

POLICY GUIDESHEET

March 2010

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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 have also been made. Districts should review the sample materials and modify their own policies accordingly.

BP/AR 1240 - Volunteer Assistance

(BP/AR revised)

Policy and regulation revised to reflect **NEW LAW** (AB 1025) which, beginning July 1, 2010, requires any volunteer who supervises, directs, or coaches a student activity program sponsored by or affiliated with the district to obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing (CTC). Policy also deletes material re: directing volunteers to leave campus if they violate school rules, which repeated material in BP/AR 3515.2 - Disruptions. Regulation also clarifies prohibitions against registered sex offenders serving as volunteers and reflects **NEW LAW** (AB 307) which expands the circumstances under which registered sex offenders must disclose their status.

For further information on the Activity Supervisor Clearance Certificate, see article in accompanying *Policy News*.

BP 1330.1 - Joint Use Agreements

(BP added)

New optional policy is for use by districts that have entered, or are considering entering, into joint use agreements with public or private entities for the shared use of either district or community facilities for recreational activities, library services, health centers or other purposes. Policy addresses the philosophy of joint use, process for developing joint use agreements, and the components to include in an agreement.

Districts are encouraged to read CSBA's policy brief, *Maximizing Opportunities for Physical Activity Through Joint Use of Facilities*, prior to adopting this policy.

BP/AR 3320 - Claims and Actions Against the District

(BP/AR revised; E (1)-(6) deleted)

Policy and regulation revised to add language regarding the claims management functions performed by the district's Joint Powers Authority (JPA) or insurance carrier, including reviewing the claim for sufficiency and requiring the Superintendent to forward all claims to the JPA. Reorganized regulation also includes new language re: contents of the claim, formerly in E(1), and deletes language, no longer required by law, which specified that the district must provide a claim form. Unnecessary Exhibits deleted.

BP/AR 3515.2 - Disruptions

(BP/AR revised)

Policy updated to reflect **NEW LAW** (AB 1390) which requires the principal to inform law enforcement when anyone possesses a firearm or explosive or sells or furnishes a firearm on school grounds, and **NEW LAW** (AB 870) which prohibits razor blades and box cutters on school grounds or at school activities. Regulation reorganized and expanded to clarify the circumstances under which the principal or designee may direct persons to leave school grounds and to reflect **NEW LAW** (SB 492) which makes it a misdemeanor for anyone to loiter around a school and enhances penalties for specified loiterers.

BP 4030 - Nondiscrimination in Employment

(BP revised; AR deleted)

Policy updated to reflect **NEW FEDERAL LAW** (P.L. 110-233) which prohibits employers from discriminating against employees and job applicants on the basis of "genetic information," as defined. Policy also contains new note reflecting new **EEOC GUIDANCE** re: religious discrimination in the

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workplace. Unnecessary regulation deleted. Material formerly in AR re: filing of complaints, trainings, and notification moved into BP. Material re: other remedies moved to AR 4031 - Complaints Concerning Discrimination in Employment.

AR 4031 - Complaints Concerning Discrimination in Employment

(AR revised)

Regulation substantially updated and reorganized to reflect the elements of the complaint process recommended by **EEOC GUIDANCE**, including providing a clear explanation of the process, protecting against retaliation, designating multiple individuals authorized to receive complaints, providing a mechanism for a prompt and impartial investigation, and providing information about timelines for filing federal or state charges.

BP/AR 4127/4227/4327 - Temporary Athletic Team Coaches

(BP/AR revised)

Policy and regulation revised to reflect **NEW LAW** (AB 1025) which, beginning July 1, 2010, requires any noncertificated or volunteer athletic team coach to obtain an Activity Supervisor Clearance Certificate from the CTC. Policy also revised to reflect Title 5 regulations re: employment of athletic team coaches as temporary employees and to clarify law giving certificated employees a hiring advantage if they meet required qualifications. Regulation contains new section on "High School Coaching Education Program" which expands material formerly in BP.

For further information on the Activity Supervisor Clearance Certificate, see article in accompanying *Policy News*.

AR 4154/4254/4354 - Health and Welfare Benefits

(AR revised)

Updated regulation (section on "Temporary Subsidized Premium for COBRA/Cal-COBRA") reflects **NEW FEDERAL LAW** (P.L. 111-144) which extends eligibility for the subsidized COBRA/Cal-COBRA premium to include employees (1) who were involuntarily terminated (other than by reason of gross misconduct) between September 1, 2008, and March 31, 2010, or (2) whose COBRA eligibility was caused by a reduction in hours and who subsequently experienced an involuntary termination between March 2, 2010, and March 31, 2010. Regulation also reflects **NEW FEDERAL LAW** (P.L. 111-118) which extends the period of the subsidy to 15 months.

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

BP/AR 4157/4257/4357 - Employee Safety

(BP/AR revised)

Policy and regulation updated to reflect **NEW TITLE 8 REGULATIONS** which require all employers to make provisions in advance to ensure that employees receive prompt medical treatment for serious injury or illness. Policy also deletes material on eye protection devices which is covered in AR. Regulation also deletes requirement to keep records of steps taken to implement the district's injury and illness prevention program (not applicable to public agencies) and expands section on "Hearing Protection" to include major components of hearing conservation program.

AR 4161.2/4261.2/4361.2 - Personal Leaves

(AR revised)

Updated **MANDATED** regulation reflects **NEW LAW** (AB 485) which requires districts with more than 15 employees to provide at least 10 days per year of leave to employees who volunteer with the Civil Air Patrol and are directed to respond to an emergency operational mission.

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AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave

(AR revised)

Regulation updated to reflect **NEW FEDERAL LAW** (P.L. 111-84) which expands eligibility for both military caregiver leave and military family leave due to qualifying exigencies. Regulation also revised to reflect **NEW FEDERAL LAW** (P.L. 110-233) prohibiting the collection of an employee or family member's genetic information, as defined, except as necessary to comply with a certification requirement for family care and medical leave.

BP 5127 - Graduation Ceremonies and Activities

(BP revised)

Revised policy adds new section on student conduct at graduation ceremonies and reflects **NEW LAW** (AB 1463) which allows graduating students who are in active military service to wear their military dress uniforms to graduation ceremonies. Policy also deletes section on elementary/middle school promotion exercises.

BP 5131 - Conduct

(BP revised)

Updated policy (item #3 definition of cyberbullying and section entitled "Bullying/Cyberbullying") reflects **NEW COURT DECISION** which held that a district may discipline a student for off-campus conduct that is brought to the attention of school officials when the conduct causes, or is likely to cause, a "substantial disruption" of school activities which is more than embarrassment or personality conflicts typical in schools.

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

BP/AR 5131.7 - Weapons and Dangerous Instruments

(BP/AR revised)

Updated **MANDATED** policy reflects **NEW LAW** (AB 1390) which requires the principal or designee to notify law enforcement when a student possesses a firearm or explosive, or sells or furnishes a firearm, at school. Updated regulation reflects **NEW LAW** (AB 870) which expands the list of prohibited weapons and dangerous instruments to include razor blades and box cutters.

AR 5141.26 - Tuberculosis Testing

(BP deleted; AR revised)

Unnecessary policy deleted. Regulation expanded and reorganized to clarify legal requirements pertaining to the circumstances under which students must be screened or tested for tuberculosis and the circumstances under which students subject to the tests will be admitted to or excluded from school.

AR 5141.4 - Child Abuse Prevention and Reporting

(AR revised)

Regulation updated to reflect **NEW COURT DECISION** which held that it was unconstitutional for a social worker and law enforcement official to interview a student on school grounds regarding allegations of child abuse without a warrant, court order, exigent circumstances, or parent/guardian consent. See section entitled "Victim Interviews by Social Services."

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

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AR 5144.1 - Suspension and Expulsion/Due Process

(AR revised)

MANDATED regulation (section on "Notification to Law Enforcement Authorities") revised to reflect **NEW LAW** (AB 1390) which requires the principal or designee to notify law enforcement authorities when a student possesses a firearm or explosive or sells or furnishes a firearm at school.

AR 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)

(AR revised)

Regulation (section on "Notification to Law Enforcement Authorities") revised to delete detailed notification requirements since these requirements are the same as for all students as reflected in AR 5144.1 - Suspension and Expulsion/Due Process

BP/E 5145.11 - Questioning and Apprehension by Law Enforcement

(BP revised; AR deleted; E added)

Retitled policy updated to reflect **NEW COURT DECISION** which held that it was unconstitutional for law enforcement officials to interview a student on school grounds regarding allegations of child abuse without a warrant, court order, exigent circumstances, or parent/guardian consent. Policy contains new language directing the principal or designee to request that law enforcement certify that appropriate legal authority for the interview exists and that the principal maintain a record of student interviews. New Exhibit provides a sample form for this purpose. Delete this unnecessary regulation; material formerly in regulation re: record of interviews moved to policy.

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

BP 5145.3 - Nondiscrimination/Harassment

(BP revised)

Policy revised to include prohibited bases of discrimination and to specify that a student may need to be provided with accommodations to protect him/her from threatened or actual harassing or discriminatory behavior. Specific language re: filing a complaint deleted to instead require that complaints be filed in accordance with the site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

Districts are encouraged to read CSBA's policy brief, *Providing a Safe, Nondiscriminatory School Environment for All Students*, prior to adopting this policy.

E 5145.6 - Parental Notifications

(E revised)

Updated Exhibit adds notifications related to asbestos inspections, response actions or post-response actions (page (c)) and type 2 diabetes information (page (e)); adds legal cites to special education parental rights notice (page (k)); and revises notice of intent to audio-record IEP meeting to reflect terminology in law (page (k)).

BP/AR 6142.7 - Physical Education and Activity

(BP/AR revised)

Policy and regulation retitled and revised to incorporate opportunities for physical activity outside of the regular physical education curriculum. Policy also adds Board approval of courses that qualify for P.E. credit and establishes expectation that 50 percent of P.E. class time will be spent in moderate to vigorous physical activity. Regulation also adds sections on "Definitions" and "Monitoring of Moderate to Vigorous Physical Activity," and adds optional language on providing physical fitness test results to parents/guardians.