



May 8, 2020

EXECUTIVE ORDER CHANGES REQUIRED SEQUENCE OF EVENTS FOR BUDGET HEARING AND ADOPTION

As you are aware, the Governor's recent Executive Order N-56-20 extends the time for adoption of the Local Control and Accountability Plan until December 15, 2020. This in turn affects the chain of events which usually occur at this time of year:

- Hold LCAP hearing on the same day as the budget adoption hearing
- Hold LCAP hearing on earlier date than LCAP adoption
- Hold LCAP adoption at same meeting as budget adoptionⁱ

This means that many boards normally have two meetings in June to accommodate this challenging sequence; others hold the LCAP and budget hearings in May and then adopt in June.

The result of delaying the LCAP approval until December is that boards can now hold the budget hearing at the same meeting as budget adoption. Some boards are accordingly canceling the regular meeting they had scheduled for the LCAP and budget hearings.

The preferred route for canceling a regular board meeting is for the Board to take formal action, since the regular meeting schedule for the year was adopted and published at the annual meeting. It is recommended that if possible the cancellation be agendaized at the May regular meeting or other meeting held before the meeting to be canceled. The following is recommended open session agenda language:

CANCELLATION OF JUNE ____, 2020, REGULAR MEETING

Alternatively, the meeting adjournment process could be used to continue the regular meeting to another date and time. This would require a board member (or superintendent as secretary to the Board) to appear at the scheduled meeting time, declare the meeting adjourned, and follow the process outlined in the attached memorandum. (Under the present circumstances, this may mean "appearing" at a meeting held via telephone or Zoom teleconference; it is

recommended that the required notice of adjournment be posted online if the meeting will not be held in a physical place.)

As you know, the County Superintendent of Schools is required to publish the dates of the LCAP and budget hearings. This may have already happened this year before the Executive Order was issued. If there will be a change in the budget hearing date, the County Superintendent should be contacted as soon as possible to determine whether publication of the revised date is possible. Districts may also want to consider putting out some clarifying information regarding these changes. The following language could be inserted for information into your May and/or June agendas (this could also be separately posted on the website as a notice; there is no legal requirement to do so):

INFORMATIONAL ITEM:

STATUS OF LOCAL CONTROL AND ACCOUNTABILITY PLAN AND ADOPTION OF WRITTEN REPORT REQUIRED BY EXECUTIVE ORDER N-56-20

School districts must normally adopt their Local Control and Accountability Plan and budget by July 1 of each year. Pursuant to the Governor's Executive Order No. N-56-20, the deadline for LCAP adoption is extended until December 15, 2020, on the condition that the governing board adopts, during the same meeting at which the board adopts the annual budget due July 1, 2020, a written report to the community that explains the changes to program offerings the district has made in response to school closures to address the COVID-19 emergency and the major impacts of school closures on students and families. At a minimum, the report will include a description of how the district is meeting the needs of "unduplicated pupils" during the period of school closures and the steps taken by the district 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.

If the budget hearing is moved to the budget adoption meeting, you might want to include some explanatory language regarding the timing change in the agenda. Here is some suggested agenda language for the budget hearing:

PUBLIC HEARING REGARDING 2020-2021 BUDGET

Pursuant to Education Code section 42147(a), the Board will hold a public hearing to receive public input on the budget to be adopted for the subsequent fiscal year. This public hearing is normally held on an earlier date (i.e., on the date of the public hearing

regarding the Local Control and Accountability Plan); however, because the deadline for adopting the LCAP has been extended until December 15, 2020, pursuant to Executive Order N-56-20, the public hearing on the budget may be held on the same date as the budget adoption this year.

Please contact our office if you have questions or concerns.

~ Grant Herndon

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ⁱ Education Code sections 42127, 52062.