

POLICY GUIDESHEET

July 2012

Page 1 of 3

Note: Descriptions below identify major 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.

BP 3511.1 - Integrated Waste Management

(BP revised)

Updated policy and regulation reflect **NEW LAW (AB 341, 2011)** which requires schools that generate more than four cubic yards of solid waste per week to arrange for recycling services in accordance with law. Policy also references resources available through the California Department of Resources Recycling and Recovery (CalRecycle), links integrated waste management to broader goal of green school operations, and adds language related to program monitoring and evaluation.

BP 4111/4211/4311 - Recruitment and Selection

(BP revised)

Updated policy reflects **NEW COURT DECISION** which found that districts could be vicariously liable for negligence of administrators and supervisors in hiring, training, and supervising. Policy also revised to update board philosophical statement.

BP 4112.9/4212.9/4312.9 - Employee Notifications

(BP added)

New policy contains board philosophical statement regarding the importance of clear communications with staff and the circumstances under which employees will be asked to sign an acknowledgment that they have received notifications. Regulation deleted and replaced with new exhibit listing notifications required by law, categories of employees who must be provided each notification, applicable legal cites, and the board policy and/or administrative regulation that addresses the notification requirement.

BP 4119.1/4219.1/4319.1 - Civil and Legal Rights

(BP revised)

Updated policy reflects **NEW COURT DECISION** which held that supervisors with authority to take personnel actions may be held liable for their acts of retaliation against employees who disclose improper governmental action, and adds statement about the right of an employee to seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against him/her. Policy also revised to reflect law providing that an employee is not protected against liability if his/her misconduct occurred during background investigations or other actions involved in the employee's hiring.

BP 4119.21/4219.21/4319.21 - Professional Standards

(BP revised)

Updated, reorganized policy clarifies expectations for appropriate employee conduct and expands list of prohibited conduct. Material addressing discipline adds the possibility of report to the Commission on Teacher Credentialing (CTC) or referral to law enforcement, and provides that an employee who has knowledge of misconduct but fails to report it also may be subject to discipline.

BP 4119.41/4219.41/4319.41 - Employees with Infectious Disease

(BP revised)

Updated policy adds board philosophical statement, definitions of infectious and communicable infectious disease, legal requirement for job applicants to provide evidence that they are free of communicable disease prior to beginning employment, new material on disease prevention and on addressing communicable disease outbreaks in the district's emergency preparedness plan, and legal requirement to report communicable infectious disease to local health officer. Material re: reasonable accommodation revised for consistency with AR 4032 - Reasonable Accommodation.

POLICY GUIDESHEET

July 2012

Page 2 of 3

BP 4121 - Temporary/Substitute Personnel

(BP added)

New policy contains material formerly in AR that reflects requirements for board action. Policy also reflects (1) **NEW COURT DECISION** which clarifies that the number of temporary teachers cannot exceed the total number of employees on leave at any one time and that a district is not required to grant probationary status to an employee based solely on the fact that he/she served as a temporary employee for more than one year, (2) **NEW COURT DECISION** which held that an employee in a categorically funded program cannot be terminated through procedures applicable to temporary employees if the employee is being terminated before the end of the contract between the district and agency providing categorical funds, and (3) **NEW COURT DECISION** which determined that June 30 is the date by which temporary employees must be notified of the district's decision not to reelect them for the following school year. Section on "Salary and Benefits" updated to reflect **NEW LAW (AB 501, 2011)** which allows all public school employees, including substitute and temporary employees, to be represented by a bargaining unit. Updated regulation reflects **NEW COURT DECISION** which held that temporary athletic team coaches may be an exception to the classification notice requirement because their temporary status is expressly stated in law. Regulation also adds requirement to notify substitute employees about their eligibility for the retirement plan and reflects restrictions in the assignment of persons holding emergency substitute teaching permits.

BP 4154/4254/4354 - Health and Welfare Benefits

(BP revised)

Updated policy and regulation delete material related to temporary premium subsidies for COBRA/Cal-COBRA for "assistance eligible individuals" who were involuntarily terminated, as the date for program eligibility has now passed. Policy also reflects the federal Patient Protection and Affordable Care Act which prohibits employers from providing higher benefits to "highly compensated" individuals, as defined. Regulation also reflects legal requirement that an eligible retiree or surviving spouse may be denied the opportunity to enroll for benefits if he/she does not do so within 30 days of losing active coverage, and reflects change of age at which person ceases to be a "dependent child" for purposes of eligibility for COBRA/Cal-COBRA.

BP 5112.3 - Student Leave of Absence

(BP revised)

MANDATED policy updated to clarify authority to grant student leaves of absence and to encourage enrollment in independent study. Regulation updated to more directly reflect law, add legal citations, and clarify the signature requirements for the written agreement.

BP 5117 - Interdistrict Attendance

(BP revised)

Policy and regulation revised to distinguish the requirements of the interdistrict attendance agreement between the boards of two districts and the permit granted to an individual student. Updated policy also adds board role to approve the agreement and staff role to approve individual permits based on the terms of the agreement, and deletes criteria for denial of the permit that are repeated in AR. Section on "Limits on Student Transfer out of the District to a School District of Choice" revised to reflect **NEW COURT DECISION** which defines "for the duration of the program" for purposes of capping outbound transfers. Regulation updated to reflect **NEW LAW (AB 1156, 2011)** which requires that priority for interdistrict attendance agreements be given to students who are victims of an act of bullying, **NEW LAW (AB 1085, 2011)** which gives county boards in larger counties more time to resolve appeals, and legal requirement regarding provisional enrollment pending a decision of the two districts or during the term of appeal.

POLICY GUIDESHEET

July 2012

Page 3 of 3

BP 5131.61 - Drug Testing

(BP revised)

Updated, reorganized policy reflects settlement agreement in a recent case and clarifies the circumstances under which districts may perform random drug testing of students participating in athletics or other extracurricular activities. Policy also adds language re: informing students and parents/guardians of the random drug testing and/or voluntary drug testing program.

BP 5141.33 - Head Lice

(BP revised)

Updated policy reflects **NEW STATE GUIDANCE** from the California Department of Public Health (CDPH) on head lice prevention and control in schools. In accordance with CDPH guidance, policy (1) deletes routine screening by schools and the school's responsibility to check siblings of infected students, (2) adds provision of information to parents/guardians to encourage at-home screening and inspection, (3) allows student found with active head lice to stay in school until the end of the school day, and (4) gives discretion to principal or designee to determine whether to send notification and information to parents/guardians when students in a class or school are found infested with head lice.

BP 6161 - Equipment, Books and Materials

(BP deleted)

Policy deleted due to redundancy with BP 6161.1 - Selection and Evaluation of Instructional Materials.

BP 6178 - Career Technical Education

(BP revised)

MANDATED policy updated to list types of career technical education (CTE) programs that may be offered, reflect concepts of linked learning based on definition in **NEW LAW (AB 790, 2011)** which establishes a pilot project, reflect **NEW LAW (AB 1330, 2011)** which allows districts to establish CTE as an optional graduation requirement, and reflect **NEW LAW (AB 1304)** which authorizes the CTC to issue a "recognition of study in linked learning" following a teacher's completion of an approved course. Updated policy also includes a goal to focus on high-skill, high-wage, high-demand occupations; provides examples of work-based learning opportunities; expands language re: collaboration with postsecondary institutions; and reflects requirement to disaggregate program evaluation data. Updated regulation (1) revises section on Perkins basic grants to focus on program requirements rather than components of the district plan, (2) includes new section on linked learning reflecting concepts of AB 790, (3) revises section on partnership academies to add student eligibility criteria and revise program components in accordance with current law, (4) revises section on apprenticeship programs to change "pre-apprenticeship program" to "orientation to apprenticeships" for consistency with Department of Industrial Relations materials, and (5) adds new section on regional occupational centers/programs stating basic program goals and linking to BP 6178.2 - Regional Occupational Center/Program.

BB 9321 - Closed Session Purposes and Agendas

(BB revised)

Updated bylaw reflects **NEW ATTORNEY GENERAL OPINION** which concludes that only three specified subjects related to real property negotiations may be considered in closed session. Bylaw also (1) includes board philosophical statement expressing commitment to transparency and compliance with open meeting laws, (2) includes requirement to reconvene in open session to report decisions of closed session with link to BB 9321.1 - Closed Session Actions and Reports, and (3) revises section on "Pending Litigation" to add definitions of "party" and "significant exposure to litigation."