

**POLICY GUIDESHEET**  
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**BP 0410 - Nondiscrimination in District Programs and Activities**

(BP revised)

Policy updated to reflect **NEW LAW (AB 887 and SB 559)** which expands the prohibited bases of discrimination to include genetic information, gender expression, and gender identity. Policy also reflects federal regulations which (1) require newly constructed district facilities to comply, starting March 15, 2012, with the 2010 Americans with Disabilities Act Standards for Accessible Designs and (2) require districts to permit an individual with a disability to be accompanied by a service animal on district premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a district program or activity.

**BP 1250 - Visitors/Outsiders**

(BP revised)

Updated policy adds new section regarding the presence on campus of registered sex offenders, including those who are parents/guardians of district students, based on their right to participate in their children's education.

**BP 1312.3 - Uniform Complaint Procedures**

(BP revised)

**MANDATED** policy updated to reflect **NEW LAW (AB 887 and SB 559)** which expands the prohibited bases of discrimination subject to uniform complaint procedures (UCP) to include genetic information, gender expression, and gender identity. **MANDATED** regulation revised to add, pursuant to the CDE's Federal Program Monitoring procedures, that the annual written notification should include a statement that copies of UCP will be provided free of charge. Regulation also revised to (1) require agreement of all parties (not just the complainant) before proceeding to mediation, and (2) clarify that the requirement that a complainant must wait until after 60 days of filing an appeal with the CDE before he/she pursues a civil law remedy applies only with respect to a complaint of discrimination based on state law.

**BP 4030 - Nondiscrimination in Employment**

(BP revised)

Policy updated to reflect **NEW LAW (SB 559 and AB 887)** which expands categories of prohibited discrimination to include genetic information, gender expression, and gender identity. Policy also reflects **NEW COURT DECISION** which clarifies that a third party may file a suit alleging retaliation for a complaint by another person to whom the third party is related.

**BP 4312.1 - Contracts**

(BP revised)

Policy updated to reflect **NEW LAW (AB 1344)** which prohibits the Board from calling a special meeting to consider the salary or other compensation of management employees, prohibits automatic renewal of a contract with a provision for automatic increase that exceeds the cost-of-living adjustment, and requires contracts executed or renewed after January 1, 2012, to contain a provision requiring an employee to reimburse the district in the event he/she is convicted of a crime involving abuse of his/her office or position. Policy also adds statement re: Board deliberation of employment contract in closed session.

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### **BP 5126 - Awards for Achievement**

(BP revised)

Policy updated to reflect **NEW LAW (AB 815)** which establishes a State Seal of Biliteracy to recognize high school graduates who have attained a high level of proficiency in one or more languages in addition to English. Policy also contains optional language for districts that choose to provide "pathway awards" recognizing benchmarks toward biliteracy at earlier grade levels. **MANDATED** regulation updated to reflect eligibility criteria and other requirements for State Seal of Biliteracy as added by AB 815. Regulation also adds optional general rules governing student applications for the district's scholarship and loan fund and optional notifications to inform students of eligibility requirements for various awards.

For further information, see article in the accompanying *Policy News*.

### **BP 5131 - Conduct**

(BP revised)

Policy updated to reflect **NEW LAW (AB 9)** which requires policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics and **NEW LAW (AB 1156)** which encourages the inclusion of bullying prevention strategies in comprehensive safety plans. Material on prevention and intervention of bullying and cyberbullying moved to BP 5131.2 - Bullying. Policy also expands item #4 to clarify that the district is not responsible for students' personal belongings brought on campus or to a school activity, replaces section on cell phone possession and use with new item #6 which prohibits use during instructional time with specified exceptions, and adds referral to student success team or counseling services as possible consequences for violation of school rules.

### **BP 5131.2 - Bullying**

(BP added)

New policy contains material formerly in BP 5131 - Conduct re: strategies for prevention and intervention of bullying. Policy reflects **NEW LAW (AB 9)** which requires policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics, **NEW LAW (AB 1156)** which encourages the inclusion of bullying prevention strategies in comprehensive safety plans, and **NEW LAW (AB 746)** which expands the definition of bullying committed by means of an electronic act to include posting of messages on social media networks. Policy also expands topics for related student education, adds strategies for supervision and security, and adds language re: reporting of incidents.

For further information, see article in the accompanying *Policy News*.

### **BP 5141.6 - School Health Services**

(BP revised)

Policy updated to reflect **NEW LAW (AB 499)** which allows a minor age 12 and older to consent to medical care related to the prevention of a sexually transmitted disease, and existing law which provides that minors age 12 and older can consent to mental health services under certain conditions. Policy also adds optional language giving priority for services to schools with the greatest need and language addressing the involvement of school nurses, as appropriate, in planning and implementing school health services. Reorganized regulation (1) deletes material re: hours of operation since these may vary by site, (2) reflects legal requirement to cooperate with county program to offer fluoride dental treatments to all school-aged children, (3) adds option to provide service for substance abuse, and (4) adds requirement to submit annual report as a condition of continued participation as a Medi-Cal provider.

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## **BP 5144.1 - Suspension and Expulsion/Due Process**

(BP revised)

Reorganized, **MANDATED** policy includes language requiring fair, consistent enforcement of suspension and expulsion rules in response to new U.S. Department of Education Office for Civil Rights (OCR) report finding disproportionate rates of suspension/expulsion by race and ethnicity, gender, and disability. Policy also revises material re: zero tolerance to encourage use of alternative disciplinary measures that keep students in school during the school day, except under specified circumstances. Reorganized **MANDATED** regulation reflects **NEW LAW (AB 746)** which expands the definition of bullying committed by means of an electronic act to include posting of messages on social media networks, and **NEW LAW (AB 143)** which requires that, when law enforcement officials are notified of certain acts by students with disabilities, they must certify that specified student records will not be disclosed without prior written consent. Regulation also contains some material formerly in BP re: parental attendance when teacher removes student from class, and clarifies timeline for the Board's decision as to whether to expel a student.

For further information, see article in the accompanying *Policy News*.

## **BP 5145.3 - Nondiscrimination/Harassment**

(BP revised)

**MANDATED** policy updated to reflect **NEW LAW (AB 9)** which requires policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics, including gender identity and gender expression. Policy also adds language (1) prohibiting retaliation against students who file a complaint or report, and (2) requiring related training of students, parents/guardians, and employees.

## **BP 5145.7 - Sexual Harassment**

(BP revised)

**MANDATED** policy updated to reflect **NEW OCR GUIDANCE** which clarifies that (1) sexual violence (e.g., rape, sexual assault, sexual battery, sexual coercion) is a form of sexual harassment that must be addressed by districts in the same way as other forms of sexual harassment; (2) districts should provide information about the rights of students and parents/guardians to file a criminal complaint of sexual harassment as applicable; and (3) districts should respond to sexual harassment that comes to their attention even when a victim requests anonymity. Regulation updated to add sexual assault, sexual battery, and sexual coercion to examples of sexual harassment per **NEW OCR GUIDANCE**. Regulation also reflects information in the OCR guidance that districts may have an obligation to respond to student-on-student sexual harassment which occurs off school grounds or outside school-sponsored or school-related programs or activities, since the sexual harassment may still create a hostile environment for the victim at school.

## **BP 6145 - Extracurricular and Cocurricular Activities**

(BP revised)

**MANDATED** policy updated to clarify that no fee may be charged to students for participation in extracurricular and cocurricular activities related to the educational program, unless specifically authorized by law, and that a district policy allowing for waivers of the fee based on financial need does not render the fee constitutional. Regulation updated to clarify the applicability of legal definitions of extracurricular and cocurricular activities and to add section on "Supervision" reflecting required qualifications of staff and others who work with students in a student activity program.

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**BP 6178.1 - Work-Based Learning**

(BP revised)

Retitled policy and regulation updated to address a broad range of work-based learning opportunities in addition to work experience education (WEE). Policy also encourages involvement of businesses in program planning and implementation, reflects law requiring written training agreements with employers, adds material on program evaluation, and includes material formerly in AR re: work permits, applicable labor laws, teacher qualifications, and records. Updated regulation reflects **NEW STATE REGULATIONS** (Register 2011, No. 12) changing the name of the career technical WEE program, and adds new sections reflecting requirements of cooperative career technical education/community classroom programs and job shadowing.

**BP 7110 - Facilities Master Plan**

(BP revised)

Policy updated to add (1) role of Board in approving the facilities master plan, (2) regular review and updating of the plan, (3) plan components, (4) a list of minimum general standards for school facilities, (5) other applicable standards including green building standards and the Americans with Disabilities Act, and (6) consideration of joint use of facilities.

**BP 7160 - Charter School Facilities**

(BP revised)

Updated policy adds philosophical statement, requirement that proposed charter school facilities be addressed in the charter petition, applicable building standards, and state funding programs for charter school facilities. Policy also more directly reflects law re: Proposition 39 requirement for districts to provide furnished, equipped, reasonably equivalent facilities to charter schools. Updated, reorganized regulation adds definitions of "reasonably equivalent facilities" and "conversion school" and reflects **NEW COURT DECISION** addressing consideration of all nonteaching space and overall size in determining reasonable equivalence.

**BP 7214 - General Obligation Bonds**

(BP revised)

Updated policy includes material formerly in AR re: appointment of citizens' oversight committee for bonds approved under the 55 percent threshold, reflects **NEW LAW (SB 423)** which establishes a date by which audits must be given to the committee, and provides option for districts to establish citizens' oversight committee for bonds approved under the 66.67 percent threshold. Sections on "Certificate of Results" and "Resolution Regarding Sale of Bonds" moved from AR to BP since Board action is required. Updated regulation revises section on "Citizens' Oversight Committee" to (1) clarify that the legal requirements apply only to bonds approved under 55 percent threshold and (2) more directly reflect law re: committee's duties by deleting duty to ensure audits are conducted in accordance with Government Auditing Standards.