

POLICY GUIDESHEET
August 2013
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Note: Descriptions below identify major revisions made in CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes may have also been made. Districts should review the sample materials and modify their own policies accordingly.

BP 0420 - School Plans/Site Councils

Policy revised to delete material on school site block grants, which are no longer operational. Policy also adds language, reflecting California Department of Education guide, requiring the Board to communicate specific reasons to the school site council when it disapproves the Single Plan for Student Achievement.

Regulation revised to delete section on "School Site Block Grants" since these grants are no longer operational and to delete section on "School Plans for Categorical Block Grants" since requirements for the Pupil Retention Block Grant and School and Library Improvement Block Grant are now flexible under the Local Control Funding Formula pursuant to **NEW LAW** (AB 97, 2013). Regulation also updated to reflect California Department of Education guide re: (1) selection of school site council members, including clarification of membership requirements in middle schools, and (2) the process of developing the Single Plan for Student Achievement, including data sources, consultation with advisory groups, and new budget planning and evaluation tools.

BP 1340 – Access to District Records

Policy updated to reflect laws regarding public access to district records under the California Public Records Act (Government Code 6252-6270).

BP 1431 - Waivers

Policy updated to add steps for consideration of district waiver request prior to its submission to the State Board of Education (SBE), including public hearing and notice requirements and Board approval. Policy also reflects requirements for renewal of a general waiver and adds information on the California Department of Education's online waiver request system and its guidance to expedite waiver requests.

BP 3311 - Bids

Policy updated to reflect **NEW LAW** (AB 1565, 2012) which requires (1) prequalification of all general contractors and electrical, mechanical, and plumbing subcontractors for public projects of \$1 million or more awarded on or after January 1, 2014, if School Facilities Program funds or other future state school bonds are used, and (2) a uniform system of rating bidders based on completed questionnaires and model guidelines developed by the Department of Industrial Relations. Policy also reflects court decision highlighting the importance of disclosing all material information in bid specifications.

MANDATED regulation reorganized and updated to reflect **NEW LAW** (AB 1565, 2012) requiring prequalification of specified contractors, as noted above. Regulation also (1) adds step for notifying the bidder when a bid is disqualified as nonresponsive (i.e., does not conform to specifications) in order to give the bidder an opportunity to respond to the information; (2) reflects law allowing districts to facilitate the participation of women, minorities, disabled veterans and small businesses in contracts; and (3) reflects law allowing purchase of surplus property from the federal government without taking estimates or advertising for bids.

BP 3350 - Travel Expenses

Policy revised to prohibit use of a district credit card for personal expenses, even if the employee intends to reimburse the district. Policy also adds language on types of reimbursable travel expenses and nonreimbursable personal expenses, alignment of district mileage reimbursement rate with the Internal Revenue Service rate, options for reimbursement of meal costs, submission and approval of expense claim, employee's responsibility for costs incurred on improper claim, and repayment to district if actual costs are less than the cash advance received by the employee.

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BP 3513.3 – Tobacco-Free Schools

Policy revised to include the use of electronic nicotine delivery systems, such as electronic cigarettes, electronic hookahs, and other emitting devices, with or without nicotine content, that mimic the use of tobacco products any time, on school campuses and in school or district vehicles.

BP 3580 – District Records

Policy updated to address the classification and retention of district records pursuant to 5 CCR 16020-16027 and was modified to reflect the district practice.

BP 4040 – Employee Use of Technology

Policy updated to reflect current regulations related to district authorized employee technology use and protocols.

BP 4112.42/4212.42/4312.42 - Drug and Alcohol Testing of Bus Drivers

MANDATED policy revised to more directly reflect prohibitions against drug and alcohol use and clarify that alcohol testing conducted under the federal testing program should follow federal law re: the blood alcohol concentration level that triggers specified consequences. Policy also adds language on confidentiality of test results, reports to the Department of Motor Vehicles, option to impose rehabilitation or return-to-duty program, and option to establish a voluntary self-identification program.

New **MANDATED** regulation reflects requirements pertaining to pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing. Regulation also adds definitions of key terms and designation of "designated employer representative," and expands material on driver notifications formerly in BP.

BP 5131.61 - Drug Testing

Policy updated to delete material related to random, suspicion-less drug testing of students participating in nonathletic extracurricular activities, in accordance with the greater privacy protections provided under the California Constitution which require a compelling reason (i.e., evidence of drug use or other justification) for testing students in contexts other than athletics.

BP 5131.62 – Tobacco

Policy revised to include the use of electronic nicotine delivery systems, such as electronic cigarettes, electronic hookahs, and other emitting devices, with or without nicotine content, that mimic the use of tobacco products any time, on school campuses and in school or district vehicles.

BP 5141.27 - Food Allergies/Special Dietary Needs

Policy revised to reflect federal law which requires that a determination of disability, for purposes of Section 504 of the federal Rehabilitation Act, be made without regard to the ameliorative effects of mitigating measures, which may result in more students with severe food allergies needing to be evaluated under Section 504 to determine if they need accommodations or services. Policy also prohibits discrimination and bullying based on a food allergy and adds referral to appropriate complaint procedures.

Regulation revised to add material on the development of a health plan to manage the needs of a student with a food allergy, which may be a Section 504 accommodation plan if his/her allergy meets the definition of a "disability" without regard to the effects of mitigating measures. Regulation also adds measures to be taken when a student with a known food allergy will be off school grounds, such as on a field trip.

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BP 6144 - Controversial Issues

Policy updated to incorporate material formerly in AR, reference policy that addresses appropriateness of supplementary instructional materials, add consultation with Superintendent or designee as needed to determine appropriateness of the subject matter or resource, add prior parental notification when required or deemed advisable, and add reference to appropriate complaint procedures.

BP 6162.6 - Use of Copyrighted Materials

Policy updated to reflect **NEW COURT DECISION** (Cambridge University Press v. Becker) reaffirming that federal criteria for determining "fair use" of copyrighted material must be weighed together on a case-by-case basis and do not exclude consideration of other factors. Policy also adds language defining categories of works that may be copyrighted, stating the need to get permission to use a copyrighted work unless the criteria for fair use or another exception are met, and prohibiting students from copying and distributing copyrighted works. Material re: observing license agreements for software moved to AR.

Regulation reorganized and expanded to reflect (1) the need to seek permission of copyright holder before widely distributing a copyrighted work through a web site or other method of communications accessible to the public; (2) the four factors specified in law that must be considered when determining whether an intended use of a copyrighted work meets criteria for "fair use," as clarified by **NEW COURT DECISION** (Cambridge University Press v. Becker); and (3) an exception in federal law pertaining to performance or display of copyrighted works (e.g., motion picture or other audiovisual work) in the course of face-to-face instruction. Regulation also revised to include information about identifying the holder of a copyright and to more directly reflect nonbinding guidelines for copying text, sheet or recorded music, and television programming as stated in U.S. Copyright Office guidance.

BB 9010 - Public Statements

Bylaw updated to add concepts related to communicating the district's message in a manner that promotes public confidence in the Board's leadership, refraining from disclosing confidential information, and adhering to the same standards and protocols established for other Board communications when participating on social networking sites, blogs, or other electronic media.

BB/E 9250 - Remuneration, Reimbursement and Other Benefits

Bylaw updated to delete material requiring the district to establish a minimum percentage of the Board meeting that must be attended in order for a Board member to receive compensation, add statement clarifying that student Board members do not receive compensation, and reflect legal requirement to announce any additional compensation received whenever a quorum of Board members serves as another legislative body which will meet simultaneously or in serial order to a Board meeting. Section on "Reimbursement of Expenses" revised to give examples of authorized travel and to prohibit use of district credit card for personal expenses even if the Board member intends to reimburse the district. Material on health and welfare benefits updated to (1) reflect current law which provides that the age at which a person ceases to be a dependent child is age 26 years or higher as specified in the health plan and (2) clarify the circumstances under which the district may offer health and welfare benefits to former Board members.

New exhibit added to provide a sample Board resolution, as required by law in order to authorize compensation for a Board member who missed meeting(s) because he/she was performing other designated duties on behalf of the district at the time of the meeting, was ill or on jury duty, or had another hardship deemed acceptable by the Board.