clarify that it is only districts with an extended day kindergarten program that are authorized to maintain transitional kindergarten (TK) and kindergarten programs for different lengths of time either at the same or different school sites and reflect **NEW LAW (SB 98, 2020)** which extends, until August 1, 2021, the requirement for credentialed teachers who are first assigned to a TK class to meet additional qualifications.

**Board Bylaw 9012 - Board Member Electronic Communications**

Bylaw updated to clarify that electronic communications should not be used as a means to restrict access to a public forum, that meeting locations include teleconference locations, and that the prohibition against serial meetings includes a series of communications directly or through intermediaries. Bylaw reflects **NEW LAW (AB 992, 2020)** which authorizes board members to engage in separate conversations or communications on social media platforms that are open and accessible to the public as long as a majority of the board does not use the platform to discuss among themselves business within the subject matter jurisdiction of the board, board members do not respond directly to any communication from other board members, and board members do not comment on or use digital icons to express reactions to communications made by other board members. Bylaw also references court decisions which clarify that a public official's social media account which includes discussion of public business may be considered a public forum from which the official cannot exclude access or comments by members of the public based on viewpoint.

**Board Bylaw 9320 - Meetings and Notices**

Bylaw updated to clarify that meeting locations include teleconference locations and reflect **NEW LAW (AB 992, 2020)** which authorizes board members to engage in separate conversations or communications on social media platforms that are open and accessible to the public as long as a majority of the board does not use the platform to discuss among themselves business within the subject matter jurisdiction of the board, board members do not respond directly to any communication from other board members, and board members do not comment on or use digital icons to express reactions to communications made by other board members. Bylaw also updated to clarify the vote requirements for holding a closed session during an emergency meeting and for adjourning or continuing a board meeting to a later time or location.