

Minutes of the Education Audit Appeals Panel

Monday, July 27, 2020
Skype Conference Call
Sacramento

Call to Order and Roll Call

Joel Montero called the meeting to order at 1:33 p.m.

Panel members present: Joel Montero, designee of the Fiscal Crisis and Management Assistance Team, Jennifer Whitaker, designee of the Director of the Department of Finance and Lisa Constancio, designee of the Superintendent of Public Instruction.

Approval of Minutes

Action: The minutes of the April 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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It was announced that today, July 27, 2020, would be Jennifer Whitaker's final panel meeting. Cheryl McCormick will be Ms. Whitaker's successor on the Education Audit Appeals Panel. Ms. McCormick is the Chief of the Office of State Audits and Evaluations and has many years of experience in conducting, planning, reviewing and overseeing audits. Ms. McCormick was provided with a copy of The Bagley-Keene Open Meeting Act 2004, the 2018 Update. EAAP staff verified that Ms. McCormick could participate in the closed session part of today's meeting.

Ms. Kelly reported that since the last meeting, five summary reviews have been filed and no determinations were made. The State Controller's Office (SCO) has resumed mailing out certification letters to the LEAs, so new requests have been received. EAAP staff are close to making decisions on these requests, the cases on the tables are all currently pending.

There were no additional formal appeals filed since the last meeting. The closed session agenda has the proposed decisions of Yreka Union High School District and Napa Valley Unified School District.

Ms. Kelly informed the Panel that the Office of Administrative Law (OAL) approved the Emergency Regulations for the 2019-20 Supplemental Audit Guide on (date) and filed them with the Secretary of State's Office.

The Permanent Rulemaking Regulations for the 2020-21 Audit Guide were filed with OAL on Tuesday, July 21, 2020. The 45-day Notice will be published in the California Regulatory Notice Register on July 31, 2020. Public comments relevant to the proposed regulatory action must be submitted by Monday, September 14, 2020.

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 question was asked regarding changes in the reporting of attendance and instructional time due to distance learning.

Ms. Constancio informed the meeting participants of CDE’s development of an upcoming list of frequently asked questions (FAQs) about Principal Apportionment, Instructional Time, Attendance Accounting and Attendance Reporting for fiscal year 2020–21. The FAQs will serve as a guidance to the public. Ms. Constancio suggested e-mailing (COVID19@cde.ca.gov) with any specific questions. In the fall, CDE will work with SCO and DOF in order to determine what will be incorporated into the supplemental audit guide.

Item 3	<p>Legislation Report</p> <p>Discussion and action as appropriate regarding any legislation that may affect EAAP</p> <ul style="list-style-type: none"> • Trailer Bill language for the deadlines for the filing of formal appeals and summary reviews 	Information Action
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Ms. Kelly informed the Panel of the Trailer Bill language on the deadlines for filling of formal appeals and summary review requests. For audits certified by SCO between March 1, 2020, and July 15, 2020, inclusive, an LEA may appeal a finding contained in a final audit report within 120 days of the date on which the LEA receives the final audit report resulting from an audit or review, or within 30 days of receiving a determination of a summary review pursuant to subdivision.

In addition, for audits certified between March 1, 2020, and July 15, 2020, an LEA may request a summary review within 90 days of the date on which the LEA receives the final audit report resulting from an audit or review.

Item 4	<p>Next Meeting</p> <p>August 31, 2020</p>	Information Action
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The Public Session recessed at 1:55 p.m.

M. Vazquez advised the members of the public to please email to request a Closed Session Report. 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 unanimously approved the Stipulated Agreements of the parties in the matters of Yreka Union High School District, EAAP Case 19-09 and Napa Valley Unified School District, EAAP Case 18-12.