



January 14, 2022

TO: Business Administrators  
Los Angeles County School Districts and Charter Schools

FROM: Jeff Young, Assistant Director  
Business Advisory Services

SUBJECT: Form J-13A, Request for Allowance of Attendance Due to Emergency Conditions

Form J-13A, Request for Allowance of Attendance Due to Emergency Conditions is used to obtain approval of attendance and instructional time credit pursuant to *Education Code (EC)* Sections 41422, 46200, 46391, 46392 and *California Code of Regulations (CCR)*, Title 5, Section 428. The form, resources, and frequently asked questions are available on the California Department of Education's (CDE) website at:

<https://www.cde.ca.gov/fg/aa/pa/j13a.asp>

### **Purpose of Form**

EC Section 41422 allows the State Superintendent of Public Instruction to grant normal apportionment credit to Local Educational Agencies (LEAs) when certain emergencies exist. When one or more schools are closed because of “extraordinary conditions,” an LEA may request authorization to maintain apportionments. If authorized, LEAs are not penalized for falling below the statutorily required annual number of instructional days and/or minutes.

EC Section 46392 also provides average daily attendance (ADA) credit when the ADA of any LEA has been materially decreased due to fire, flood, impassable roads, and other specified circumstances. The intention of both code sections is to hold LEAs harmless from ADA revenue loss or instructional time loss due to a calamity.

### **2021-22 Provisions**

Per Assembly Bill (AB) 167, LEAs that experienced a COVID-19 related material decrease in attendance or school closure *prior* to September 1, 2021 can submit a Form J-13A to mitigate losses of ADA and receive instructional time credit for losses of attendance that occurred on dates prior to September 1, 2021.

For material decreases in attendance or school closures occurring between September 1, 2021, and June 30, 2022, as a result of AB 167, an LEA is not permitted to receive credit for lost attendance through the Form J-13A process for students that have been quarantined, and are unable to attend in-person instruction due to exposure to, or infection with, COVID-19 pursuant to local or state public health guidance, with the following exceptions:

- Requests for students in community day schools may be submitted.
- Requests for students who are individuals with exceptional needs, whose individualized education program does not specifically provide for participation in independent study may be submitted.
- Requests for COVID-19 related staffing shortages may be submitted if additional conditions are met.

In lieu of receiving attendance credit through the Form J-13A process, LEAs serve impacted students through independent study and claim apportionment pursuant to independent study requirements.

Under AB 167, school closures occurring on or after September 1, 2021, due to COVID-19 related staffing shortages are considered a qualifying event under the J-13A process when the following additional conditions are met:

- The LEA is unable to provide in-person instruction to students due to staffing shortages as a result of staff quarantine due to exposure to, or infection with, COVID-19 pursuant to local or state public health guidance.
- For certificated or classified staff shortages, the LEA has exhausted all options for obtaining staff coverage, and has consulted with their county office of education and the CDE in determining that staffing needs cannot be met through any option.

Request for consultation from LACOE may be directed to: [Castelo\\_Octavio@lacoe.edu](mailto:Castelo_Octavio@lacoe.edu)  
LACOE Consultation Guide and Form: [LACOE Business Services Documents and Forms](#)

Requests for consultation from CDE may be directed to: [staffshortageconsultation@cde.ca.gov](mailto:staffshortageconsultation@cde.ca.gov)  
and complete the CDE Request for Consultation Form

Pursuant to EC Section 46393, all Form J-13A requests submitted due to a qualifying event occurring after September 1, 2021, must include a certified plan for which independent study will be offered to students. Statute requires this year that independent study is offered to any student impacted by the closure within 10 days of the first day of a school closure.

If an LEA must close a school site or experiences a material loss of attendance due to a non-COVID related qualifying event, the LEA can submit a Form J-13A request.

Frequently asked questions (FAQs) providing additional guidance with regard to Form J-13A requirements and all submissions for the 2021–22 fiscal year are available on the CDE website at:

<https://www.cde.ca.gov/fg/aa/pa/formj13afaq2122.asp>

### **Required Supporting Documentation**

Each submitted Form J-13A should describe the emergency conditions that caused the school closure or material decrease in attendance. **Any available supporting documentation verifying the emergency should be attached, including newspaper articles, invoices, purchase orders, state of emergency declarations, emails and letters from local government authorities or law enforcement agencies.**

Any Form J-13A submission that includes emergency dates occurring after September 1, 2021 must be submitted with a signed [Certification Form for Independent Study plan](#) (PDF) and a certified plan to offer independent study within ten days of the first day of a school closure or material decrease.

For school closures or material decreases due to COVID-19 related staffing shortages occurring from September 1, 2021 to June 30, 2022, the LEA must provide the [Addendum for staffing shortages](#) (PDF).

### **Submission**

Form J-13A required signatures for districts include most members of their governing board and the signature and title of the individual witnessing, normally the district's superintendent.

Charter schools need the signatures of most members of their governing board, the signature and title of the individual witnessing, **AND** the signature of the superintendent of the authorizing local educational agency.

**Do not send the form directly to the CDE.** The form requires the signature of the Los Angeles County Superintendent of Schools. The Los Angeles County Office of Education (LACOE) confirms that information provided is true and correct to the best of their knowledge and will forward the form and supporting documentation to CDE for processing. Please send the completed J-13A form with all original signatures to:

Los Angeles County Office of Education  
Business Advisory Services  
Attention: Octavio Castelo

### **Revised Attendance Reports**

Once the J-13A approval letter is received from CDE, the LEA should recalculate their ADA and submit a corrected attendance file to LACOE using the Principal Apportionment Data Collection

web based application. Specific instructions on how to submit corrected attendance files are available in the PADC User Manual, at:

<https://www.cde.ca.gov/fg/sf/pa/>

This bulletin and its attachments are posted on the LACOE website at:

<https://www.lacoe.edu/Bulletins.aspx>

Use the “Search” box in the Bulletins section to locate a specific bulletin by number or keyword.

If you have questions, please contact Octavio Castelo at (562) 922-6131, or by e-mail at [Castelo\\_Octavio@lacoe.edu](mailto:Castelo_Octavio@lacoe.edu).

Approved:  
Octavio Castelo, Director  
Business Advisory Services

JY/JD:lm  
Attachment

## J-13A LACOE Consultation Guide Determination of COVID-19 Related Staffing Shortage

**Under AB 167 (amendment to AB 130), school closures occurring on or after September 1, 2021, due to COVID-19 related staffing shortages are a qualifying event under the J-13A process.**

School Closures (Before, During, and After)		
Before Closure	Consideration	Source
<b>Assess Staff Shortage (Certificated/Classified)</b>	Confirm that the school is unable to provide in-person instruction to pupils due to staffing shortages as a result of staff quarantine due to exposure to, or infection with, COVID-19 pursuant to local or state public health guidance. Exhaust all options for obtaining staff coverage, including using all certificated staff and substitute teacher options.	Ed Code 46392(c)(2)(B)(iii); Ed Code 46393(c)(3)
<b>Consult with LACOE</b>	Identify and document all actions taken to assess school closure determination.  Email Octavio Castelo, LACOE Point of Contact, and request a consultation meeting.  Complete and submit LACOE Consultation Form.	LACOE Point of Contact: Octavio Castelo (562) 922-6131 <a href="mailto:castelo_octavio@laoe.edu">castelo_octavio@laoe.edu</a>  <a href="#">LACOE Business Services Documents and Forms</a>
<b>Consult with CDE</b>	Consult with CDE via email provided and complete the CDE Request for Consultation via Google Form	Email: <a href="mailto:staffshortageconsultation@cde.ca.gov">staffshortageconsultation@cde.ca.gov</a>  Form: <a href="#">CDE Request for Consultation</a>
During Closure	Consideration	Resource Link
<b>Develop an IS Model Plan</b>	Implement IS Model Plan within 10 days of school closure	<a href="#">IS Leader Toolkit</a>
<b>Communicate IS Model Plan with school community</b> <ul style="list-style-type: none"> <li>• Staff</li> <li>• Students</li> <li>• Families</li> </ul>	Communication should be sent out in various forms <ul style="list-style-type: none"> <li>• Emails</li> <li>• Automated messages</li> <li>• Staff meetings</li> <li>• Family Town Halls</li> <li>• District/school letters</li> <li>• Social Media</li> </ul>	
<b>Implement IS Model Plan</b>	IS Model Plan must be implemented within 10 days of school closure.	
<b>Obtain signed written master agreements</b>	For school closures, all signatures must be obtained within a reasonable amount of time. Electronic signatures are acceptable.	<a href="#">Sample IS Written Master Agreement Link</a>
<b>Monitor Staffing Shortage</b>	Reopen for in-person instruction as soon as possible, unless prohibited by the state or local health officer.	

After Closure	Consideration	Resource Link
<p><b>File a J-13A Waiver and supporting documentation</b></p>	<p>The signed Form J-13A (with original signatures) must be mailed to the County Office of Education:</p> <p style="text-align: center;">Los Angeles County Office of Education Business Advisory Services 9300 Imperial Highway Downey, CA 90242</p> <p>LACOE confirms that information provided is true and correct to the best of their knowledge and forwards the waiver to CDE for consideration. CDE's response will be delivered directly to the LEA.</p> <p>Please note that there is no deadline to submit a J-13A; however, it should be submitted as soon as possible after reopening.</p>	<p>Form J-13A: <a href="http://www.cde.ca.gov/fg/aa/pa/j13a.asp">www.cde.ca.gov/fg/aa/pa/j13a.asp</a></p> <p><a href="#">Certification Form for Independent Study plan</a> (PDF) AND a copy of the LEA's plan.</p> <p><a href="#">Addendum for Staffing Shortages</a> (PDF).</p>

Reference: <https://www.cde.ca.gov/fg/aa/pa/formj13afaq2122.asp#SchoolClosure>

**1. Are local educational agencies (LEAs) able to file a Form J-13A request for a COVID-19 related closure due to LEA staffing shortages?**

- Yes, school closures due to COVID-19 related staffing shortages occurring during the time period of September 1, 2021 to June 30, 2022, are qualifying events with additional conditions, for which Form J-13A requests may be submitted. The additional conditions that must be met when submitting Form J-13A requests for COVID-19 related staffing shortages are as follows:
- The LEA is unable to provide in-person instruction to students due to staffing shortages as a result of staff quarantine due to exposure to, or infection with, COVID-19 pursuant to local or state public health guidance.
- For certificated staff shortages, the LEA has exhausted all options for obtaining staff coverage, including using all certificated staff and substitute teacher options, and has consulted with their county office of education and the California Department of Education (CDE) in determining that staffing needs cannot be met through any option.
- For classified staff shortages, the LEA has exhausted all options for obtaining staff coverage, including using all staff options, and has consulted with their county office of education and the CDE in determining that staffing needs cannot be met through any option.
- Questions regarding the consultation process may be directed to:  
[staffshortageconsultation@cde.ca.gov](mailto:staffshortageconsultation@cde.ca.gov)

**2. How can LEAs make up instructional minutes if closed due to staffing shortages?**

- Form J-13A requests for COVID-19 school closures can be submitted to receive instructional time credit to meet the annual day and minute requirements to avoid audit penalties, if LEAs certify to offering independent study to all eligible students during the school closure.

**3. Does an LEA that is planning to close due to staffing shortages have to offer Independent Study to all students?**

- Pursuant to *Education Code* (EC) Section 46393, all LEAs must submit a certified plan for which independent study will be offered to students that accompanies **all** Form J-13A requests submitted for a school closure and/or a material decrease in attendance due to a qualifying event occurring after September 1, 2021.
- Independent study is offered to any student impacted by any of the conditions listed in EC Section 46392 within ten days of the first day of a school closure or material decrease in attendance. Students who are individuals with exceptional needs shall receive the services identified in their individualized education programs pursuant to EC Section 56345(a)(9) and may participate in an independent study program.
- Require reopening for in-person instruction as soon as possible unless prohibited under the direction of the local or state health officer.
- Include information regarding establishing independent study master agreements in a reasonable amount of time.

**4. What supporting documentation is required to substantiate Form J-13A school closure requests for events occurring on or after September 1, 2021?**

***School Closures Due to COVID-19 Related Staffing Shortages***

For closures due to COVID-19 related staffing shortages occurring from September 1, 2021, to June 30, 2022, the LEA must provide:

- The [Certification Form for Independent Study plan](#) (PDF) AND a copy of the LEA's plan.
- The [Addendum for staffing shortages](#) (PDF).
- The completed Form J-13A request.

Rev. 1/13/22

**J-13A**  
**LACOE Consultation Form**  
**Determination of COVID-19 Related Staffing Shortages**

Under AB 167 (amendment to AB 130), school closures due to COVID-19 related staffing shortages occurring on or after September 1, 2021, are qualifying events with additional conditions for which Form J-13A requests may be submitted. One condition is a consultation with the Los Angeles County Office of Education to determine that staffing needs cannot be met through any option. Complete and sign this Consultation Form to begin that process.

<b>LEA NAME:</b>	<b>CDS Code:</b>
<b>Relevant Conditions to Consider Before Closure</b>	<b>LEA Response</b>
What is the reason for the staffing shortage? (i.e., staff quarantine due to exposure to, or infection with, COVID-19 pursuant to local or state public health guidance)	
Indicate the category of staff involved in the staffing shortage	<input type="checkbox"/> Teaching Staff Shortage, Non-Special Education <input type="checkbox"/> Teaching Staff Shortage, Special Education <input type="checkbox"/> Classified Staff Shortage – Transportation <input type="checkbox"/> Classified Staff Shortage – Food Services
What are the anticipated dates of closure?	
What actions did your district take to exhaust Certificated / Classified Staff coverage?	
When will you be offering an Independent Study program to your students?	
When will you have signed Written Master Agreements in place for all eligible students?	
<b>Certification</b>	
I certify that the information and statements submitted on this form are true and correct to the best of my knowledge and belief.	
_____	_____
District Superintendent Name (Printed)	Signature of District Superintendent
	Date

Please send the completed LACOE Consultation Form to Octavio Castelo at [castelo\\_octavio@laoe.edu](mailto:castelo_octavio@laoe.edu).  
LACOE staff will contact you to confirm the completion of the LACOE Consultation process.

Contact Octavio Castelo at (562) 922-6801 for questions regarding the submission of the  
LACOE Consultation Form.