

CSBA POLICY GUIDE SHEET

June 2021

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 1312.3 - Uniform Complaint Procedures

Regulation updated to correct the timeline in the "Notifications" section for submitting appeals to the California Department of Education (CDE), as specified in state regulations. Section on "Investigation of Complaint" revised to clarify that state regulations regarding the consequences of a respondent's failure to cooperate in an investigation only apply when the respondent is the district. Additional revisions, including expansion of the section "Health and Safety Complaints in License-Exempt Preschool Programs," made to more directly reflect the standards in CDE's Federal Program Monitoring instrument.

NEW - Board Policy 1313 - Civility

New policy addresses the importance of civility to the effective operation of the district, including its role in creating a positive school climate and enabling a focus on student well-being, learning, and achievement. Policy includes First Amendment free speech considerations, behavior that constitutes civil behavior, practices that promote civil behavior, and authorization to educate or provide information to students, staff, parents/guardians, and community members to assist in the recognition, development, and demonstration of civil behavior. Policy also includes material regarding behavior that is disruptive, hinders the orderly conduct of district operations or programs, or creates an unsafe learning or working environment, as well as the prohibition of, and consequences for, behavior which is discriminatory, harassing, or intimidating, including sexual harassment, bullying, and/or hate violence.

Board Policy 3511.1 - Integrated Waste Management

Policy updated to reflect current legal requirements for recycling waste which are based on specified thresholds of waste generation and are detailed in the accompanying administrative regulation, add district goal to develop strategies for recycling organic waste, and more directly link waste management to education goals.

Administrative Regulation 3511.1 - Integrated Waste Management

Regulation updated to add new section on "Recycling" which contains (1) material formerly in item #2 above, (2) new material reflecting a determination by the California Department of Resources Recycling and Recovery (CalRecycle) regarding the level of statewide disposal of organic waste which triggered a requirement for any facility generating two or more cubic yards of solid waste per week to meet specified requirements pertaining to the recycling of organic waste, and (3) new material reflecting legal requirements to provide recycling bins or containers in a facility that generates four or more cubic yards of solid waste or two or more cubic yards of organic waste per week.

NEW - Board Policy 3515.31 - School Resource Officers

New policy is for use by districts that choose to employ school resource officers (SROs) or enter into an agreement with local law enforcement for the purpose of providing SROs on school campuses and/or school activities. Policy reflects **NEW LAW (SB 98, 2020)** which encourages districts to redirect resources currently allocated to contracts with local law enforcement into student support services. If the district decides to contract for SROs, the policy advises districts to enter into a memorandum of understanding (MOU) which clearly defines roles, responsibilities, and expectations for the district, school site, law enforcement agency, and individual officers. Policy includes recommended components of the MOU, reflects a requirement for SROs to use de-escalation techniques to mitigate the use of force in accordance with policy adopted by the law enforcement agency, clarifies that SROs should not handle routine disciplinary matters, requires SROs to complete specialized training, and calls for periodic evaluation of

disaggregated data on student interactions with SROs to ensure compliance with nondiscrimination provisions of district policy and/or the MOU.

Board Policy 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers

Policy updated to clarify the obligation of drivers to submit to drug and alcohol testing as required under federal law. Section on "Consequences Based on Test Results" updated to (1) add the agency responsible for reviewing and approving district requests to temporarily remove a driver from safety-sensitive functions before drug test results are verified by a certified medical review officer and (2) describe consequences that will be imposed on drivers based on findings of specific concentrations of alcohol. Policy also clarifies the requirement to ensure that a driver who is offered an opportunity to return to work following a violation first receive an evaluation by a qualified substance abuse professional and successfully comply with the evaluation recommendations.

Administrative Regulation 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers

Regulation updated to clarify that marijuana remains an illegal drug under the federal Controlled Substances Act and use of it by a driver remains a violation of federal drug testing regulations. Definition of "alcohol concentration" revised to delete information regarding consequences for drivers based on specific alcohol concentrations, now addressed in the BP. Regulation also expands the responsibilities of the designated employer representative pursuant to federal regulations, clarifies requirements pertaining to pre-employment testing including the requirement to conduct a pre-employment query using the Commercial Driver's License Drug and Alcohol Clearinghouse, and reflects additional requirements related to post-accident testing. New section reflects federal regulations which require districts to report any violation of federal drug and alcohol regulations to the Clearinghouse and conduct inquiries of the Clearinghouse's online database for all drivers employed by the district on an annual basis and before hiring any driver.

Board Policy 4141/4241 - Collective Bargaining Agreement

Revised policy reflects court decision holding that a provision in a collective bargaining agreement that directly conflicts with the Education Code cannot be enforced. Policy also adds language clarifying that, whenever a law conflicts with a provision in the collective bargaining agreement, the law will prevail.

Board Policy 4158/4258/4358 - Employee Security

Policy updated to reflect law authorizing a district to petition, on behalf of an employee, for a gun violence restraining order prohibiting a person from owning, purchasing, possessing, or receiving a firearm. Policy also reflects law requiring a district to provide reasonable accommodations, upon request, to an employee who is a victim of domestic violence, sexual assault, or stalking. Policy adds a requirement of law to inform administrators and counselors, along with teachers, regarding certain crimes and offenses committed by students.

Administrative Regulation 4158/4258/4358 - Employee Security

Regulation updated to more directly reflect law requiring a report to law enforcement of any attack, assault, or physical threat made against an employee by a student. Material in section on "Notice Regarding Student Offenses" reorganized to clarify the required notifications that must be made to staff pertaining to (1) student offenses that are grounds for suspension or expulsion and (2) any report received from a court that a student has been found to have committed a felony or misdemeanor involving specified offenses. In that section, paragraph on notifications that may be provided by a district police or security department deleted and moved into Note since its applicability is limited. New section on "Accommodations for Victims of Domestic Violence, Sexual Assault, or Stalking" reflects law requiring a district to provide reasonable accommodations, including, but not limited to, safety procedures or adjustments to a job structure, workplace facility, or work requirement, upon the request of an employee who is a victim of domestic violence, sexual assault, or stalking.

Board Policy 5141.4 - Child Abuse Prevention and Reporting

Board policy updated to clarify that districts are not required, but are authorized, to include age-appropriate and culturally sensitive child abuse prevention curriculum in the instructional program, add material regarding displaying posters on campus notifying students of the appropriate telephone number to call to report child abuse or neglect, include the requirement for student identifications cards for students in grades

7-12 to include the National Domestic Hotline telephone number, and clarify that the training regarding duties of mandated reporters be according to law and administrative regulation.

Administrative Regulation 5141.4 - Child Abuse Prevention and Reporting

Regulation updated to reflect **NEW LAW (AB 1145, 2020)** which amends the definition of sexual assault for purposes of mandated reporting to not include voluntary conduct in violation of Penal Code 286, 287, or 289 (sodomy, oral copulation, or sexual penetration) if there are no indicators of abuse unless such conduct is between a person who is 21 years of age or older and a minor who is under 16 years of age. Regulation also adds licensees of licensed child day care facilities to the list of mandated reporters, reflects that the California Department of Justice form is now titled BCIA 8572, clarifies that when a staff member or volunteer aide is selected by a child to be present at an interview where child abuse is being investigated that the principal or designee inform the person of specified requirements prior to the interview, and reflects **NEW STATE REGULATION (Register 2020, No. 21)** which authorizes parents/guardians of special education students to file a complaint with CDE for safety concerns that interfere with the provision of a free appropriate public education pursuant to 5 CCR 3200-3205 rather than through uniform complaint procedures.

Board Policy 5141.52 - Suicide Prevention

Policy updated to expand material regarding stakeholder engagement and best practices for suicide prevention, intervention, and postvention, and for consistency with CDE's Model Youth Suicide Prevention Policy, including an enhanced list of participants for staff development, the importance of resiliency skills to student instruction, the review of materials and resources for alignment with safe and effective messaging, information to be provided to parents/guardians and caregivers, and the establishment of district and/or school site crisis intervention team(s). Policy also updated to clarify that the policy may be reviewed more frequently than the five-year review requirement of law, and that district data pertaining to reports of suicidal ideation, attempts, or death and data that reflect school climate be periodically reviewed to aid in program development.

Administrative Regulation 5141.52 - Suicide Prevention

Regulation updated to expand the section on "Staff Development" by adding to the list of participants for suicide prevention training, topics to be included in such training, and additional professional development for specified groups and to enhance the section on "Instruction" by adding to the list of topics to be taught and authorizing the development and implementation of school activities that raise awareness about mental health wellness and suicide prevention. Regulation also updated to include, for districts that have crisis intervention teams, the contact information for district and/or school site crisis intervention team members, add that school counselors may disclose a student's personal information to report child abuse and neglect as required by law, and include providing comfort to a student who has attempted or threatened to attempt suicide.

Board Policy 5142.2 - Safe Routes to School Program

Policy updated to clarify potential liability issues, recognize that active transportation positively impacts student achievement, add material regarding equitable access and opportunity to participate in the district's safe routes to school program, and update information about state and federal grant programs.

Administrative Regulation 5142.2 - Safe Routes to School Program

Regulation updated to reflect current strategies recommended by the U.S. Department of Transportation's Federal Highway Administration and National Center for Safe Routes to School to improve student safety along routes to school and to promote walking, bicycling, and forms of active transport to school. Regulation adds that active transportation positively impacts student achievement; clarifies that offering driver safety information to high school students, parents/guardians, and the community promotes safety around school campuses and routes; and adds strategies related to emerging technologies that aid in the prevention and mitigation of accidents, emergency response in managing injuries after an accident occurs, and equity, such that resources are distributed in a manner that provides safe access and participation in an equitable manner.

Board Policy 5145.12 - Search and Seizure

Policy updated to reflect court decision upholding a school policy that called for limited searches without individualized suspicion if students left campus and returned in the middle of the day. Policy also updated to reflect law which places restrictions on searches of electronic devices such as cellular phones, court decision regarding searches of lockers without individualized suspicion, and court decision upholding policy of random weapons screening with a handheld metal detector.

Board Policy 5145.9 - Hate-Motivated Behavior

Policy updated to bolster the governing board's commitment to providing a respectful, inclusive, and safe learning environment, including adding a definition of hate-motivated behavior which incorporates a list of characteristics which may motivate prohibited behavior, reflecting the importance of celebrating diversity, enhancing the list of topics for student instruction and staff development, adding material regarding regularly occurring staff training, and including student and staff discipline for engaging in hate-motivated behavior. Policy also updated to include the requirement to post the policy in a prominent location on the district's web site and add that, in addition to other staff listed, complaints may be reported to the district's compliance officer.

Board Policy 5148 - Child Care and Development

Policy updated to reflect **NEW LAW (SB 98, 2020)** which transfers responsibility for state administration of child care and development programs from CDE to the California Department of Social Services (CDSS) effective July 1, 2021. Information about the Child Care Facilities Revolving Fund deleted as the fund is no longer operative. Policy also reflects **NEW STATE REGULATIONS (Register 2020, No. 21)** which retain the requirement to refer health and safety complaints regarding licensed child care and development programs to CDSS but eliminate the requirement that complaints regarding a license-exempt facility be referred to a Child Development regional administrator.

Administrative Regulation 5148 - Child Care and Development

Regulation updated to reflect **NEW LAW (SB 98, 2020)** which transfers responsibility for state administration of child care and development programs from CDE to CDSS effective July 1, 2021. Regulation also contains information about the delay, due to COVID-19, of CDSS' adoption of regulations implementing a new, single license for infant, toddler, preschool, and school-age child care programs. References to the Desired Results Developmental Profile made more general to account for possible future changes in program requirements. New section on "Health and Safety" adds requirement for licensed centers to test drinking water for lead contamination between January 1, 2020 and January 1, 2023 if the building was constructed before January 1, 2010, and to notify parents/guardians of the test results. Section on "Health Examination and Immunizations" expanded to reflect the requirement that a child care center may only accept a medical exemption request that is made on an electronic, standardized form developed by the California Department of Public Health.

Board Policy 6142.5 - Environmental Education

Policy updated to reflect law which required that the state-adopted environmental principles and concepts be integrated into content standards, curriculum frameworks, and textbook criteria. Policy also reflects legislative intent that governing boards undertake specified actions to promote instruction in environmental literacy, including by embedding environmental literacy in the local priorities addressed in the district's local control and accountability plan, collaborating with other agencies to enhance the environmental curriculum, providing professional development in environmental literacy, and ensuring equity in the provision of environment-based learning opportunities.

Administrative Regulation 6162.51 - State Academic Achievement Tests

Regulation updates information regarding administration of the California Assessment of Student Performance and Progress, including provisions that: (1) the district may administer the California Science Test (CAST) in any of grades 10-12, (2) the California Alternate Assessments in science should be administered to students with significant cognitive disabilities who are unable to take the CAST with accommodations, and (3) the California Spanish Test is the primary language assessment that is available to be administered to English learners. Regulation also adds optional language regarding the use of Smarter Balanced interim and formative assessments to provide timely feedback regarding students' progress and

assist teachers in continually adjusting instruction to improve learning. Testing windows and testing variations updated to reflect current state regulations, as renumbered.

Board Policy 7211 - Developer Fees

Policy updated to include material formerly in the AR pertaining to responsibilities of the board with respect to levying developer fees, such as conducting a fee justification study, holding a public hearing, and adopting a board resolution. Policy also clarifies the applicability of Government Code 65997, which became operative due to the failure of state bond measure Proposition 13 in March 2020 and gives districts the flexibility to deny or refuse a legislative act involving the planning, use, or development of real property, other than requiring a fee in excess of the fee imposed by law. Policy addresses factors that must be included in the fee justification study based on recent court decision.

Administrative Regulation 7211 - Developer Fees

Regulation revised to delete board responsibilities pertaining to the imposition of developer fees, now addressed in the BP, and to require the superintendent or designee to provide specified information regarding capital facilities accounts to the board as well as the public.