

## CSBA POLICY GUIDE SHEET March 2023

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.

### **Board Policy 0420.4 - Charter School Authorization**

Policy updated to reference that, until January 1, 2025, the Governing Board is prohibited from approving a petition for the establishment of a new charter school offering nonclassroom-based instruction, and provide that a district under state receivership is not in a position to absorb the fiscal impact of a proposed charter school. Policy also updated to reference pending litigation brought by each of CSBA's Education Legal Alliance and Napa Valley Unified School District against the State Board of Education (SBE) regarding SBE's authority to reverse the denial of a charter school petition by making a determination that a board abused its discretion in denying the petition.

### **Board Policy 3555 - Nutrition Program Compliance**

Policy updated to clarify that prohibited discrimination includes alleged discrimination on the basis of race, color, national origin, age, sex, sexual orientation, gender identity, or disability. Policy also updated to reflect United States Department of Agriculture CRD memorandum 01-2022, "Application of *Bostock v. Clayton County* to Program Discrimination Complaint Processing," which clarifies that prohibited sex discrimination includes discrimination on the basis of gender identity and sexual orientation. Policy also updated to include that complaints against a program operator that is not an educational agency shall be filed with or referred to the California Department of Education.

### **Board Policy 4030 - Nondiscrimination in Employment**

Policy updated to reflect **NEW LAW (SB 523, 2022)** which adds reproductive health decisionmaking as a form of prohibited discrimination, and prohibits an employer from requiring an applicant or employee to disclose information relating to an employee's reproductive health decisionmaking.

### **Board Policy 4218 - Dismissal/Suspension/Disciplinary Action**

Policy updated to reflect **NEW LAW (AB 2413, 2022)** which prohibits a district from suspending, demoting, or dismissing a permanent classified employee who timely requests a hearing pending the outcome of that hearing.

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

Policy updated to reflect **NEW LAW (SB 532, 2022)** which expands and strengthens the exemptions from graduation requirements for highly mobile student populations, and includes a requirement for districts to annually report to the California Department of Education regarding the number of students who, for the prior school year, graduated with an exemption from district-established graduation requirements, as specified.

### **Board Policy 6173 - Education for Homeless Children**

Policy updated to reflect **NEW LAW (AB 408, 2022)** which (1) **mandates** that districts establish homeless education program policies and update those policies at least once every three years, and (2) requires the liaison for homeless students to offer annual training to district employees providing services to students experiencing homelessness and to inform such employees of the availability of training and the services provided by the liaison. Policy also updated to reflect **NEW LAW (AB 2375, 2022)** which requires districts, regardless of whether they received American Rescue Plan Act of 2021 funds, to annually administer a housing questionnaire for the purpose of identifying students experiencing homelessness, including unaccompanied minors, and annually report that number of students to the California Department of Education (CDE). Additionally, policy updated to reflect **NEW LAW (SB 532, 2022)** which requires districts to annually report to CDE the number of students experiencing homelessness who graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements. Policy updated throughout to change language from "homeless student" to "student experiencing homelessness."

**Board Policy 6173.1 - Education for Foster Youth**

Policy updated to move material regarding a safe learning environment toward the beginning of the policy as it is philosophical in nature and has general implications, and reflect **NEW LAW (SB 532, 2022)** which requires districts to annually report to the California Department of Education regarding the number of foster youth who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements.

**Board Policy 6177 - Summer Learning Programs**

Policy updated to clarify that summer learning programs are part of the Expanded Learning Opportunities (ELO) Program and to reflect the requirements of the ELO programs to offer access to specified students, as provided in **NEW LAW (AB 181 and 185, 2022)**. Policy also updated to reference **NEW GUIDANCE** from the California Department of Education which clarifies that districts are prohibited from charging fees for summer school.

**Board Bylaw 9270 - Conflict of Interest**

Bylaw updated to reflect **NEW LAW (SB 1439, 2022)** which makes applicable to elected district officers the prohibition against accepting, soliciting, or directing a contribution of more than \$250 from any party or participant to a proceeding involving a license, permit, or other entitlement for use, including a contract, or from that person's agent, while the proceeding is pending before the Board and for 12 months following the date a final decision is rendered in the proceeding, and from participating in making, or in any way attempting to use the official position to influence the Board's decision when a district officer received a contribution of more than \$250 from a party or participant in the preceding 12 months, as specified. Bylaw also updated to clarify, for a Board member who manages public investments, that when an item on the consent calendar is one in which the Board member has a financial interest, the Board member is required to either make a motion to remove the item from the consent calendar or abstain from voting on the consent calendar.

**Board Bylaw 9320 - Meetings and Notices**

Bylaw updated to reflect **NEW LAW (AB 2449, 2022)** which (1) requires Boards to maintain and implement a procedure for receiving and resolving requests for reasonable accommodation for individuals with disabilities, to resolve any doubt in favor of accessibility, and to give notice of the procedure for receiving and resolving requests for accommodation in each instance in which notice of the time of a meeting is otherwise given or the agenda is otherwise posted, and (2) adds procedures for "Teleconferencing During a Personal Emergency" and "Teleconferencing for 'Just Cause'". Bylaw also updated to reflect **NEW LAW (AB 2647, 2022)** which provides a procedure for complying with the Brown Act when distributing materials to the Board less than 72 hours before a regular meeting and outside of regular business hours. Additionally, bylaw updated to reference the expiration of the California COVID-19 State of Emergency on February 28, 2023 and to clarify that a Board may utilize "Teleconferencing During a Proclaimed State of Emergency," if all terms are met pursuant to Government Code 54953, until January 1, 2024.