

Emergency Attendance Waivers

Just a reminder that districts who experience a Material Decrease in ADA (E.C. Section 46392) or a School Closure can apply for a J-13A Attendance Waiver (form attached), when a school is unexpectedly closed or there is a material decrease in ADA.

Material Decrease in ADA (E.C. 46392)

Less than 90% of normal attendance during or for a reasonable time after the emergency event represents a material decrease in ADA. Normal ADA is defined as the average ADA in either the May or October attendance months of the same fiscal year. Another attendance month can be used if the emergency happens in one of these representative months. If a district has suffered a material decrease in attendance, it may apply for the material decrease credit. If granted, the District will report the ADA on those days that fell below 90% at either the average attendance month of May or October as indicated on the J13A waiver request.

School Closure

A day on which school was not held due to an emergency condition should be recorded as Emergency closure on the class register. Once the school closure is recognized by CDE on a J13A waiver request, the district will deduct the number of emergency days from the total number of days in the reporting period for the affected school. This will cause the divisor in the ADA calculation for those schools affected to be smaller and reflect attendance only on the days school was actually in session.

If you have any questions, please do not hesitate to contact Business Advisory Services.



CALIFORNIA
DEPARTMENT OF
EDUCATION

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JACK O'CONNELL

State Superintendent of
Public Instruction

PHONE: (916) 319-0800

February 22, 1990

To: District and County Superintendents District and County Business Officers
District and County Attendance officers

From: Robert W. Agee
Deputy Superintendent for Field Services

Subject: AVERAGE DAILY ATTENDANCE CREDIT DURING PERIODS OF
EMERGENCY

MANAGEMENT ADVISORY 90-01

This advisory provides instructions on how to claim Average Daily Attendance (ADA) and instructional time credit for days on which schools are forced to close, or days when schools are open but attendance is reduced, because of emergency conditions.

Two sections of the Education Code allow the Superintendent of Public Instruction to grant normal apportionment credit to districts in emergencies. Education Code Section 41422 authorizes maintenance of apportionments in instances when one or more schools must be closed because of "extraordinary conditions." When the Superintendent of Public Instruction authorizes credit for days that school was closed, districts receive ADA credit for all purposes and instructional time credit for the day(s) and minutes lost to the emergency closure. The instructional time credit satisfies state law with regard to both the 175-day minimum year and "longer year and day" requirements.

Section 46392 of the Education Code provides for the crediting of average daily attendance "whenever the average daily attendance of any school district, county office of education, or regional occupational center or program ... has been materially decreased ... because of fire... flood... impassable roads [and other specified circumstances]." Although the wording of the two code sections differs in detail, the effect is the same. School districts and county offices are to be held harmless from revenue loss that might otherwise result from the loss of ADA or instructional time in emergencies.

School Closures

Most emergencies do not require that schools be closed for more than a few days, and it is of course desirable to reopen school and return to normal instructional activities as soon as safe operations can be assured. If any school will have to be closed for an extended period of time, districts should make alternative arrangements for students in other facilities.

To prevent school closure from reducing average daily attendance, districts should deduct approved emergency days from the days in the reporting period divisor, when calculating the average daily attendance of the school that was closed. In this manner the days on which the school was closed will not reduce the average attendance quotient, although the emergency days will be credited towards the requirements to maintain school for 175 or 180 days. The regularly scheduled minutes of instruction for those days are counted toward the annual minutes requirement for the "longer day and year." If different schools are closed for different days, then average daily attendance should be calculated on a school-by-school basis (using the appropriate divisor for each school); the ADA of all schools should then be summed to obtain a district total that will be reported to the state. Districts should obtain approval of their days of emergency closure (and thus permission to reduce the reporting period days) by submitting a Form J-13A as described later in this advisory. The approved J-13A forms, combined with other district records, serve to document the district's compliance with instructional time laws (including "longer day and year" requirements) as well as show why different divisors may be used in the computation of ADA for different schools.

Material Decrease and Credit Calculations

Districts that keep schools open during, or immediately after, an emergency may find that attendance is below normal. If the attendance of a school or program is less than ninety percent of "normal" for a reasonable time after the event, then the district may assume that a case exists for claiming emergency attendance credit for the "material decrease" of ADA. Any reduction of ADA in a necessary small school, even if less than ten percent may be considered material.

Title 5, California Code of Regulations, Section 428 (amended effective December, 1989) provides that "The average daily attendance of the school during either the month of May or the month of October of the same school year shall be used to determine the normal attendance of a school for purposes of" calculating material decrease credit. (If those options do not appear reasonable under particular conditions, the Superintendent retains broad authority under Section 41422 to approve other requested methods of calculating normal attendance.)

The resultant "normal" average daily attendance figure will also be used as the material decrease credit. For example, a district choosing to use its May ADA of, say, 388, would be credited with 388 days of student attendance for each day during which there was a material decrease (that is, creditable attendance of less than 349 (90% of 388)).

Credit Approval

School closure or ADA credit for material decrease cannot be approved unless the reason for closure or loss of attendance can reasonably be related to an emergency situation. Once schools are reopened, normal attendance should return within a few days; the district should claim material decrease credit only for the days immediately following the emergency. When approval of school closure or material decrease credit is requested via the J-13A form, the district should explain the extraordinary conditions that prevented normal operations or kept students from returning to class.

Attendance credit and approval of school closures may be obtained by submitting three copies of [Form J-13A](#) (Request for Allowance of Attendance Because of Emergency Conditions) to your county office of education (county offices should file their own J-13As directly with the state). The J-13A form replaces the J-13 form that was used previously. A fourth copy of the form should be retained by the requesting district or county. Since only one copy of the J-13A is attached, it should be used as a master to make multiple copies for filing. Form J-13A may also be used to make claims for attendance when attendance records have been lost or destroyed. Approval requires the affidavits of the district governing board members and the County Superintendent of Schools. After the County Superintendent of Schools has verified the supporting information and approved the request, the forms should be forwarded to:

Education Finance Division
California Department of Education
P.O. Box 944272
Sacramento, CA 94244-2720

Districts and their county offices will be notified when requests for school closure or attendance credit are approved.

Locally maintained attendance records, including teacher registers, should be marked "Emergency Closure" on days when school has to be closed for emergency conditions. Attendance should be recorded as usual on days that may later be determined to be days of material decrease. Upon approval of a request for relief of a material decrease, the credited days of student attendance will be substituted for actual (decreased) days when computing ADA for the J-18 or J-19 forms used to report average daily attendance. Actual attendance records should not be changed for days of material decrease, since these records will be needed to substantiate that a material decrease did occur. Since all attendance records are subject to audit, districts and counties should be careful to retain all supporting records and documents for later review.

Child Development Programs

Childcare, child development, and pre-school programs are not funded through average daily attendance; but similar allowances exist for the granting of emergency day credit. For immediate information contact your assigned consultant in the Department's Child Development Division, or call Mario Muniz at (916) 323-1300.

Application of Law and Policy to Other Events

The emergency day and material decrease credits that are described in this advisory have been available to districts for many years, although claiming details and policies have changed somewhat over time. In recent years attendance credit has been granted to districts affected by floods, fires, earthquakes, and various isolated instances of heavy snow, fog-closed roads, and other emergencies.

In past years, the emergency attendance credits were guided by regulations that required the "make-up" of lost time under certain conditions and required various ADA loss calculations to determine if an ADA loss was sufficiently "material." These regulations have been replaced by simpler guidelines that are reflected in this advisory. The elimination of requirements to "make up" instructional time losses should not be misconstrued. In an emergency, the health and safety of students and staff are the primary concern; but the instructional program should not be allowed to be a secondary casualty. Although no longer required to do so, districts and county offices should make every effort to replace instructional time losses and restore the instructional program as soon as safety allows.

Emergency ADA credit is obviously not intended to be used when the conditions that cause school closure could have been foreseen or avoided. In locales where normal winter snow or fog will predictably force school closure for a few days every year, districts are expected to foresee the need to close and schedule "extra" days in the school calendar in order to compensate for the foreseeable loss of instructional time. Emergency ADA credit will not be granted to districts that attempt to abuse the allowance to compensate for foreseeable circumstances, however credit may be requested (as usual) when adverse weather conditions, which could not be reasonably predicted, cause school closure or material decrease. Credit may also be granted to districts that expect and make provision for a few days of weather closure but experience more than expected problems. **What is "reasonable" for any given district will vary, of course, but the actual experience of the district over the last five years should establish a case for the number of days that school may reasonably be expected to be closed for fog, snow, or other weather problems.**

For further information or assistance in completing the J-13A, please call or write to:

John Gilroy (916) 323-8478
or
Kim Clement (916) 327-0857
School District Management Assistance office
Education Finance Division
P. O. Box 944272
Sacramento, CA 94244-2720

To the extent that this Management Advisory contains guidelines in addition to recitation of the law, the guidelines are exemplary only and compliance with them is not mandatory.

**REQUEST FOR ALLOWANCE OF ATTENDANCE
BECAUSE OF EMERGENCY CONDITIONS
Form J-13A (Rev. 01-05)**

School District (or Charter School) Name:

School District (or Charter School) Address:

County-District Code:

County Name:

This form replaces the Form J-13A (Rev. 4-90) and should be used to obtain approval of attendance and instructional time credit under one or more of the following conditions:

- When one or more schools were closed because of conditions described in *Education Code* Section 41422
- When one or more schools were kept open but experienced a material decrease in attendance because of conditions described in *Education Code* Section 46392
- When attendance records have been lost or destroyed as described in *Education Code* Section 46391

Approved credit for instructional time may be used in conjunction with regular instructional days to satisfy the requirements of *Education Code* Section 37202 (equal length of instructional time among schools within a district).

A separate form should be submitted for each emergency event, but credit may be requested for more than one school and under one or more of the foregoing conditions on the same form. Each separate form must include the affidavit of the governing board members and the county superintendent before it can be approved by the State Superintendent of Public Instruction.

The original form (with the board members' affidavit) and two copies should be filed with the county superintendent of schools. If the county superintendent approves the request, he or she should execute the affidavit certifying that approval and forward all pages of the original and one copy of the form to:

Carina Saraiva-Perez
School Fiscal Services Division
California Department of Education
1430 N Street, Suite 3800
Sacramento, CA 95814

This form consists of five preprinted pages. Pages 1 and 5 (5C for charter schools) must accompany all submissions. Page 4 (Lost or Destroyed Attendance Records) will not need to be submitted by most districts. Multiple copies of Pages 2 and/or 3 may have to be submitted when claims are made on a school-by-school basis.

SCHOOL CLOSURE

Nature of Emergency (describe):

Name of School(s):
(if request covers all schools, write "all schools")

School Code(s):

We request that apportionments be maintained and instructional time credited for the above named school(s) without regard to the fact that the school(s) were closed on (dates):

because of the described emergency. Approval of this request authorizes the local educational agency to disregard these days in the computation of average daily attendance (ADA) (per Section 41422) and obtain credit for instructional time for the days and the instructional minutes that would have been regularly offered on those days pursuant to *Education Code* Section 46200, et seq.

If the school closure resulted from a power outage or impassable roads caused by inclement weather, state the number of school closure days for the same conditions in each of the last five years:

MATERIAL DECREASE

Nature of Emergency (describe):

Name of School:
(if request covers all schools, write "all schools")

School Code(s):

We request the substitution of estimated days of attendance for actual days of attendance in accordance with the provisions of Section 46392. Approval of this request will authorize use of the estimated days of attendance in the computation of apportionments for the foregoing school(s) for (dates) _____ during which school attendance was materially decreased because of the described emergency.

Estimated attendance for each day (October or May ADA): _____ students per day.
Estimated daily attendance multiplied by number of days of material decrease, yields _____ days of attendance requested.

State method of determining estimated daily attendance (October or May ADA):
ADA for school month beginning on _____, 2____ and ending on _____, 2____.

Actual apportionable attendance for days of material decrease:

<i>Site</i>	<i>Date</i>	<i>Actual Attendance</i>

LOST OR DESTROYED ATTENDANCE RECORDS

We request the use of estimated attendance in lieu of attendance that cannot be verified because of the loss or destruction of attendance records. This request is made in accordance with Section 46391. The entire period covered by the lost or destroyed records commences with _____, 2____ , up to and including, _____, 2____.

Describe circumstances and extent of records loss or destruction:

Describe how it is proposed to reconstruct attendance records or estimate attendance in the absence of records:

AFFIDAVIT OF GOVERNING BOARD MEMBERS

We, members constituting a majority of the governing board of the _____ school district, hereby swear (or affirm) that the foregoing statements are true and are based on official district records.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Printed Names

Signatures

At least a majority of the members of the governing board shall execute this affidavit.

Subscribed and sworn (or affirmed) before me, this ____ day of _____, 2____.
Signature, Title _____
of _____ County, California

Contact/Individual responsible for preparing this form:

Name: _____ Title: _____
Phone: _____ Fax : _____ E-mail: _____

AFFIDAVIT OF COUNTY SUPERINTENDENT OF SCHOOLS

The information and statements contained in the foregoing request are true and correct to the best of my knowledge and belief.

Signature, County Superintendent of Schools _____
Date: _____

Subscribed and sworn (or affirmed) before me, this ____ day of _____, 2____.
Signature, Title _____
of _____ County, California

Contact/Individual responsible for preparing this form:

Name: _____ Title: _____
Phone: _____ Fax : _____ E-mail: _____

Material Decrease worksheet Instructions: MATERIAL DECREASES DUE TO STATE OF EMERGENCY DECLARATION

FIRST: Complete Worksheet "OCT" to get average days per school site. Complete for full attendance reporting month, not necessarily the same as a calendar month. Typically districts use the attendance month starting in October or starting in April.

SECOND: Complete "School" Worksheet for Days in which attendance was impacted due to the natural disaster
The School Names and CDS codes that were listed on "OCT" Worksheet will flow through to this worksheet

THIRD: Check summary to validate that total days equal amount calculated in School Worksheet.

FOURTH: Complete J-13 A Material Loss Waiver Request and Submit to Board for Action

FIFTH: Send J-13 A, Calculations and Supporting Documentation for Justification to County Superintendent of Schools (include newspaper articles, etc.) One original set, and two complete copies.

Material decrease in ADA can be any change from the Oct average ADA used due to STATE OF EMERGENCY DECLARATION
If not calculating due to STATE of EMERGENCY declaration, you must meet 10% or over difference requirement-Use other worksheet

Districts may use any average attendance month that most closely resembles average ADA lost during disaster, example shows OCT but any month's average can be used, just indicate on spreadsheet what month is being utilized and justification for using the month indicated. Cannot just use a later month due to ADA growth for other reasons due to new housing developments, etc., month used but reflect a reasonable comparison to what ADA would have been absent the disaster.

Sample Worksheet: Calendar Days May be Adjusted to fit District Needs-should match up with attendance months on school calendar

Note: Worksheet Cells need to be numerical (use Zeros). Typing or cells that have space bar blank will cause errors in the calculation.

Material Decrease Calculator for the ADA Loss
 DECEMBER through JANUARY 2005

SCHOOL DISTRICT 36-#####

District Name and CDS Number

Day	*Actual Daily Attendance (District)	**Estimated attendance for each day: ___ students per day (District). (October or May)	***Request
3-Jan-05	0.00	0.00	0.00
4-Jan-05	0.00	0.00	0.00
5-Jan-05	0.00	0.00	0.00
6-Jan-05	0.00	0.00	0.00
7-Jan-05	0.00	0.00	0.00
10-Jan-05	0.00	0.00	0.00
11-Jan-05	0.00	0.00	0.00
12-Jan-05	0.00	0.00	0.00
13-Jan-05	0.00	0.00	0.00
14-Jan-05	0.00	0.00	0.00
	0.00	0.00	0.00

***Estimated daily attendance multiplied by number of days of material decrease, yields 0.00 days of attendance requested by the District.

Must have reasonable fire justification for days claimed.

* Actual daily attendance is brought forward from School Transfer Report (for the District) by day in cells (B9-B19).

** Attendance for the day before the absences and closures (October or May) is brought forward from School Transfer Tabulation

Formula will repeat the number in (C9-C19).

*** Calculated fields (D9-D19).

**** Record this number on page 3 (where indicated) of your District's Form J-13A request.

