

**EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA**

**EXECUTIVE ORDER N-18-21**

**WHEREAS** on July 16, 2021, I proclaimed a State of Emergency to exist in Siskiyou County due to the Lava Fire, and in Lassen and Plumas counties due to the Beckwourth Complex Fire; and

**WHEREAS** on July 23, 2021, I proclaimed a State of Emergency to exist in Plumas County due to the Dixie and Fly Fires, and in Alpine County due to the Tamarack Fire; and

**WHEREAS** on August 5, 2021, I proclaimed a State of Emergency to exist in Siskiyou County due to the Antelope Fire, and in Nevada and Placer counties due to the River Fire; and

**WHEREAS** on August 10, 2021, I proclaimed a State of Emergency to exist in Trinity County due to the McFarland and Monument Fires; in Tehama County due to the McFarland and Dixie Fires; and in Shasta County due to the McFarland Fire; and

**WHEREAS** on August 17, 2021, I proclaimed a State of Emergency to exist in El Dorado County, and on August 30, 2021, I proclaimed a State of Emergency to exist in Amador, Alpine, and Placer counties, due to the Caldor Fire; and

**WHEREAS** on September 7, 2021, I proclaimed a State of Emergency to exist in Lake County due to the Cache Fire; and

**WHEREAS** on September 27, 2021, I proclaimed a State of Emergency to exist in Shasta County due to the Fawn Fire; and

**WHEREAS** these wildfires have resulted in significant impacts to schools, including, but not limited to, destroying or damaging school facilities, destroying or damaging homes of students, teachers, and other school personnel, and displacing students, teachers, and other personnel; and

**WHEREAS** it is critical that displaced students are back in school facilities, as quickly as possible to ensure for continuity in education; and

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

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

1. For the purposes of this Order, local educational agency means: school districts, county offices of education, and charter schools.
2. 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 during the 2021-2022 school year for the school districts whose class sizes are affected by the wildfires identified in this Order. To the extent that students displaced by these wildfires significantly impact local educational agencies in other counties, these sections and all implementation regulations are also waived for impacted local educational agencies.

3. The requirements to provide minimum instructional minutes in physical education for grades 1 through 12 as required by Education Code sections 51210, 51220, 51222, and 51223 are waived during periods of poor air quality due to the wildfires identified in this Order 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 are also waived for impacted local educational agencies.
4. For those districts who have been directly impacted by the wildfires identified in this Order, 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.
5. The due date for submitting the unaudited actual statement receipts and expenditures in Education Code Section 42100 is extended through October 15, 2021, for all local educational agencies and, pursuant to Education Code Section 41023, joint powers agencies subject to this requirement, in counties impacted by the wildfires identified in this Order. The due date for the county superintendent of schools to verify the accuracy of the statements and to transmit a copy to the Superintendent of Public Instruction, and to transmit the county office unaudited actual statement of receipts and expenditures in Education Code Section 1628, is extended through November 15, 2021, in counties impacted by the wildfires identified in this Order.
6. The time required for a county superintendent of schools and the Superintendent to approve a local control and accountability plan or annual update to a local control and accountability plan pursuant to Education Code Sections 52070(d) and 52070.5(d) is extended through November 8, 2021, for all local educational agencies impacted by the wildfires, and in the counties, identified in this Order.
7. Residency requirements for those pupils at schools impacted by the wildfires identified in this Order, including those set forth in Education Code sections 48200 and 48204, are waived for the remainder of the 2021-2022 school year.
8. 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 identified in this Order.

**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.

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.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of October 2021.



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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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SHIRLEY N. WEBER, PH.D.  
Secretary of State