



Please copy and distribute to all board members, the superintendent and other appropriate staff.

Topics:

- Uniform complaint procedures revised; more changes expected .. 1**
- Special education laws aligned with IDEA 2**
- New nutrition standards impact wellness policies 2**
- Districts consider impact of high school exit exam. 2**
- Teacher qualifications at forefront as HQT deadline nears.. . . . 3**
- New from CSBA 4**

Customer satisfaction is our goal

If you have any comments, suggestions or questions about CSBA's sample policies and regulations or our various policy services, please contact Martin Gonzalez, assistant executive director, Governance and Policy Services, at (800) 266-3382 or mgonzalez@csba.org.

In the 2005 legislative session, the governor received 961 bills on his desk, signing 729 and vetoing 232. According to the Sacramento Bee, this is the smallest number of bills signed by a governor in the last forty years.

Several hundred of the bills signed by the governor affect education. CSBA's November edition of sample policies and regulations is filled with materials that have been revised to reflect these new laws, and more changes will be coming in future editions. This issue of the Governance and Policy Services News details some of the major issues from the legislative session and how those new laws will affect district policies. In addition, approved or pending state regulations are expected to have a significant impact on district policy.

Uniform complaint procedures revised; more changes expected

Williams Uniform Complaint Procedures

This year, the governor signed two bills amending the process and notice requirements for Williams uniform complaint procedures. AB 831, which became law at the end of July, amended the Williams procedure to require that students have access to instructional materials to use at home even if they do not have required homework assignments to complete, and to add that the notice posted in each classroom must contain information about teacher vacancies and misassignments. Subsequently, the governor signed SB 512 which requires that the classroom notice be addressed to students and teachers as well as parents/guardians.

In addition, the State Board of Education is continuing its process of adopting new Title 5 regulations dealing with Williams UCP. These regulations have not yet become law and it is likely that they will not go into effect until December at the earliest.

CSBA Policy Revisions: AR 1312.4 - Williams Uniform Complaint Procedures, as well as E(1) the sample notice and E(2) the sample complaint form, were revised in August to reflect AB 831 and placed on GAMUT Online and the CSBA Web site. SB 512 subsequently affected E(1), and this sample notice has been revised. All three documents are included in the November packet. Districts that downloaded the sample notice in August should replace that notice with the latest version. However, it is likely that this procedure and the exhibits will need to be revised again in March once the Title 5 regulations become law.

Compliance monitoring

The SBE is in the process of adopting new Title 5 regulations regarding both Williams uniform complaint procedures (as described above) and regular uniform complaint procedures. These two procedures are part of compliance

monitoring and included in the CDE's Categorical Program Monitoring (Coordinated Compliance Review) process.

Because the CDE anticipates that these regulations will become law in December, the Categorical Program Monitoring checklist for 2005-06 UCP and Williams UCP include the anticipated regulatory changes. CSBA has received calls from districts that have received a 2005-06 checklist for self-study or who have attended the CDE's trainings. These districts have expressed concern that their policy, and CSBA's sample, are not reflective of the 2005-06 checklist. Although the CDE determined that it would be helpful to base the checklist on proposed regulations, CSBA's attorneys determined that it would be inappropriate for our samples to be revised to reflect regulations that are not yet law. The CDE is scheduling compliance visits for January-May and staff has assured CSBA that districts will not be found out of compliance until the regulations actually become law.

CSBA Policy Revisions: BP/AR 1312.3 - Uniform Complaint Procedures and AR/E 1312.4 - Williams Uniform Complaint Procedures will be revised as soon as the Title 5 regulations become law and take effect. Districts undergoing compliance monitoring should check GAMUT Online and the CSBA Web site for updates. It is anticipated that revised samples will be included in the March packet.

Special education laws aligned with IDEA

AB 1662 amends the California Education Code for conformance with the federal Individuals with Disabilities Education Act reauthorized in early 2005. Many technical changes to the Education Code are included in this huge bill (more than 96 pages long), and this legislation will affect several of CSBA's sample policies and administrative regulations. Major issues include the statute of limitations for due process complaints, a change in the age (from 14 to 16) at which transition services must be included in the IEP, and a change in the definition of related services. The U.S. Department of Education is in the process of adopting revisions to federal regulations to implement the reauthorization legislation and it is likely that the state will need to adopt new legislation again in 2006 to conform with the federal regulations.

CSBA Policy Revisions: The following samples will be revised in March to reflect new state law and federal regulations: AR 6159 - Individualized Education Program, AR 6159.1 - Procedural Safeguards and Complaints for Special Education, BP/AR 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education, and BP/AR 6164.4 - Identification of Individuals for Special Education.

New nutrition standards impact wellness policies

As part of a strong focus on student wellness in the 2005 legislative session, two bills signed by the governor affect nutrition standards for foods and beverages sold at schools. SB 12 revised the food standards for all grade levels, effective July 1, 2007. SB 965 revised the beverage standards for elementary, middle, and junior high schools effective Jan. 1, 2006, and extends these standards to high schools on a phased-in basis between July 1, 2007, and July 1, 2009.

CSBA is issuing a policy brief, which provides detailed information about these standards and questions for boards to consider in the development of policy on these topics. Districts participating in federal meals programs should incorporate the new standards into the federally mandated "wellness" policy.

CSBA Policy Revisions: In November, CSBA is reissuing a number of policies and regulations impacted by the new legislation and/or related issues of student wellness: BP 3312 - Contracts, BP/AR 3550 - Food Service/Child Nutrition Program, BP/AR 3554 - Other Food Sales, BP 5030 - Student Wellness, and BP 6142.8 - Comprehensive Health Education.

Districts consider impact of high school exit exam

As the class of 2006 enters its senior year, the high school exit examination (CAHSEE) is receiving a lot of attention. Beginning with this class, all high school students must pass the exit exam in order to receive a diploma. Districts should be aware of controversies surrounding (1) alternative "certificates of completion" for students who are unable to pass the exit exam, and (2) applicability of the exit exam requirement to special education students.

Certificates of Completion

Because the requirement for successful passage of the CAHSEE is quickly approaching, many districts are considering the options for students who are unable to pass the exam but have successfully completed the district's course requirements for graduation. One such option is to issue those students a "certificate of completion" in lieu of a regular diploma.

In August, CSBA issued a policy advisory outlining the policy considerations for boards in deciding whether to issue certificates of completion. A copy of this advisory can be found on GAMUT Online's homepage (www.gamutonline.net) or on CSBA's Web site (www.csba.org/PA/csbaAdvisory8_19_05.pdf).

CSBA Policy Revisions: BP 6146.1 - High School Graduation Requirements has been revised to include sample language for certificates of completion for regular education students.

Requirement for Special Education Students

In August, the Superintendent of Public Instruction and parents of special education students reached a settlement in the *Chapman v. California Department of Education* case which alleged that the CAHSEE requirement discriminated against special education students. The parties agreed to a one-year waiver of the test, meaning that certain students with disabilities from the class of 2006 would not be required to pass the exam in order to receive a regular diploma. Legislation was necessary in order to enact the terms of the settlement.

SB 586 was the legislative vehicle used to address the settlement. However, the bill was amended to also waive the requirement for special education students in the class of 2007. Because the bill extended the terms of the settlement, it was vetoed by the governor. The governor's veto makes the settlement agreement null and void; thus, the parties will need to either enter into a new settlement agreement or take the case to trial. Until such an agreement is reached, special education students are still required to pass the CAHSEE with appropriate accommodations and modifications.

CSBA Policy Revisions: No effect on BP/AR 6162.52 - High School Exit Examination. If a settlement agreement is reached before the March packet is issued, CSBA will revise this sample. Please check GAMUT Online (www.gamutonline.net) or the CSBA Web site (www.csba.org) for updates.

Teacher qualifications at forefront as HQT deadline nears

BP/AR 4112.2 - Certification is being reissued in this packet to reflect Title 5 regulations (Sections 80021-80021.1, added by Register 2005, No. 18) which will replace the emergency permit with the Short-Term Staff Permit and Provisional Internship Permit.

Other recent actions described below also affect determination of teacher qualifications, including criteria for "highly qualified teachers" under the federal No Child Left Behind (NCLB) Act.

Individualized Internship Certificates

On November 3, the Commission on Teacher Credentialing issued official coded correspondence announcing that, effective immediately, it will no longer issue Individualized

Internship Certificates until state regulations are adopted. This decision was in response to a suit filed by the Californians for Justice Education Fund and the court's determination that the CTC did not have authority to issue IICs without first promulgating regulations. The ruling is focused on the process CTC used to adopt the certificate program, which was done through a "coded correspondence" as opposed to the rulemaking process.

The CTC will consider emergency regulations at its December 1 meeting to establish a Special Temporary Certificate. This temporary certificate will have the same requirements and authorizations as the IIC and, if approved by the Office of Administrative Law, would replace the IIC until regulations can be approved to grant the CTC the authority to issue IICs. It is expected that the emergency regulations would be approved no later than December 12.

Until further notification by the CTC, applications for these certificates will not be accepted. Applications submitted prior to November 15 will be issued as STCs.

An employee already holding an IIC will be allowed to remain teaching while his/her certificate is transitioned to an STC. After receiving notification from the CTC that the emergency regulations have been approved, districts will be required to notify current IIC holders that the IIC is void and that their authorization is changed to the STC. Districts also must replace references in their official records to individuals holding IICs as now holding STCs. The stipulated judgment provides that STC holders will be entitled to the same employment classification, pay, and benefits previously available to IIC holders.

IIC and STC holders are no longer considered to be in an approved intern program and thus do not meet the HQT definition under NCLB. Districts should not report IIC or STC holders as HQT in reports to the state or federal government.

To read the full CTC correspondence, see www.ctc.ca.gov/notices/coded/050018/050018.html.

CSBA Policy Revisions: BP/AR 4112.21 - Interns will be revised as appropriate following the approval of new state regulations.

Special Education HQT

At press time, it was expected that the Office of Administrative Law would, by November 16, approve a revised state regulation (5 CCR 6111) pertaining to criteria for highly qualified teachers who teach special education at the middle and high school levels and are "new" to the profession.

The intent of the new regulation is to provide flexibility to new special education teachers who are highly qualified in mathematics, language arts, or science to demonstrate subject-matter competence for other subjects in the same manner as other "not new" middle and high school teachers. Such teachers, if they hold a special education credential or are currently enrolled in an approved special education intern program for fewer than three years, may demonstrate competence in other core academic subjects they teach by completing the High Objective Uniform State Standard Evalu-

ation option within two years of the date of employment.

The Initial Statement of Reasons for the regulation indicates that flexibility in demonstrating subject-matter competency is necessary to prevent further diminishing of the ranks of special education teachers. It points out that 21 percent of special education teacher openings went unfilled in the 2004-05 school year.

CSBA Policy Revisions: Based on the revised state regulation, CSBA expects to reissue BP/AR 4112.24 - Teacher Qualifications Under the No Child Left Behind Act. In addition, BP 4112.23 - Special Education Staff will be reviewed and reissued if necessary.

No Federal Penalty for HQT

U.S. Secretary of Education Margaret Spellings has sent a letter to chief state school officers (October 21, 2005) giving states a one-year reprieve from the NCLB requirement that every teacher of a core academic subject meet the definition of HQT by the end of the 2005-06 school year. States that do not reach the 100 percent goal will not lose federal funds, but only if “they are implementing the law and making a good-faith effort to reach the HQT goal in NCLB as soon as possible.”

In determining whether the state is making a good-faith effort, the U.S. Department of Education will consider four factors:

1. the state’s definition of HQT;
2. how the state and districts report data to parents and the public on classes taught by highly qualified teachers (i.e., implementation of parents’ “right to know” standards);
3. the completeness and accuracy of HQT data reported to the U.S. Department of Education; and
4. the steps the state has taken to ensure that experienced and qualified teachers are equitably distributed among classrooms with poor and minority children and those with their peers.

The U.S. Department of Education will use data submitted by states in January 2006 to determine their progress. If a state is falling short of meeting the HQT goal but meets all four of the requirements above, the state will be asked to submit a revised plan for reaching the goal in the 2006-07 school year.

New from CSBA

Policy Audit Program

CSBA is now offering a Policy Audit Program to help districts determine if their policies reflect current law. A CSBA consultant will review more than 150 district policies, administrative regulations, and bylaws — including over 70 that are mandated by law and others that contain important legal requirements — and provide a report identifying those that the district does not have or that do not reflect current law. Copies of the necessary

CSBA sample policies also will be provided.

“The district’s policy manual is an important tool for ensuring that district operations comply with the law,” says Bode Owoyele, assistant director of policy services for CSBA. “But it’s often difficult for districts to track all the legislative changes and revise policies in a timely manner. This service helps districts prioritize their policy needs and provides a snapshot that may help them determine if they need additional assistance updating their policy manual.”

The service is available for a flat fee of \$750. For further information, call CSBA at (800) 266-3382.

Security Update for AgendaOnline

CSBA has enhanced the security features of AgendaOnline, its electronic board meeting agenda service that allows development of and access to agendas, supporting documents, and minutes from any computer with Internet access. Districts that request to use the SSL certificate have the following benefits:

- Users’ log-in and account information is submitted from a secure page.
- Supporting documents that are downloaded from the agenda page are downloaded to a secure page.
- The adding or editing user account function is performed from a secure page.

For further information about AgendaOnline, visit www.csbaagendaonline.net, E-mail agenda@csba.org, or call (800) 266-3382.

Updated Charter School Manual

CSBA’s *Charter Schools: Manual for Governance Teams* has been revised to reflect current law and provide additional information about the roles and responsibilities of districts pertaining to charter schools.

The manual focuses on the approval, oversight, and renewal responsibilities of boards. It suggests steps that districts should take when establishing processes and procedures in anticipation of a petition, reviewing the legal compliance of the petition and the soundness of the proposed educational program, making decisions about allocating space for facilities to the charter school, monitoring the academic performance and fiscal condition of the charter school, and determining whether the charter school has met criteria for renewal. Charter school closures and revocations are also addressed.

CSBA’s sample BP/AR 0420.5 - Charter Schools and AR 7160 - Charter School Facilities will be reviewed and reissued as necessary to include the latest guidance for districts.

To order, call (800) 266-3382 or order online at www.csba.org/co/books.