# WILLOWS UNIFIED SCHOOL DISTRICT Office of the Superintendent

**Date: January 15, 2014** 

# Request For Placement on Board Agenda:

AGENDA TOPIC: Approve Form J-13A Request for Allowance

**Of Attendance Because of Emergency** 

**Conditions** 

PRESENTER: Debby Beymer, Director of Business Services

# **Information:**

On Tuesday December 9, 2014 at 3:45pm Superintendent Mort Geivett received an email from Tracy Quarne, Glenn County Superintendent of Schools relative to a recommendation he received from Glenn County Sheriff Larry Jones to close all Glenn County Schools Thursday December 11<sup>th</sup> due to severe storm warnings.

In the interest of the health and safety of Willows Unified staff and students, Dr. Geivett gave the directive to close schools Thursday December 11, 2014.

On Friday December 12<sup>th</sup> the district cancelled bus runs and parents were unable to get children to school due to area flooding. As a result, the district experienced a material loss.

Form J-13A allows school districts a waiver for loss of attendance and reduction in instructional minutes due to items listed in Education Code 46392.

# **Recommendation:**

The administration recommends that board members approve and sign the documentation, Form J-13A allowing Willows Unified to claim an emergency school closure for Thursday December 11, 2014 and a material decrease on Friday December 12, 2014.

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

School District (or Charter School) Name: Willows Unified School District

School District (or Charter School) Address: 823 West Laurel St. (Dist. Office)

Willows, CA 95988

County-District Code: 11-62611

County Name: Glenn

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:

Office of Principal Apportionment and Special Education 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):

Severe storm. Please see recommendation of the Glenn County Sheriff Larry Jones and Glenn County Superintendent of Schools Tracey Quarne to close school Thursday December 11, 2014.

Name of School(s):
Willows Unified School District – ALL SCHOOLS
Murdock Elementary School
Willows Intermediate School
Willows Community High School
Willows High School

School Code(s):

District: 11-62611

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):

Thursday December 11, 2014

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:

No school closures in the past 5 years.

#### MATERIAL DECREASE

Nature of Emergency (describe):

Severe storm and impassable roads due to area flooding.

Name of School:
Willows Unified School District – ALL SCHOOLS
Murdock Elementary School
Willows Intermediate School
Willows Community High School
Willows High School

School Code(s): 11-62611

I. 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 Friday December 12, 2014 during which school attendance was materially decreased because of the described emergency.

Estimated attendance for each day: 1,381.86 students per day. Estimated daily attendance multiplied by number of days of material decrease, yields 1 (one) day of attendance requested.

State method of determining estimated daily attendance (October or May ADA): Estimated ADA for schools based upon actual 2014-15 P1 attendance report.

Actual apportionable attendance for days of material decrease:

Date	Actual Attendance
December 12, 2014	589
December 12, 2014	408
December 12, 2014	22
December 12, 2014	320
	December 12, 2014 December 12, 2014 December 12, 2014

# 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 Willows Unified School District, hereby swear (or affirm) that the foregoing statements are true and are based on official district records. Alex Parisio James Ward Michelle Knight Jeromy Geiger Gina Taylor 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 15th day of January 2015. Signature, Mort Geivett, Ed. D., Superintendent of Willows Unified School District, of Glenn County, California Contact/Individual responsible for preparing this form: Name: Debby Beymer Title: Director of Business Services Phone:530.934.6600 Ext5 Fax: 530.934.6609 E-mail: dbeymer@willowsunified.org 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, Tracey Quarne, Glenn County Superintendent of School 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: \_\_\_\_\_

AFFIDAVIT OF CHARTER SCHO	OOL GOVERNING BOARD MEMBERS	
We, members constituting a majority of th	ne governing board of the	
charter school, hereb	y swear (or affirm) that the foregoing	
statements are true and are based on offi	cial district records.	
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Subscribed and sworn (or affirmed) before	e me, thisday of	, 2
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Contact/Individual responsible for preparir	ng this form:	
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Approval by Superintendent of Auth	horized Local Educational Agency (LEA	)
Signature, Title		
of	(LEA).	
	JPERINTENDENT OF SCHOOLS	
	d in the foregoing request are true and corr	ect
to the best of my knowledge and belief.		
Signature, County Superintendent of Scho	nols	
Date:	· ·	
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### Kimberley Schmies <kschmies@willowsunified.org>

# **RE: Weather**

Tracey Quarne < Tracey Quarne@glenncoe.org>

Tue, Dec 9, 2014 at 3:45 PM

To: Superintendents <Superintendents@glenncoe.org>, MORTON GEIVETT <mgeivett@willowsunified.org>, "kschmies@willowsunified.org>, "ctracy@husdschools.org" <ctracy@husdschools.org>, "Cris Oseguera (coseguera@husdschools.org)" <coseguera@husdschools.org>, "bdouglas@orlandusd.net" <bdodglas@orlandusd.net>, Jeff Scheele <jscheele@orlandusd.net>, Cody Walker <cwalker@glenncoe.org>, "nvcssuper@gmail.com" <nvcssuper@gmail.com>, "nvcsoffice@gmail.com" <nvcsoffice@gmail.com>, "Suzanne Tefs (stefs@waldenacademy.org)" <stefs@waldenacademy.org>, Lisa Morgan <lmorgan@glenncoe.org>, GCOE Leadership Team <GCOECabinet@glenncoe.org>, Patrick Conklin pconklin@glenncoe.org>, Laurel Hill-Ward <|hill-ward@glenncoe.org>
Cc: GCOE Board <GCOEBOARD@glenncoe.org>, Imelda Diaz <ImeldaDiaz@glenncoe.org>, Roberto Herniman <rherniman@glenncoe.org>, Angela Flanagan <aflanagan@glenncoe.org>, Philip James <pjames@glenncoe.org>, "ljones@countyofglenn.net" <|jones@countyofglenn.net>

And, Greetings yet again!

I spoke with Sheriff Jones minutes ago, who provided an update to my most recent email. Sheriff Jones reports the gusts have been revised upward to a prediction of 70 mph, and that the winds will sustain for 12 to 18 hours. This is again predicted to begin midnight Wednesday night, with the strongest winds to occur beginning at sunrise.

Rainfall is somewhat increased up to 5" on the valley floor from a previous high prediction of 4.78" in Chico. Additionally, mountain conditions are now predicted to reach blizzard levels, a prediction not issued since 2008.

Sheriff Jones shared that, based on the best information we have available at this point, it would be wise to cancel school Thursday. Further, it would also be wise to carefully watch conditions through Thursday to determine if it will be possible to conduct school in your district/school site on Friday given predicted power outages, tree limbs remaining in roadways, flooding, etc.

I share in Sheriff Jones' recommendation. I would suggest, should you also share in this recommendation, that you make this declaration prior to dismissal on Wednesday allowing the opportunity to send notes home with the students. Should the notice be delayed until early Thursday morning, it is possible parents may not receive the information and inadvertently send their child(ren) to school.

Lastly, I ask districts to inform us at GCOE – preferably by return email to me – whether you are closing Thursday or remaining open. We have several staff members at each of your sites, who also require notice.

Thanks and stay dry!

# Major Storm for NorCal

Tonight through Friday - December 10-12, 2014

# Threat Level

Severe: Storms of this magnitude impact NorCal once every several years

Last Comparable Storm: January 2008

# Impacts

- Widespread Power Outages and Downed
- Urban, Small River and Stream Flooding, with Possible Flash Flooding
- Debris Flow over Recent Burn Scars
- Whiteout Conditions over Sierra Cascades

# Timing

# Strength

Rain: 2-5" Valley, 5-10" Mountains

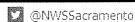
Snow: 1-2 feet above 6000', greater totals

along highest peaks

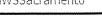
Wind: Greater than 60 mph gusts likely

weather.gov/sacramento





You Tube NWSSacramento







**Weather Forecast Office** Sacramento, CA

12/10/2014 7:00 am PST

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weather.gov/Sacramento

Law section Page 1 of 1



Code: EDC Section: 46392. Search

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#### **EDUCATION CODE - EDC**

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 64100] (Title 2 enacted by Stats. 1976, Ch. 1010.)

DIVISION 4. INSTRUCTION AND SERVICES [46000 - 64100] (Division 4 enacted by Stats. 1976, Ch. 1010.)

PART 26. ATTENDANCE FOR COMPUTING APPORTIONMENTS [46000 - 46611] (Part 26 enacted by Stats. 1976, Ch. 1010.)

CHAPTER 3. Average Daily Attendance [46300 - 46392] (Chapter 3 enacted by Stats. 1976, Ch. 1010.)

ARTICLE 8. Emergency Average Daily Attendance [46390 - 46392] (Article 8 enacted by Stats. 1976, Ch. 1010.)

**46392** (a) Whenever the average daily attendance of any school district, county office of education, or regional occupational center or program during any fiscal year has been materially decreased during any fiscal year because of any of the following, the fact shall be established to the satisfaction of the Superintendent of Public Instruction by affidavits of the members of the governing board of the school district or county office of education, and the county superintendent of schools:

- (1) Fire.
- (2) Flood.
- (3) Impassable roads.
- (4) An epidemic.
- (5) An earthquake.
- (6) The imminence of a major safety hazard as determined by the local law enforcement agency.
- (7) A strike involving transportation services to pupils provided by a nonschool entity.
- (8) An order provided for in Section 41422.
- (b) In the event a state of emergency is declared by the Governor in a county, any decrease in average daily attendance in the county below the approximate total average daily attendance that would have been credited to a school district, county office of education, or regional occupational center or program had the state of emergency not occurred shall be deemed material. The superintendent shall determine the length of the period during which average daily attendance has been reduced by the state of emergency. This period which is determined by the superintendent shall not extend into the next fiscal year following the declaration of the state of emergency by the Governor, except upon a showing by a school district, county office of education, or regional occupational center or program, to the satisfaction of the superintendent, that extending the period into the next fiscal year is essential to alleviate continued reductions in average daily attendance attributable to the state of emergency.
- (c) The average daily attendance of the district, county office of education, or regional occupational center or program for the fiscal year shall be estimated by the superintendent in a manner that credits to the school district, county office of education, or regional occupational center or program for determining the apportionments to be made to the district, county office of education, or regional occupational center or program from the State School Fund approximately the total average daily attendance that would have been credited to the school district, county office of education, or regional occupational center or program had the emergency not occurred or had the order not been issued.
- (d) This section applies to any average daily attendance that occurs during any part of a school year.

(Amended by Stats. 1994, Ch. 49, Sec. 4. Effective April 19, 1994.)

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Volume 34 For Publication Date: December 12, 2014 No. 25

# Storm-Related Power Outages May Mean Emergency Day Waivers

The "big storm" dubbed "the Pineapple Express" is projected to hit California in the next couple of days bringing more rain, high winds, and possible power failures. Districts should have updated emergency procedures, telephone trees, and communication strategies in case of long-term power outages or impassable roads due to inclement weather. The National Weather Service said Monday that this storm "is expected to be one of the strongest storms in terms of wind and rain intensity since storms in October 2009 and January 2008." To help districts mitigate any loss in average daily attendance (ADA) due to this or any other emergency, there are procedures through the California Department of Education (CDE) to apply for an Emergency Day Waiver.

When a school is closed or when there is a material decrease in ADA due to an emergency, such as the damage and power outages from inclement weather, school agencies can file a J-13A waiver with the CDE (reference Education Code Section [E.C.] 411422 and 46390 et seq., and California Code of Regulations, Title 5, Section 425). Approval of the waiver allows the school agency to get credit for the lost ADA for the day(s) of the closure as well as for the missed instructional time.

Go to <a href="http://www.cde.ca.gov/fg/sf/aa/ma9001.asp">http://www.cde.ca.gov/fg/sf/aa/ma9001.asp</a> for a complete copy of the CDE's Advisory addressing emergency days (Management Advisory 90-01). For a copy of the "Form J-13A Request for Allowance of Attendance Because of Emergency Conditions," go to <a href="http://www.cde.ca.gov/fg/sf/aa/documents/formj13a.doc">http://www.cde.ca.gov/fg/sf/aa/documents/formj13a.doc</a>. This is a multipage form, and not all pages are necessarily required—the instructions provide guidance on which pages need to be completed based on the emergency.

—Debbie Fry and Maureen Evans

posted 12/10/2014

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1430 N STREET SACRAMENTO, CA 95814.5901

JACK O'CONNELL

State Superintendent of Public Instruction

PHONE: 916-319-0800

February 22, 1990 (revised February 10, 2005)

Dear District and County Superintendents, District and County Business Officers, and District and County Attendance Officers:

#### **MANAGEMENT ADVISORY 90-01**

#### AVERAGE DAILY ATTENDANCE CREDIT DURING PERIODS OF EMERGENCY

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 State Superintendent of Public Instruction (SSPI) 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 SSPI 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 day and year" requirements.

Section 46392 of the Education Code provides for the crediting of ADA "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 ADA, districts should deduct approved emergency days from the days in the reporting period divisor when calculating the ADA 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 ADA 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.

the attendance of a school or program is less than 90 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 10 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 [school] 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" ADA 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 percent of 388]).

#### **Credit Approval**

School closure or ADA credit for material decrease cannot be approved unless the reason for closure of 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 (J-13A, page 5). Requests submitted for charter schools require the signature of the superintendent of their authorizing local educational agency (LEA), in addition to the affidavits of the charter school governing board members and the county superintendent of schools (J-13A, page 5C). After the county superintendent of schools has verified the supporting information and approved the request, the forms should be forwarded to:

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

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 reporting on the *School District Attendance* data entry screen in the *Principal Apportionment Revenue Limit* software. 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**

Child care, child development, and preschool programs are not funded through average daily attendance, but similar allowances exist for the granting of emergency day credit. For further information, contact your assigned consultant in the Department's Child Development Division, or call Greg Hudson 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, fogclosed roads, and other emergencies.

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 fiscal 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 contact <del>Carina Saraiva Perez, Analyst, School Fiscal Services Division, at (916) 322 6068</del> [Note, the preceding contact name and phone number are no longer valid and have been replaced by Office of Principal Apportionment and Special Education, at 916-324-4541 or by e-mail at PASE@cde.ca.gov.]

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.

Last Reviewed: Tuesday, May 27, 2014

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