EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

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:

    (i) 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:

a. Continue delivering high-quality distance learning opportunities;

b. Provide school meals in non-congregate settings; and

c. Arrange for supervision of students during ordinary school hours.

(ii) 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.

(iii) A charter school submits the written report adopted pursuant to clause (i) to its authorizer in accordance with Education Code 47604.33.

(iv) 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