

## CSBA POLICY GUIDE SHEET December 2020/March 2021

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 1312.3 - Uniform Complaint Procedures**

Policy updated to reflect the relationship between the state uniform complaint procedures (UCP) and **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** regarding Title IX complaints of sexual harassment. Policy also reflects **NEW STATE REGULATIONS (Register 2020, No. 21)** which limit the applicability of the UCP for complaints regarding special education and child nutrition programs, add procedures for addressing complaints regarding health and safety deficiencies in license-exempt California State Preschool Programs (CSPP), and delete the referral of complaints of fraud to the California Department of Education (CDE). The list of programs subject to the UCP revised and reorganized to more directly reflect CDE's 2020-21 Federal Program Monitoring (FPM) instrument.

### **Board Policy 3110 - Transfer of Funds**

Policy updated to reflect **NEW LAW (SB 98, 2020)** which authorizes, for the 2020-21 and 2021-22 fiscal years if the state defers any payments owed to districts, the temporary transfer of up to 85 percent of the maximum amount held in any fund or account for the payment of obligations. Item #4 revised to clarify requirements for transfers from special reserve funds for capital outlay or other purposes into the general fund for general operating purposes of the district.

### **Board Policy 3230 - Federal Grant Funds**

Policy updated to reflect **NEW FEDERAL REGULATIONS (85 Fed. Reg. 49506)**, effective November 12, 2020, which clarify and renumber requirements for the use and accounting of federal grant funds pursuant to the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called the "Uniform Guidance"). Policy reflects an amendment to the Uniform Guidance which extends the timeframe for submitting the final performance report from 90 to 120 calendar days after the ending date of the grant.

### **Board Policy 3452 - Student Activity Funds**

Policy updated to clarify that the policy does not apply to school-connected organizations that are not composed entirely of students or subject to the board's control and regulation. Section on "Fundraising" adds a reference to policy that addresses online fundraising, and addresses fundraising events that involve the sale of foods and/or beverages. Section on "Management and Reporting of Funds" updated to reflect Governmental Accounting Standards Board (GASB) Statement 84, which provides that, if the district has administrative or direct financial involvement with the student organization's assets, as defined, the student activity fund may be considered a governmental fund subject to specific accounting and financial reporting requirements.

### **Board Policy 3600 - Consultants**

Policy updated to reflect **NEW LAW (AB 2257, 2020)** which recodifies the three-part test established in Dynamex Operations West, Inc. v. Superior Court of Los Angeles to determine whether a person providing services for remuneration should be classified as an employee or an independent contractor, and **NEW LAWS (AB 2257 and AB 323, 2020)** which establish exceptions to the use of the three-part test. Requirement to afford equal opportunity for contracts revised to add ethnicity and reflect **NEW LAW (AB 3364, 2020)** which changes the term "military and veteran status" to "veteran or military status."

### **Board Policy 4119.25/4219.25/4319.25 - Political Activities of Employees**

Policy updated to recognize the importance of employee political activity, voting, and civic engagement, and reflect Pickering v. Board of Education Township High School District regarding the prohibition against dismissing or demoting an employee due to engagement in constitutionally protected political activity.

**Board Policy 4140/4240/4340 - Bargaining Units**

Policy updated to reflect Public Employment Relations Board decisions regarding the wearing of union buttons, clarify material regarding employees in management, senior management, and confidential positions, divide material regarding "Access to Employee Orientations" and "Access to Employee Contact Information," and add section on "Communications with Employees" with material formerly in AR 4119.25/4219.25/4319.25 - Political Activities of Employees.

**Board Policy 5113.2 - Work Permits**

Policy updated to reflect **NEW LAW (AB 908, 2020)** which prohibits consideration of grades, grade point average, or school attendance in the event of an extended campus closure due to a natural disaster, pandemic, or other emergency.

**Board Policy 5126 - Awards for Achievement**

Policy updated to add optional language for the presentation of biliteracy awards to students who are English learners upon their reclassification as fluent English proficient. New optional section on "State Seal of Civic Engagement" addresses awards for students who have demonstrated excellence in civics education and participation and an understanding of the U.S. Constitution, the California Constitution, and the democratic system of government. Policy also clarifies that a district committee established by the board to administer a scholarship and loan fund is subject to the open meeting requirements of the Brown Act.

**Board Policy 5141.31 - Immunizations**

Policy updated to reflect **NEW LAWS (SB 276, 2019 and SB 714, 2019)** which specify conditions under which a medical exemption is effective. Policy also deletes outdated date regarding immunization requirements for enrollment or advancement to grade 7.

**Board Policy 6142.8 - Comprehensive Health Education**

Policy updated to reflect the 2019 state curriculum framework for health education, including emphasis on the physical, mental, and social well-being of students and integration of health education with other content areas of the district's curriculum. Policy also reflects law which authorizes districts to provide age-appropriate comprehensive sexual health education prior to grade 7, and law which authorizes instruction in grades K-12 in sexual abuse and sexual assault awareness and prevention provided students are allowed to be excused from such instruction with the written request of the parent/guardian.

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

Policy updated to change "foreign language" to "world language" to reflect current terminology in law, add material regarding the provision of credits towards community service hours for completion of a course in community emergency response training, and reflect **NEW LAW (AB 1350, 2020)** which authorizes districts to award a retroactive diploma to students who were in good standing and on track to graduate at the end of the 2019-20 school year but were unable to complete the statewide graduation requirements due to COVID-19.

**Board Policy 6146.2 - Certificate of Proficiency/High School Equivalency**

Policy updated to clarify the distinction between a certificate of proficiency and a high school equivalency certificate. Policy also reflects that there is a fee for these tests which is waived for homeless or foster youth under 25 years of age who meet all other registration requirements and submit certification of homeless or foster youth status.

**Board Policy 6170.1 - Transitional Kindergarten**

Policy updated to clarify that it is only districts with an extended day kindergarten program that are authorized to maintain transitional kindergarten (TK) and kindergarten programs for different lengths of time either at the same or different school sites and reflect **NEW LAW (SB 98, 2020)** which extends, until August 1, 2021, the requirement for credentialed teachers who are first assigned to a TK class to meet additional qualifications.

**Board Policy 7210 - Facilities Financing**

Policy updated to add state facilities funding from the Leroy F. Greene School Facilities Act as a method of funding facilities and to reflect **NEW LAW (SB 820, 2020)** which requires filing the audit of completed facilities projects with the California State Controller. Policy also adds the requirement to comply with law and board policy regarding debt issuance and management.

**Board Bylaw 9012 - Board Member Electronic Communications**

Bylaw updated to clarify that electronic communications should not be used as a means to restrict access to a public forum, that meeting locations include teleconference locations, and that the prohibition against serial meetings includes a series of communications directly or through intermediaries. Bylaw reflects **NEW LAW (AB 992, 2020)** which authorizes board members to engage in separate conversations or communications on social media platforms that are open and accessible to the public as long as a majority of the board does not use the platform to discuss among themselves business within the subject matter jurisdiction of the board, board members do not respond directly to any communication from other board members, and board members do not comment on or use digital icons to express reactions to communications made by other board members. Bylaw also references court decisions which clarify that a public official's social media account which includes discussion of public business may be considered a public forum from which the official cannot exclude access or comments by members of the public based on viewpoint.

**Board Bylaw 9320 - Meetings and Notices**

Bylaw updated to clarify that meeting locations include teleconference locations and reflect **NEW LAW (AB 992, 2020)** which authorizes board members to engage in separate conversations or communications on social media platforms that are open and accessible to the public as long as a majority of the board does not use the platform to discuss among themselves business within the subject matter jurisdiction of the board, board members do not respond directly to any communication from other board members, and board members do not comment on or use digital icons to express reactions to communications made by other board members. Bylaw also updated to clarify the vote requirements for holding a closed session during an emergency meeting and for adjourning or continuing a board meeting to a later time or location.