

# Policy News

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## Legislative Wrap-Up: New Bills Trigger Policy Revisions

In 2017, Governor Jerry Brown signed over 850 bills into law, nearly 100 of which may impact preK-12 education. CSBA has been analyzing the implications of the new laws for district and county office of education (COE) policies and regulations, and prioritizing revisions to CSBA samples based on the effective date of the legislation, the potential impact on student learning and requests by districts/COEs.

Some of the major issues arising out of this year's legislative session are described below. Related revisions to CSBA samples began in December and will continue in future Policy Updates.

### Immigration status

In response to executive orders issued by President Donald Trump to expand immigration enforcement activities, many districts/COEs declared their schools to be "sanctuary schools" or "safe havens" in order to reassure families that they could send their children to school without fear. AB 699 (Ch. 493) now clarifies that it is the policy of the State of California to afford all students equal rights and opportunities in the educational institutions of the state regardless of specified characteristics, including immigration status. It prohibits districts/COEs from collecting information or documents regarding citizenship or immigration status of students or their family members, requires staff to report to the board any requests by law enforcement for information or access to a school site for the purpose of enforcing immigration laws, and requires parental notification of children's right to a free public education regardless of immigration status or religious beliefs.

AB 699 also mandates boards to adopt policy by July 1, 2018, ensuring that schools remain safe and accessible to all California residents regardless of immigration status and limiting assistance with immigration enforcement at schools. The local policy must be consistent with a model policy to be developed by the Attorney General by April 1. CSBA is communicating with the Attorney General's office regarding the model policy and intends to update a number of related sample policies once the Attorney General's model policy is available.

Other bills include SB 31 (Ch. 826), which prohibits disclosure of an individual's religious affiliation to the federal government, and SB 257 (Ch. 498), which provides that a student may meet residency requirements for enrollment under specified conditions if his or her parent/guardian was a resident of the state and then was deported or departed voluntarily.

*Policy impact:* BP 0410 - Nondiscrimination in District Programs and Activities, E 0420.41 - Charter School Oversight, BP 1312.3 - Uniform Complaint Procedures, AR 1340 - Access to District Records, BP 5111 - Admission, BP/AR 5111.1 - District Residency, BP 5145.11



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- Questioning and Apprehension by Law Enforcement, BP/AR 5145.3 - Nondiscrimination/ Harassment, and E 5145.6 - Parental Notifications. Other policies that list the protected categories may need minor revisions to include immigration status.

## Reserve cap

CSBA-sponsored SB 751 (Ch. 674) raises the maximum amount of school district reserves allowed when the level of funding in the state's Public School System Stabilization Account equals or exceeds 3 percent of the combined total general fund revenues and local proceeds of taxes for school districts for that fiscal year. The new legislation raises the amount of the maximum reserve to 10 percent and changes the trigger to make it even less likely to occur. The reserve cap had formerly limited the maximum reserve to two times the minimum reserve for districts with an average daily attendance of 400,000 or less, or three times the minimum reserve for districts with an ADA over 400,000. The new law also exempts basic aid districts and districts with ADA of 2,500 or less from the reserve cap requirement. CSBA believes that the legislation will give districts the local control and flexibility needed to make budget decisions that best serve their students and allow better planning for economic uncertainties.

*Policy impact:* BP 3100 - Budget (December 2017).

## High school exit exam

AB 830 (Ch. 641) repeals the requirement for students to pass a high school exit examination as a condition of receiving a high school diploma. The exam had been suspended for the 2015–16 through 2017–18 school years while a state advisory panel considered whether to recommend reinstatement of the requirement, in which case an overhaul of the exam would be needed to reflect the Common Core State Standards. The panel recommended that the exam is no longer necessary “because of the comprehensive resources now available to identify students in academic need,” including a comprehensive assessment system, classroom supports, longitudinal data systems, the Local Control and Accountability Plan (LCAP) and Local Control Funding Formula (LCFF).<sup>1</sup>

*Policy impact:* BP/AR/E 6162.52 - High School Exit Examination (deleted) and BP 6146.1 - High School Graduation Requirements (December 2017); minor revisions in other policies with references to the exit exam.

## Military-connected students

AB 365 (Ch. 739) provides additional rights to children of military families, consistent with the Interstate Compact on Educational Opportunity for Military Children as well as the Every Student Succeeds Act which recognizes military-connected students as a vulnerable subgroup. Provisions granting such students exemption from local graduation requirements and allowing for partial credit earned at the student's previous school mirror the rights afforded under current state law to other groups of highly mobile students, including foster youth, homeless students and former students of juvenile court schools. Any complaint alleging noncompliance with these requirements may be filed in accordance with the uniform complaint procedures specified in 5 CCR 4600-4670.

*Policy impact:* BP/AR 6173.2 - Education of Children of Military Families (October 2017), BP/AR 1312.3 - Uniform Complaint Procedures.

## Assessment of English proficiency

AB 801 (Ch. 609) expands the required content of the parental notification that must be sent when a student is assessed for English proficiency and classified as an English learner. In addition to the information specified in Education Code 440, the notice must now include



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whether the student is a long-term English learner or an English learner at risk of becoming a long-term English learner, as defined. It must also describe the manner in which English language development instruction will meet the educational strengths and needs of such students and help them to develop English language proficiency and meet age-appropriate academic standards.

*Policy impact:* AR 6174 - Education for English Learners and E 5145.6 - Parental Notifications.

## **Charter school petitions**

Existing law requires a charter petition to include comprehensive descriptions of the manner in which the charter school intends to address various issues, including admission procedures. Under AB 1360 (Ch. 760), admission preferences may now include siblings of children admitted to or attending the school, as well as children of charter school employees and founders. Admission preferences must be specified in the petition, be approved by the district/COE board, be nondiscriminatory and not require mandatory parent/guardian volunteer hours as a criterion for admission or continued enrollment. In addition, AB 1360 requires that the petition include a comprehensive description of procedures by which students can be suspended or expelled for disciplinary reasons or otherwise involuntarily removed for any reason, including an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements.

*Policy impact:* BP/AR 0420.4 - Charter School Authorization (December 2017).

## **Use of interim state assessments**

An “interim assessment” is one that is designed to be given during the school year to evaluate a student’s knowledge and skills relative to specific academic standards. AB 1035 (Ch. 752) clarifies that the purposes of such testing are to provide timely feedback to teachers for adjustment of instruction, communicate with parents/guardians regarding a student’s progress and develop goals for professional development. State-provided interim tests developed by the Smarter Balanced Assessment Consortium must not be used for teacher or school staff evaluation, accountability, student promotion or retention, graduation, course or class placement, identification for gifted and talented education, reclassification of English learners, identification as a student with disabilities or any other high-stakes purpose. According to the bill analysis, the legislation responds to a recent independent evaluation of the state interim assessments that found major concerns about the current usability of the score reports for instructional purposes.

*Policy impact:* BP 6162.5 - Student Assessment.

## **Preschool expulsions**

When a district/COE contracts with the California Department of Education (CDE) to offer a state preschool program, it is prohibited by AB 752 (Ch. 708) from expelling or unenrolling a child from the program because of the child’s behavior, unless the district/COE has pursued and documented reasonable steps to maintain the child’s safe participation in the program and determines that the child’s continued enrollment would present a serious safety threat to the child or other enrolled children. Before expelling or unenrolling the child, the district/COE must refer the parents/guardians to other potentially appropriate placements, the local child care resource and referral agency or any other referral service available in the local community.

The legislative findings included in AB 752 express concern about the rate of expulsion at the preschool level, which is three times higher than the expulsion rate for grades K-12. Expulsion from preschool, according to a statement by the National Association for the Education of Young Children and other organizations, threatens the development of positive



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relationships with adults and disrupts the learning process. Furthermore, preschool expulsion disproportionately affects children of color, just as it does at the K-12 level. For these reasons, the new law establishes narrow circumstances under which children can be expelled.

*Policy impact:* BP/AR 5148.3 - Preschool/Early Childhood Education.

## **Firearms on school grounds**

The Gun-Free School Zone Act prohibits the possession of a firearm on school grounds or within 1,000 feet of a school unless the person meets one of the limited exceptions specified in law, such as being a law enforcement or retired peace officer, a security guard, a member of the military forces engaged in the performance of his or her duties or a participant in a shooting range at a school. An amendment to the law in 2015 required that a person with a concealed weapons license obtain written permission of the district/COE in order to possess a firearm on school grounds. At that time, CSBA developed a comprehensive policy outlining issues for boards to consider when determining whether to give the superintendent such authority, as well as a sample application to carry a firearm on school grounds and a sample agreement listing conditions to which an applicant must agree. This year the Governor signed AB 424 (Ch. 779) to eliminate the authority of districts/COEs to grant permission to any person with a concealed weapons license to carry a firearm on school grounds, although such persons may carry a firearm within 1,000 feet of a school.

*Policy impact:* BP 3515.7 - Firearms on School Grounds and deletion of Exhibits (December 2017).

## **Nutrition/food services**

Several bills signed by the Governor will affect student wellness efforts and food service programs. Districts/COEs should ensure that administrators, food service directors and food service staff are aware of the new requirements.

SB 138 (Ch. 724) requires districts/COEs that have a very high poverty school, as defined, to apply by Sept. 1, 2018, to operate a federal universal meal service and, upon receiving state approval, to begin providing breakfast and lunch free of charge through the universal meal service to all students at that school.

The Child Hunger Prevention and Fair Treatment Act of 2017 (SB 250, Ch. 726) requires districts, COEs and charter schools to notify parents/guardians no later than 10 days after a student's meal account has reached a negative balance and to exhaust all options and methods to directly certify the student for free or reduced-price meals if he or she is eligible. Students with unpaid meal fees must not be shamed, treated differently or served a different meal than other students. SB 250 also prohibits any disciplinary action imposed on a student to result in the denial or delay of a nutritionally adequate meal to that student.

AB 841 (Ch. 843) adds a new state law, mirroring a federal regulation, which prohibits any district, COE or charter school that participates in the National School Lunch or Breakfast program from marketing non-nutritious foods and beverages on school grounds during the school day, with certain exceptions. This includes advertising on school buildings, athletic fields, signs, scoreboards, parking lots, vehicles, equipment, vending machines, uniforms, educational material or supplies. AB 841 also prohibits participation in a corporate incentive program that rewards students' academic achievements with free or discounted food or beverages that do not comply with state and federal nutritional standards.

Other new laws address the procurement of foods and beverages for school meal programs. AB 822 (Ch. 785) requires districts to accept a bid or price for a California-grown agricultural product before one that is grown out of state, provided the bid or price does not exceed the out-of-state product and the quality of the produce is comparable. Pursuant to SB 730 (Ch. 571), the CDE is required to provide districts with information about the Buy American



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provision of federal law, which requires purchases of domestically grown and processed foods to the maximum extent practicable. SB 544 (Ch. 395) clarifies that procurements for federally funded food services programs are subject to the standards in the Federal Uniform Guidance.

*Policy impact:* BP 1325 - Advertising and Promotion (December 2017), BP 5144 - Discipline (December 2017), BP/AR 3551 - Food Service Operations/Cafeteria Fund and BP 5030 - Student Wellness.

## Safe drinking water

Lead is known to be linked to a number of health problems and learning disabilities, and is sometimes found in drinking water due to leaching from pipes, fixtures and hardware. Lead testing will become mandatory for older school buildings pursuant to AB 746 (Ch. 746). By Jan. 1, 2019, a community water system must test for lead in the potable water of any school that has a building constructed before Jan. 1, 2010, unless the district/COE has completed lead testing after Jan. 1, 2009, or meets another exception. If the lead level is reported to exceed a certain level, the district/COE must notify the parents/guardians of the students at the school. It must also take immediate steps to shut down all fountains and faucets where the excess lead levels may exist and ensure that a safe source of drinking water is provided for students.

*Policy impact:* AR 3514 - Environmental Safety.

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## Student board members can be a valuable resource

A 2009 national survey found that only half of the states had laws allowing students to serve on district governing boards. In most of those states, the student board members serve as advisory members only.<sup>2</sup>

In California, district boards are required to include at least one high school student on the board whenever the district is petitioned by the district's high school students pursuant to Education Code 35012. In such cases, the student board member is to be elected by the students enrolled in the high school(s) in accordance with procedures prescribed by the board. In the absence of a petition, a board may, at its discretion, choose to appoint a student to the board.

While some critics have argued that teens may not understand the complexities of district operations, many others have found that having students on the board has been a positive and rewarding experience. Adam Fletcher, founder and director of SoundOut, an organization that promotes student involvement in education, says, "If I've learned one thing in my work over the last decade, it's that students are actively, passionately and fully capable of transforming education."<sup>3</sup>

The key to making the experience meaningful is for the board to encourage the student board member to be fully engaged and to contribute to board discussions. When the district cultivates the relationship with the student board member, both the student and district benefit. Engaging students on school boards teaches the importance of civic involvement and encourages student engagement in the schools. Boards benefit by hearing the valuable opinions, ideas and experiences of students.

New state laws, AB 261 (Ch. 257) and SB 468 (Ch. 283), automatically grant preferential voting rights to student board members, where previously the students needed to submit a petition to the board for such rights. Thus, student board members may formally express their opinion on any matter except those subject to closed session. Their preferential vote is



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cast before the official vote of the board, but does not affect the final numerical outcome of the board's vote.

SB 468 also adds a requirement that student board members receive meeting materials and briefings at the same time as other board members. The California Association of Student Leaders had argued the need for the bill, stating that student board members need the tools to accurately represent the student body and become more involved in and aware of the board's decisions and reasoning.

CSBA's sample board bylaw BB 9150 - Student Board Members, as updated in December 2017, reflects legal requirements related to the selection and role of student board members and encourages districts to provide an orientation and training opportunities to student board members to help them understand their role, board responsibilities and district operations.

### **Additional resources:**

- » CSBA offers training and networking opportunities for all board members, including student board members, during its Annual Education Conference and Trade Show and other conferences and workshops throughout the year. [www.csba.org](http://www.csba.org)
- » The California Association of Student Councils provides leadership development for elementary, middle and high school students and their advisors through peer training. [www.casc.net](http://www.casc.net)
- » The California Association of Student Leaders, developed through the California Association of Directors of Activities, is a student-led statewide network providing conferences to develop leadership skills and empower students to be effective future leaders. [www.caslboard.com](http://www.caslboard.com)
- » SoundOut offers lesson plans, technical assistance and publications to help educators build student engagement and involvement. In September 2017, it published *Student Voice Revolution: The Meaningful Student Involvement Handbook*. [www.soundout.org](http://www.soundout.org)

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## **CSBA launches updated Agenda Online**

CSBA announced the launch of an all-new Agenda Online platform at the 2017 Annual Education Conference and Trade Show in San Diego. Agenda Online is an electronic board meeting agenda service that allows districts/COEs to electronically develop and access board meeting information including agendas, background information, rationale, supporting documents and minutes.

AB 2257 (2016) requires districts/COEs to post meeting agendas for any meeting occurring on or after Jan. 1, 2019, on their website, if they have one. The law exempts local educational agencies from this requirement if they have an integrated agenda management platform that meets specified requirements. The new Agenda Online, which is specifically designed for districts/COEs, meets the specified requirements and boasts best-in-class features like drag-and-drop agenda building, track changes, personal notes, live voting, video streaming and recording and much more.

To ensure every district/COE has access to this program, Agenda Online is available in three versions to meet the needs and budgets of every LEA. CSBA members that sign up before April 30, 2018, will receive 50 percent off their first two-year contract. Revenue generated from the Agenda Online contributes to other CSBA programs and ongoing efforts to support California schools.

For further information, see [www.csba.org/AgendaOnline](http://www.csba.org/AgendaOnline).



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## CSBA education opportunities

### Institute for New and First-Term Board Members

CSBA's Institute for New and First-Term Board Members is an innovative two-day seminar designed to help board members determine how they can be effective and make the greatest impact in their district/COE. The institute focuses on four major areas of board responsibility and authority: effective governance, finance, student learning and human resources. Upcoming events include:

**Jan. 26–27:** Sacramento, Hyatt Regency Sacramento

**March 2–3:** Anaheim, Sheraton Park Hotel at the Anaheim Resort

The institute will be held 8:30 a.m. to 4:30 p.m. both days. The registration fee (\$325 for early registration, \$350 for on-site registration) includes materials, lunch both days and refreshments. Registration is complimentary for superintendents who attend with their district's or COE's new board members.

To register online, go to [www.csba.org/TrainingAndEvents](http://www.csba.org/TrainingAndEvents).

### Board Presidents Workshop

CSBA's Board Presidents Workshop prepares current and aspiring board presidents to provide leadership and strategic vision, forge effective governance teams, conduct meaningful meetings and focus efforts on improved student learning and achievement.

This all-day workshop (8:30 a.m. to 4:30 p.m.) will be held Jan. 27, 2018 at the Hyatt Regency in Sacramento. The registration fee (\$250 for early registration, \$275 for on-site registration) includes materials, morning refreshments and lunch. A discounted rate is offered for participants who register to attend the Board Presidents Workshop and Brown Act Workshop in the same weekend.

For more information or to register, see [www.csba.org/TrainingAndEvents](http://www.csba.org/TrainingAndEvents).

### Brown Act Workshop

Every board member needs to know about the Brown Act. Participants in this fact-filled workshop will increase their understanding of the intricacies and complexities of the Brown Act and learn how to apply the law. The program includes information about the development and distribution of the board agenda, open meeting laws and circumstances under which closed sessions are allowed or not allowed.

The three-hour workshop will be held at the following locations:

**January 26, 5:30–8:30 p.m.:** Sacramento, Hyatt Regency Sacramento

**March 1, 4:00–7:00 p.m.:** Anaheim, Sheraton Park Hotel at the Anaheim Resort

The registration fee is \$185 for early registration (one week prior to the event) and \$210 after that date. Participants who register to attend the Board Presidents Workshop during the same weekend in January or March will receive a discount on the total registration fee.

See [www.csba.org/TrainingAndEvents](http://www.csba.org/TrainingAndEvents) for more information and online registration.

### Training for executive assistants

Executive assistants play a critical role at any district/COE. This course provides professional development to enhance the performance of executive assistants in meeting the needs of the superintendent, board and students.



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The all-day session (9:00 a.m. to 3:00 p.m.) is scheduled on the following dates:

**March 2:** Anaheim, Sheraton Park Hotel at the Anaheim Resort

**April 16:** San Jose, Santa Clara County Office of Education

**April 24:** Sacramento, Sacramento County Office of Education

Registration opens at 8:30 a.m. The registration fee is \$199 for early registration (one week prior to the event) and \$224 after that date, and includes materials, morning refreshments and lunch.

To register, go to [www.csba.org/TrainingAndEvents](http://www.csba.org/TrainingAndEvents).

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## End Notes

- 1 California Department of Education. (September 2016). *Recommendation on the High School Exit Examination and Pathways to Graduation*. [www.cde.ca.gov/ta/tg/hs](http://www.cde.ca.gov/ta/tg/hs)
- 2 Fletcher, A., & King, A. (2014). *Guide to Students on School Boards*. SoundOut: Olympia, WA. [www.soundout.org/students-on-school-boards-toolbox](http://www.soundout.org/students-on-school-boards-toolbox)
- 3 Urist, J. Should students sit on school boards? (April 23, 2014). *The Atlantic*. [www.theatlantic.com/education/archive/2014/04/do-school-boards-need-student-members/361127](http://www.theatlantic.com/education/archive/2014/04/do-school-boards-need-student-members/361127)



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