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LEGAL UPDATE

April 27, 2020

To: Superintendents, Member School Districts (K-12)
From: Kaitlyn Schwendeman, Schools Legal Counsel *KAS*
Carl D. Corbin, General Counsel *CDC*
Subject: Governor Extends LCAP Deadline and Waives PE
Requirements – Executive Order N-56-20
Memo No. 29-2020

On Wednesday, April 22, 2020, Governor Newsom announced Executive Order N-56-20,¹ which extends the deadline for a Local Education Agency (“LEA”)² to adopt its Local Control and Accountability Plan (“LCAP”) for 2020-2021 and waives requirements for physical education, effective immediately. Below is a brief summary:

LCAP:

- Governing Boards will have until December 15, 2020, to adopt their LCAP, on the conditions that:
 - At the meeting the district adopts its budget (due by July 1, 2020), the LEA adopts a written report³ to the community that explains the changes to the LEA’s 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 during the period of school closures and the LEA must explain the steps it took during the school closures to:⁴
 - Continue delivering high-quality distance learning opportunities;
 - Provide school meals in non-congregate settings; and

¹ The full text of the Executive Order may be found at: <https://www.gov.ca.gov/wp-content/uploads/2020/04/EO-N-56-20-text.pdf>.

² LEA is defined as school districts, county offices of education, and charter schools.

³ The California Department of Education (“CDE”) is required to develop a form for this report.

⁴ Consistent with Paragraph 2 of Executive Order N-26-20.



- Arrange for supervision of students during ordinary school hours.
- This report must be submitted to the County Superintendent and State Superintendent of Public Instruction, and must be posted on the LEAs website, if applicable.
- County Superintendents will have until January 14, 2021, to approve LEAs' LCAPs.
- 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.
- All requirements that the Board adopt the LCAP prior to the budget adoption and include expenditures related to the LCAP within the budget are waived.
- The requirements of 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.
- Charter school board meetings have the same relaxed public participation and meeting requirements provided to non-charter schools outlined in Executive Order N-29-20.⁵

Physical Education:

- Minimum instructional minutes requirements for physical education set forth in Education Code sections 51210(a)(7), 51220(d), 51222, and 51223 are waived, effective immediately as is the requirement to provide adequate facilities for physical education courses.⁶
- The requirement that LEAs conduct a physical fitness performance test in grades 5, 7 and 9 are waived for the 2019-2020 school year.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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⁵ For more detailed information, please see our Legal Update No. 18-2020.

⁶ Please note, it appears that these requirements are waived indefinitely, including into the 2020-2021 school year.