

Minutes of the Education Audit Appeals Panel

Monday, October 26, 2020

Skype Conference Call

Sacramento

Call to Order and Roll Call

Lisa Constancio called the meeting to order at 1:31 p.m.

Panel members present: Lisa Constancio, designee of the Superintendent of Public Instruction and Cheryl McCormick, designee of the Director of the Department of Finance. Joel Montero was not in attendance.

M. Vazquez advised the members of the public to please email to request a Closed Session Report.

Approval of Minutes

Action: The minutes of the July 27, 2020 meeting were approved.

Item 1	Report of the Executive Officer 1. Summary of appeal activities 2. Appeals and Summary Review Caseload 3. Other items of interest	Information
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Ms. Kelly reported that since the last meeting, seven summary reviews have been filed and six determinations were made. Relief was partially granted in the case of Lemoore Union High. The summary review requests for Contra Costa County Office of Education, Golden Oak Montessori of Hayward, Santa Cruz City Schools, Barstow Unified and Yolo County Office of Education were denied.

There was one formal appeal filed since the last meeting, by Mojave River Academy - Rockview Park. The LEA missed the extended deadline for summary review request so a formal appeal was requested instead.

The Permanent Rulemaking Regulations for the 2020-21 Audit Guide were filed with the Office of Administrative Law (OAL) on July 21, 2020. The 45-day Notice was published in the California Regulatory Notice Register on July 31, 2020 and ended on September 14, 2020. There were no comments received from the public. At the April 2020 Panel meeting, contingent approval was granted to file the certificate of compliance for the 2020-21 Audit Guide, if no comments were received. Because no comment were received, no additional agenda item is needed to submit the certificate of compliance to OAL. Ms. Kelly informed the panel of her intent to submit it this month.

The Audit Guide work group started meeting last week to discuss amendments to supplement the 2020-21 Audit Guide and the Permanent Rulemaking Regulations for the 2021-22 Audit Guide. The Supplement to the 2020-21 Audit Guide is due for publishing on March 1, 2021. Additional meetings have been scheduled for November, December and January to address the large number of items included in the proposals.

Item 2	<p>Public Participation</p> <p>This time is reserved for any person to address the Panel. If the subject is on the Public Session Agenda, individuals may comment now or at the time the item is considered. If the subject is not on the Public Session Agenda, the Panel is not empowered to take action on it. Public comment is limited to 3 minutes per speaker; the Panel may extend the limit by a uniform amount per speaker.</p> <p>No comment will be taken on matters at issue in items on the Closed Session Agenda, or on any pending adjudicatory proceeding.</p>	Information
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A member of the public, Robert Manwaring from Children Now, had comments regarding the audit guide. Mr. Manwaring stated that equity and civil rights groups are not regularly a part of the audit guide work group process, but have concerns this year. The concerns are due to substantial requirements of distance learning that have no oversight. The biggest concerns are devices and connectivity, ensuring that students are receiving academic support, that students are receiving live daily interaction, that time equivalency requirements are met and there is regular communication with parents. Mr. Manwaring stated that the audit guide is one of the few ways to provide oversight. Mr. Manwaring expressed an interest in a pathway for equity and civil rights groups to participate in the audit guide work group process. One possibility to ensure their input could be considered would be participating as ad hoc members of the work group, or conducting a separate set of meetings. Mr. Manwaring sees the potential concern of an audit finding as a motivating factor for districts to address these issues.

Mr. Morgan advised of the 45-day comment period that comes after the notice of proposed rulemaking, but appreciates early comments during this complex year. Comment period begins in March 2021, after adoption and a hearing could be requested before comment period closes.

Mr. Manwaring stated that he would want to provide input prior to the audit guide being finalized, due to concerns over not knowing what is being discussed before the final version is released. Mr. Morgan suggested contacting Iryna Bush at the State Controller’s Office (SCO), regarding the meetings. Ms. Constancio was also going to suggest contacting Ms. Bush at SCO, in order to provide input, as other entities have also emailed.

Ms. Kelly has a letter from the coalition expressing what they would like to see in the audit guide, that was sent to the members of the Panel and SCO. It was considered at the Audit Guide work group meeting, as the letter was on the agenda. Ms. Kelly recommend that Mr. Manwaring provide her with a letter prior to the next audit guide meeting in order to forward it the meeting participants.

Item 3	<p>Legislation Report</p> <p>Discussion and action as appropriate regarding any legislation that may affect EAAP</p>	Information Action
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Ms. Kelly spoke on SB-820, which makes changes to the School Facility Bond Act. The bill would require the SCO to provide a copy of the audit and to notify the Office of Public School Construction (OPSC) of any audit findings. The bill would require OPSC, if the audit identifies funds that were not expended in accordance with specified requirements, to recover those funds from the LEA. Notification of these appeals will go to OPSC and not to CDE.

Item 4	Next meeting: November 16, 2020 Tentative EAAP meeting calendar for 2021	Information Action
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Action: The Panel members unanimously approved the rulemaking calendars for 2021.

The Public Session recessed at 1:59 p.m.

Members of the public disconnected from the Skype conference call and EAAP staff and Panel members went into closed session.

Closed Session Report:

In closed session, the Panel heard a comment related to pending litigation in the matter of California Virtual Academies and Insight Schools of California, EAAP Case 17-20. No action was taken by the Panel.