

Minutes of the Education Audit Appeals Panel

Monday, July 24, 2023

Teams Conference Call

Sacramento

Call to Order and Roll Call

Joel Montero called the meeting to order at 1:34 p.m.

Panel members present: Joel Montero, designee of the Fiscal Crisis and Management Assistance Team and Elizabeth Dearstyne, designee of the Superintendent of Public Instruction.

Approval of Minutes

Action: The minutes of the May 22, 2023 meeting were approved.

Item 1	Report of the Executive Officer <ol style="list-style-type: none">1. Summary of appeal activities2. Appeals and Summary Review Caseload3. Other items of interest	Information
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Ms. Kelly reported that since the last meeting, three new summary reviews were filed.

The summary review requests for Connect Community Charter School, Big Picture Educational Academy and Ocean View Elementary had Independent Study findings. EAAP's current caseload has a significant amount of cases with Independent Study findings and Ms. Kelly anticipates more requests will be made. Michelle Hanson was in attendance for the meeting, she performed some of the audits and has been working with EAAP staff on providing material for some of the cases.

In addition, Ms. Kelly reported that since the last meeting, three determinations were made; one case was withdrawn as well. Corona-Norco Unified withdrew their request; they had a Ratios of Administrative Employees to Teachers finding. The summary review requests for Bonny Doon Union Elementary and Ross Valley Elementary were denied. Both had Instructional Time findings. Relief was partially granted in the case of Francophone Charter School of Oakland.

There were two additional formal appeals filed since the last meeting. Rescue Union School District and Kernville Union Elementary filed for Formal Appeal. Rescue Union School District's appeal is a new one from a different year. Both appeals are Independent Study findings.

California Virtual Academy, EAAP Case 17-20 and Rescue Union School District, EAAP Case 22-16 are both on the Closed Session Agenda.

Mr. Montero had comments regarding Independent Study findings. He asked if LEAs were not substantially compliant, is there anything EAAP staff could do in summary judgement? Ms. Kelly stated that EAAP staff is looking at all the cases to try to find any series of trends or communication issues. In some cases, different elements were missing from the agreements. So rather than handling the cases individually, it made more sense for staff to look at them all at once.

Mr. Morgan is currently looking into how to conduct EAAP Panel Meetings going forward. This in order to facilitate participation while still addressing the Bagley-Keene Act. The Panel members will continue to meet in person.

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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No comments were made.

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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EAAP staff are currently awaiting Omnibus Bill and how it may impact the Audit Guide. Nothing currently to discuss.

Item 4	<p><i>Notice of Proposed Rulemaking:</i></p> <p><i>Permanent Supplemental Regulations: 2022-23 Audit Guide.</i></p>	Information Action
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Previously, the Panel approved the initiation of the rulemaking process for the 2022-23 Supplemental Audit Guide and adopted the Emergency Regulations at its February 2023 Panel Meeting. During the rulemaking process and the 45-day public comment period, there were no public comments made. There are no suggested changes to the guide or the appendices. The Panel chose not to review the changes page by page as no changes are being made.

Action: The Panel members unanimously adopted the proposed Permanent Supplemental Regulations.

Item 5	<p>Next Meeting</p> <p>August 21, 2023</p>	Information Action
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Ms. Kelly does not anticipate meeting in August. The tentative meeting date for the September Panel Meeting was changed to September 18, 2023.

Adjournment

Mr. Montero adjourned the meeting at 1:57 p.m.

Closed Session Report:

In closed session, the Panel unanimously approved the Stipulated Agreement of the parties in the matter of Rescue Union School District, EAAP Case 22-16.

Additionally, 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.