California Department of Education

Executive Office

SBE-002 (REV. 11/2017)

memo-imb-iad-mayitem01

# **MEMORANDUM**

DATE: May 04, 2020

TO: MEMBERS, State Board of Education

FROM: TONY THURMOND, State Superintendent of Public Instruction

SUBJECT: Update to the 2020–21 Local Control and Accountability Plan development process, reporting requirements, and submission timelines as changed by Executive Order in response to California’s widespread school and district closures due to the COVID-19 pandemic.

## Summary of Key Issues

The unprecedented closure of California schools and districts due to the COVID-19 crisis required essential changes to the Local Control and Accountability Plan (LCAP) development process, reporting requirements, and submission timelines. This informational memorandum provides a summary of the changes made through Executive Order (EO) N-56-20.

The changes to the 2020-21 LCAP are grounded in the fundamental principles of the Local Control Funding Formula. The new process remains transparent and demands the inclusion of all stakeholders while continuing to address the needs of California’s unduplicated students.

On March 13, 2020, the Governor issued EO N-26-20 (<https://www.gov.ca.gov/2020/03/13/governor-newsom-signs-executive-order-ensuring-state-funding-for-schools-even-in-event-of-physical-closure/>) regarding the operation of schools during closures due to COVID-19.

On March 19, 2020, the Governor issued EO N-33-20 (<https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf>), ordering all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operation of essential critical infrastructure sectors and additional sectors as designated by the State Public Health Officer due to the outbreak of COVID-19.

On April 22, 2020, Governor Newsom issued EO N-56-20 (Attachment 1), which makes changes to the LCAP for the 2020–21 school year. This Executive Order:

* Extends the deadline for a local school district governing board, county board of education, or a governing body of a charter school to adopt an LCAP and Budget Overview for Parents until December 15, 2020.
* Aligns the submission and approval of the Budget Overview for Parents with the new submission deadline of the 2020–21 LCAP.
* Creates the requirement for a local educational agency (LEA) to adopt a written report to its community that explains the changes to program offerings the LEA has made in response to school closures to address the COVID-19 emergency and the major impacts of such closures on students and families. The written report must detail how the LEA is meeting the needs of its unduplicated students during the period of school closures and the steps being taken by the LEA to support the following during the period of school closures: a) the delivery of high-quality distance learning opportunities; b) provision of school meals in non-congregate settings; and c) arrangements for, to the extent practicable, supervision of students during ordinary school hours consistent with EO N-26-20. The written report is to be adopted by the local governing board or body by July 1, 2020, and is required to be submitted with the budget to the LEA’s approving body. Once adopted, the written report must be displayed on the homepage of the LEA’s website, if such a website exists.
* Extends the timeline for approval of the LCAP consistent with California *Education Code* (*EC*) sections 52070(d) and 52070.5(d) to January 14, 2021.
* Waives certain LCAP related budgetary requirements including:
	+ Adopting an LCAP prior to the adoption of the LEA’s budget; and
	+ Including LCAP expenditures necessary to implement actions in an LCAP in the 2020–21 budget.
* Waives the requirement for the local governing board or body to review and adopt local indicator data in conjunction with the adoption of the LEA’s LCAP as specified in *EC* Section 52064.5(e)(2).

In response to EO N-56-20, the California Department of Education has posted LCAP Executive Order Frequently Asked Questions: <https://www.cde.ca.gov/re/lc/lcapfaq.asp> and conducted a Tuesdays @ 2:00 pm webinar on Tuesday, April 28, 2020, to discuss the EO and answer questions from participants. The webinar was viewed by close to 1000 participants.

EO N-56-20 acknowledges the need for further action in partnership with the Legislature to address future deadlines and other requirements related to the Local Control and Accountability Plan, including the development of a new template for the 2020-21 school year.

## Attachment(s)

* Attachment 1: Executive Order N-56-20 (4 pages). A signed copy is available at <https://www.gov.ca.gov/wp-content/uploads/2020/04/EO-N-56-20.pdf>.

# **EXECUTIVE ORDER N-56-20**

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** on March 13, 2020, I issued Executive Order N-26-20, which ensured continued funding for public schools that close in response to the COVID-19 pandemic so they could continue, during the period of a school closure, to deliver high-quality distance learning opportunities, access to school nutrition programs, and supervision of students during ordinary school hours and to pay their employees; and

 **WHEREAS** continued school closures in response to the COVID-19 pandemic will impact important annual planning, budgetary, and other processes specified by statute and regulation, necessitating immediate relief from associated deadlines in the short term; and

**WHEREAS** further action in partnership with the Legislature is necessary to address future deadlines that are not imminent, including certain requirements related to the California School Dashboard; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**NOW, THEREFORE, I, GAVIN NEWSOM,** Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

1. For purposes of this Order, Local Educational Agency (LEA) means school districts, county offices of education, and charter schools; and the Local Control and Accountability Plan (LCAP) refers to a local control and accountability plan and annual update adopted using the template specified in Education Code section 52064.
2. The deadline for a local school district governing board, county board of education, or a governing body of a charter school to adopt the LCAP and the budget overview for parents by July 1 of each year, pursuant to Education Code sections 47604.33, 47606.5, 52060, 52061, 52064.1, 52066, and 52067, is extended until December 15, 2020, on the conditions that:
	1. The governing board or body of the LEA adopts, during the same meeting at which the governing board or body of the LEA adopts the annual budget due July 1, 2020, a written report to the community that explains the changes to program offerings that the LEA has made in response to school closures to address the COVID-19 emergency and the major impacts of such closures on students and families, which shall include, at minimum, a description of how the LEA is meeting the needs of unduplicated pupils, defined consistent with Education Code section 42238.02(b)(1), during the period of school closures and the steps taken by the LEA, consistent with Paragraph 2 of Executive Order N-26-20, to support the following during the period of school closures:
		1. Continue delivering high-quality distance learning opportunities;
		2. Provide school meals in non-congregate settings; and
		3. Arrange for supervision of students during ordinary school hours.
	2. School districts and county boards of education submit the written report adopted pursuant to clause (i) to the county superintendent of schools or the Superintendent of Public Instruction, respectively, in conjunction with submission of the adopted annual budget.
	3. A charter school submits the written report adopted pursuant to clause (i) to its authorizer in accordance with Education Code 47604.33.
	4. The LEA posts a copy of the written report adopted pursuant to clause (i) on the homepage of the internet website maintained by the LEA, if such website exists.
3. The California Department of Education shall develop a form that LEAs may use for the written report specified in Paragraph 2.
4. The deadline for a county superintendent or the Superintendent of Public Instruction to approve the LCAP pursuant to Education Code section 52070(d) and 52070.5(d) is extended until January 14, 2021.
5. The deadline for a charter school to submit the LCAP to its chartering authority and the county superintendent of schools is extended to December 15, 2020.
6. Education Code section 52064(j) is waived with respect to any LCAP adopted pursuant to Paragraph 2.
7. For the budget adopted by a governing board of a school district on or before July 1, 2020, the requirements that the governing board adopt a LCAP prior to adopting a budget and that the budget include the expenditures identified in the LCAP pursuant to Education Code section 42127(a)(2)(A); that a county superintendent of schools disapprove the budget by September 15, 2020 if the budget does not include the expenditures necessary to implement the LCAP pursuant to Education Code sections 42127(c)(3) and 42127(d)(1); and that a county superintendent of schools shall not adopt or approve a budget before the LCAP for the budget year is approved pursuant to Education Code section 42127(d)(2), are waived.
8. For the budget adopted by a county board of education on or before July 1, 2020, the requirements that a county board of education adopt a LCAP prior to adopting a budget and that the budget include the expenditures identified in the LCAP pursuant to Education Code section 1622(a); that the Superintendent of Public Instruction disapprove the budget if the county board of education has not adopted a LCAP or if the budget does not include the expenditures necessary to implement the LCAP pursuant to Education Code section 1622(b)(2); and that the Superintendent of Public Instruction disapprove a revised budget by November 8, 2020 if the Superintendent of Public Instruction determines the budget does not include the expenditures necessary to implement the LCAP pursuant to Education Code section 1622(d), are waived.
9. Education Code section 52064.5(e)(2), requiring the governing board of a school district, the county board of education, and the governing body of a charter school to review data to be publicly reported for Dashboard local indicators in conjunction with adoption of the LCAP, is waived with respect to the review and adoption that would otherwise be required by July 1, 2020.
10. Paragraph 3 of Executive Order N-29-20, including the conditions specified therein, shall apply to meetings held pursuant to Article 3 of Chapter 2 of Part 21 of Division 3 of Title 2 of the Education Code and Education Code section 47604.1(b).
11. The requirements specified in Education Code sections 51210(a)(7), 51220(d), 51222, and 51223, related to minimum instructional minutes in physical education for grades 1-12 are waived, and the requirements specified in Education Code section 51241(b)(2), related to providing adequate facilities for physical education courses, are waived.
12. Education Code section 60800, requiring each LEA maintaining any of grades 5, 7, and 9 to administer a physical fitness performance test to each student in those grades, and Education Code sections 33352(b)(4) and (5), requiring the California Department of Education to collect data regarding the administration of the physical fitness test, are waived for the 2019-20 school year.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 22nd day of April 2020.

GAVIN NEWSOM

Governor of California

ATTEST:

ALEX PADILLA

Secretary of State