

Executive Department

State of California

EXECUTIVE ORDER B-58-18

WHEREAS on November 8, 2018, a state of emergency was proclaimed in Butte County as a result of the Camp Fire; and

WHEREAS on November 9, 2018, a state of emergency was proclaimed in Los Angeles County and Ventura County as a result of the Hill Fire and Woolsey Fire; and

WHEREAS a majority of the Town of Paradise was destroyed, and many of the Paradise Unified School District facilities were destroyed, damaged, or otherwise impacted, and thousands of students have been displaced from Paradise and other school districts; and

WHEREAS it is critical that all displaced students are placed back in school facilities as soon as possible to ensure continuity in education; and

WHEREAS the Camp Fire has displaced persons with developmental disabilities served by the Far Northern Regional Center, many of whom require immediate housing; and

WHEREAS the wildfires have impacted commercial facilities, which are critical to the economic health of the impacted region; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with the various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the wildfires; and

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately.

IT IS HEREBY ORDERED THAT:

1. The statutory waivers contained in this Order governing the activities of schools shall extend through the 2018-2019 school year.
2. For the purposes of this Executive Order, local educational agency means school districts, county offices of education, and charter schools.
3. The class-size requirements for kindergarten through grade 8 provided in Education Code sections 41376 and 41378, and for kindergarten through grade 3 provided in Education Code section 42238.02(d)(3), and all implementing regulations, are waived for the school districts whose class sizes are affected by the wildfires in Butte, Los Angeles, and Ventura Counties. To the extent that students displaced by these wildfires significantly impact local educational agencies in other counties, these sections and all implementation regulations will also be waived.

4. The requirements to provide minimum instructional minutes in Physical Education for grades 1-12 as required by Education Code sections 51210, 51220, 51222, and 51223 are waived during periods of poor air quality due to wildfires in the impacted counties with respect to school buildings or temporary facilities in which indoor space for Physical Education is unavailable. To the extent that students displaced by these wildfires significantly impact local educational agencies in other counties, these sections and all implementation regulations will also be waived.
5. The time required to assess students for English language proficiency in Education Code section 313 and California Code of Regulations, Title 5, sections 11511 and 11511.5 is extended for a period of 45 days.
6. To the extent educational agencies are required to use temporary facilities as a result of damage to or inaccessibility of school buildings due to the Camp Fire in Butte County, the requirements of Education Code sections 17280, et seq., 17365, et seq., and Government Code sections 4453 and 14963 are waived with respect to those temporary facilities. The requirements of the California Building Code, Title 24 of the California Code of Regulations, as adopted and enforced by the local building and fire agencies with jurisdiction over the area, shall apply to these temporary facilities.
7. To the extent local educational agencies are required to temporarily use buildings (as defined in the California Building Code, Part 2, Chapter 2, section 202, of Title 24 of the California Code of Regulations) in adjacent localities to immediately and temporarily serve their students as a result of the destruction of their existing schools due to the Camp Fire in Butte County, local planning and zoning regulations shall be suspended to allow immediate occupancy of such buildings for use as public schools. In addition, the requirements of the California Building Code (Part 2 (commencing with section 101) of Title 24 of the California Code of Regulations) as adopted and enforced by the local building and fire agencies with jurisdiction over the area shall apply, except that the requirements relating to Change of Use or Occupancy Classification in section 111 of Chapter 1 of the California Building Code in Part 2 of Title 24 of the California Code of Regulations shall not trigger immediate code upgrades, and a Certificate of Occupancy shall not be withheld for such immediate and temporary use of the facilities as a public school as long as such facilities met building code requirements at the time of their construction and are judged safe for use by the local building official. Temporary facilities using relocatable buildings only may be constructed on vacant land for the temporary use of that site.
8. To the extent that local educational agencies are required to use temporary facilities outside of their district boundaries as a result of the damage to or inaccessibility of school buildings due to the Camp Fire in Butte County to continue to serve the students who resided in their district prior to the wildfires they may do so and continue to collect average daily attendance for those students. In addition, the requirements of Education Code sections 17387, et seq., and 17455, et seq., and all implementing regulations are waived at the discretion of those districts who seek to lease property to any of the impacted districts for purposes of serving any students impacted by the wildfires.
9. Education Code section 17215 is waived to the extent necessary to allow local educational agencies with damaged or inaccessible facilities to use temporary facilities outside of their district boundaries.

10. The above uses of temporary facilities shall be considered "emergency projects" within the meaning of California Code of Regulations, Title 14, section 15269.
11. Residency requirements for continued attendance at Paradise Unified School District schools, including, but not limited to those set forth in Education Code sections 48200 and 48204 are waived.
12. To the extent that School Food Authorities have had significant damage or inaccessibility of cafeteria and kitchen facilities due to the Camp Fire in Butte County, the requirements of Education Code sections 38100 and 38101 are waived so that School Funds may be used to reconstruct those facilities. Where appropriate, the California Department of Education shall seek the approval from the Food and Nutrition Service at the U.S. Department of Agriculture to utilize the revenues from the nonprofit school food service account to construct buildings, as contemplated by Code of Federal Regulations, Title 7, section 210.14(a).
13. The time required to submit the first interim financial report in Education Code sections 1240(l)(1)(A) and (B), 42131(a)(1) and (2), and 47604.33(a)(3) is extended for a period of 45 days for all local educational agencies in Butte County impacted by the Camp Fire.
14. The time required to transmit a copy of its annual, independent financial audit report for the preceding fiscal year to the Controller and the county superintendent of schools, in Education Code section 41020(h) is extended for a period of 45 days for local educational agencies in Butte County impacted by the Camp Fire. In addition, the time required to transmit a copy of a charter school's annual, independent financial audit report for the preceding fiscal year, as described in in subparagraph (l) of paragraph (5) of subdivision (b), to its chartering entity, in Education Code section 47605(m) is extended for a period of 45 days for charter schools in Butte County impacted by the Camp Fire.
15. Education Code section 47605.1 subdivisions (c), (c)(1) and (c)(2) are waived for any non-classroom based charter schools authorized by the Paradise Unified School District. Such schools shall be allowed to establish resource centers anywhere in Butte County.
16. Classroom-based charter schools authorized by the Paradise Unified School District or the Butte County Office of Education shall be allowed to establish alternative sites anywhere in Butte County and will be deemed to be in compliance for all purposes with Education Code sections 47605(a)(5) and 47605.1(d).
17. The requirement in Education Code section 49068(b) that a pupil's permanent record must be transferred by the former public or private school within 10 schooldays from the date a request is received is waived to the extent the transferring school was impacted by the wildfires.
18. To the extent a Butte local educational agency's average daily attendance for the month of December is adversely impacted by the November 2018 wildfires, that local educational agency can exclude the average daily attendance for the last full school month from average daily attendance reported for the first period apportionment. This waiver applies to the first period apportionment reporting only.
19. Government Code section 54954(b) is hereby waived to the extent necessary to allow the governing bodies of local education agencies to meet outside of their jurisdictional boundaries.

20. The Department of Alcoholic Beverage Control shall have the discretion to waive the 500 foot limitation and 180-day time period in Business and Professions Code section 24081 for any businesses that have been forced to relocate as a result of the wildfires. The Department of Alcoholic Beverage Control shall further have the discretion to waive transfer fees beyond the time limitations set forth in Business and Professions Code sections 24081 and 24082.
21. The requirements of California Code of Regulations, Title 17, section 58611 are waived to the extent necessary for the Far Northern Regional Center to immediately provide housing and supported living services for consumers displaced as a result of the Camp Fire. Any proposed placement made pursuant to this order shall be approved by the Director of the Department of Developmental Services.
22. In order to allow out-of-state utility drivers who are traveling to California by air to be afforded the same driving privileges as provided in the Federal Motor Carrier Safety Administration's Regional Emergency Declaration, applicable provisions of the Vehicle Code, including but not limited to sections 1808.1 subdivisions (a) through (f), 34620 (motor carrier permit), 12502 (medical requirements) as well as California Code of Regulations, Title 13, sections 1229 and 1234 (driver proficiency) license and testing requirements, are suspended. Notwithstanding these suspensions, the California utility receiving mutual assistance will maintain motor vehicle records and a current public driving record for each driver providing mutual assistance, from the jurisdiction issuing the driver license, and will ensure compliance with pre-employment controlled substances testing requirements pursuant to Vehicle Code Section 34520, subdivision (a).

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of November 2018.


EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State