

March 14, 2014

TO: School District Administrators

FROM: Division of Administration, Finance & Accountability

SUBJECT: Publication of Notice of Public Hearing for the 2014-15 Adopted Budget
(All Districts)

Implementation of the Local Control Funding Formula (LCFF) and the Local Control Accountability Plan (LCAP) regulations require that each district's LCAP public hearing be held in advance and at a separate meeting from its adoption. The intent of the LCAP hearing is to allow for public comment and recommendations regarding the specific actions and expenditures proposed to be included in the LCAP plan. (EC reference) The regulation requires separate public hearings for the LCAP and budget. Further, the regulations require that the public hearing for the budget be held at the same meeting as the public hearing for the LCAP. This requires a change to the process of holding the budget public hearing and adoption at the same meeting as most districts have used in the past and requires an earlier preparation of the budget and/or an additional board meeting arranged. Districts should consider and plan to adhere to these new requirements in realization that the timing may be further complicated by the timing of the Governor's May Revise and the potential late release of the SACS software.

Publication or Notice Requirements:

The County Superintendent of Schools must publish the notices of (1) the date and location at which the proposed budget may be inspected by the public, and (2) the date, time, and location of the public hearing on the proposed budget, in a newspaper of general circulation specified by the district, no earlier than 45 days prior to July 1, but at least 10 days prior to the actual date set for the hearing. The cost of the publication is charged against the school district for which the publication is made.

To accommodate this timeline, KCSOS requests receiving a Budget Public Hearing Planning Form designating (1) the date the budget will be available for inspection and (2) the scheduled date of the public hearing by April 7.

In addition, the agenda for the hearing must be posted at least 72 hours before the public hearing and must include the location where the budget will be available for public inspection.

Enclosed is a budget timeline with information to assist districts in planning budget calendars and Governing Board meetings associated with budget adoption and approval of each district's LCAPs. The calendar dates indicated are set by Education Code and the County Office does not have the authority to extend these deadlines. It is important that districts act now to schedule applicable Board meeting dates, so the Governing Board and administration can meet the required deadlines.

If your district has two board meetings a month, you should consider holding the LCAP and budget public hearing at the first meeting in June with the LCAP and budget being adopted at the second meeting in June. If your board only meets once a month, you may consider calling a special board meeting in the later part of June to ensure all required timelines are met.

If you have questions regarding the above information please contact your fiscal advisor.

In order that this office can comply with this provision, the attached form should be returned to Karen S. Brown no later than April 7, 2014.

SJM:kb

Enc.

OFFICE OF CHRISTINE LIZARDI FRAZIER
KERN COUNTY SUPERINTENDENT OF SCHOOLS

DETACH AND RETURN TO:

Karen S. Brown
Division of Administration & Finance
Kern County Supt. of Schools
1300 17th St., 6th Floor
Bakersfield, CA 93301-4533
(661) 636-4121 - FAX

BILLING ADDRESS:

(School District)

(Address)

INFORMATION NEEDED FOR THE NOTICE OF PUBLIC HEARING PUBLICATION:

_____ School District

1. Proposed budget will be available for public inspection:

DATE(S) _____

LOCATION/ADDRESS _____

2. Public Hearing:

DATE(S) _____ TIME _____

LOCATION/ADDRESS _____

Name (typed)

Title

Signature

Date

**CHARGES FOR PUBLICATION OF THIS NOTICE ARE THE
RESPONSIBILITY OF THE DISTRICT.**

**NOTICE OF PUBLIC HEARING PUBLICATION TIMELINES
FISCAL YEAR 2014-15**

Date considerations	Action(s) to be taken
10-45 days before public hearing	County Office publishes notice of public hearing
Public Hearings – Initial LCAP and budget meeting	<p>The school district governing board must hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP. The public hearing must be held at the same meeting as the annual budget public hearing. (Education code § 52062 (b)).</p> <p>Two (2) separate hearings for the LCAP and budget.</p>
Public meeting – Adopt LCAP and budget	<p>The governing board must then hold a second public meeting, held after, but not on the same day as, the public hearing, to actually adopt their LCAP. This meeting must also be the same meeting as that during which the governing board of the school district adopts a budget pursuant to paragraph (2) of subdivision (a) of Section 42127.</p>
Responsibility of the district	<p>Post the agenda for the public hearing at least 72 hours prior to the public hearing and includes the location where the budget is available for public inspection.</p> <p>Make budget available to the public at least 72 hours prior to the public hearing.</p> <p>Holds budget public hearing (no earlier than three days after budget is available for inspection).</p> <p>Adopts LCAP and budget and files with the County Office five days after adoption, but no later than July 1, 2014.</p>

Local Control and Accountability Plan

Ed Code § 52062 et seq.

Required Sequence:

Each school district must adopt local policies and procedures to implement the statutory provisions on or before June 30, 2014.

Information regarding the Local Control and Accountability Plan requirements must be included in the annual notification to parents.

Before the governing board of a school district considers the adoption of a local control and accountability plan or an annual update to the local control and accountability plan, all of the following must occur:

(1) The superintendent of the school district must present the local control and accountability plan or annual update to the local control and accountability plan to the parent advisory committee established pursuant to Section 52063 for review and comment. The superintendent of the school district shall respond, in writing, to comments received from the parent advisory committee.

(2) The superintendent of the school district must present the local control and accountability plan or annual update to the local control and accountability plan to the English learner parent advisory committee established pursuant to Section 52063, if applicable, for review and comment. The superintendent of the school district shall respond, in writing, to comments received from the English learner parent advisory committee.

(3) The superintendent of the school district must notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the local control and accountability plan or annual update to the local control and accountability plan, using the most efficient method of notification possible. This does not require a school district to produce printed notices or to send notices by mail. However, all written notifications must be provided to parents in a language other than English when required by Education Code § 48985.

(4) The superintendent of the school district must review school plans submitted pursuant to Section 64001 for schools within the school district and ensure that the specific actions included in the local control and accountability plan or annual update to the local control and accountability plan are consistent with strategies included in the school plans submitted pursuant to Section 64001.

(5) The school district governing board must hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the local control and accountability plan or annual update to the local control and accountability plan. The public hearing must be held at the same meeting as the annual budget public hearing. (Education Code § 52062 (b)).

(6) The governing board must then hold a *second public meeting, held after, but not on the same day as*, the public hearing, to actually adopt a local control and accountability plan or annual update to the local control and accountability plan. This meeting must also be the same meeting as that during which the governing board of the school district adopts a budget pursuant to paragraph (2) of subdivision (a) of Section 42127.

When the school district governing board adopts the plan or annual update, the board must submit the Plan to the county superintendent of schools, within 5 calendar days. The county superintendent has until August 15 of each year to seek clarification, in writing, about the contents of the plan, and the school district governing board must respond to these requests within 15 days. Then, within 15 days of receiving the response from the governing board, the county superintendent may submit recommendations, in writing, for amendments to the plan, which the board must consider in a public meeting within 15 days of receiving the recommendations. The county superintendent of schools must approve the plan or update on or before October 8, conditioned on adherence with all statutory requirements.

If the county superintendent of schools does not approve a local control and accountability plan or annual update approved by the governing board of a school district, or if the governing board requests technical assistance, the county superintendent may provide technical assistance. Education Code § 52071.

Latest Date for Hearing to be held:

Because the board is required to adopt a Plan at a public meeting *subsequent* to the public hearing, it needs to allow time for both public meetings to be completed by July 1; so as a practical matter the Local Control and Accountability Plan / Budget Hearing should be held well before July 1.

Publication or Notice Requirements:

Public Notice and the Agenda for the hearing must be posted at least 72 hours before the hearing, and on district Web site, and must include the location where the Plan will be available for public inspection. The Public Hearing on the Local Control and Accountability Plan must be held at the same meeting as the annual budget hearing.

District must post on its Internet Web site any local control and accountability plan approved by the governing board, and any updates or revisions. The county superintendent is also required to post the plans submitted by the school districts, or links to those plans on the county office of education Internet Web site.

Specific Actions Required:

The Local Control & Accountability Plan and annual updates must be prepared using a template adopted by the State Board of Education. The SBE must adopt the template by March 31, 2014.

Consequence of not following the requirements or holding the meeting/hearing:

Any person may file a complaint – even anonymously – alleging that the school district has failed to comply with the Local Control and Accountability Plan requirements, pursuant to the Uniform Complaint Procedures. Such complaint may be appealed to the State Superintendent. Remedies for all affected pupils, parents, and guardians may be provided. edu 52075.

Resources:

<http://www.cde.ca.gov/fg/aa/lc/lcfaq.asp#LCAP>

Budget Adoption and Hearings

Ed Code § 42103, 42127

Required Sequence:

1. Beginning with the 2014-15 fiscal year, budget cannot be adopted until the local control accountability plan is adopted or updated. As a practical matter this means that the public hearings for both the Local Control & Accountability Plan and the Budget Hearing, which must be held at the same meeting, should be held well *before* the board's actual adoption of the budget. Further, the budget cannot be adopted until after the Plan is adopted, and the Plan must be adopted at a public meeting after and separate from its public hearing.

2. Board should make a schedule for the annual budget hearing at its April meeting in order to provide all public hearing notices to TCOE no later than the end of April.

3. The annual budget hearing should be scheduled at the same meeting as the Local Control & Accountability Plan hearing, in late May or during the month of June, but the budget must be adopted on or before July 1.

4. The hearing must be scheduled no less than three working days following availability of the proposed budget for public inspection.

Latest Date for Hearing to be held:

However, because the board is required to adopt a Local Control and Accountability Plan at a public meeting held *subsequent* to the budget public hearing, it needs to allow time for both public meetings, so as a practical matter the Local Control and Accountability Plan and Budget Hearing should be held well before July 1. Both the public hearing and the subsequent adoption meeting for the Local Control and Accountability Plan and the Annual Budget must be held at the same two meetings.

Publication or Notice Requirements:

The County Superintendent of Schools must publish the notices of (1) the date and location at which the proposed budget may be inspected by the public, and (2) the date, time, and location of the public hearing on the proposed budget, in a newspaper of general circulation specified by the district, no earlier than 45 days prior to July 1, but at least 10 days prior to the actual date set for the hearing. The cost of the publication is charged against the school district for which the publication is made.

To accommodate this timeline, TCOE requests receiving a Budget Hearing Planning Form designating (1) the date the budget will be available for inspection and (2) the scheduled date of the public hearing by April 26.

In addition, the agenda for the hearing must be posted at least 72 hours before the public hearing and must include the location where the budget will be available for public inspection.

Specific Actions Required:

The hearing must be held "in a district facility, or some other place conveniently accessible to the residents of the district.... At the hearing any resident in the district may appear and object to the proposed budget or any item in the budget."

Budget must be adopted on or before July 1.

The Budget must include the expenditures necessary to implement the local control and accountability plan or annual update; if it fails to do this the county superintendent must disapprove the budget.

Consequence of not holding the meeting/hearing:

Education Code § 42104 expressly provides that if either the governing board, or the county superintendent of schools, fails to follow the statutory process of §§ 42100 – 42105, the omission is punishable as a misdemeanor under Government Code § 1222.

Also, Education Code § 42128 provides that if the governing board neglects to make a school district budget, the county of superintendent shall not make any apportionment of state or county school money and shall not approve any warrants issued by the district.

If the school district does not submit a budget to the country superintendent, the county superintendent shall develop, at school district expense, a budget, and submit it to the school district board, and that budget shall be deemed adopted unless the county superintendent approves any modifications made by the school district governing board.

Notes

1. Education Code § 42605, which had required annual categorical flexibility hearings which we addressed in the previous version of this outline, was repealed by Stats.2013, c. 47 (A.B.97), §§ 62, 63, eff. July 1, 2013.