



January 6, 2021

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

FROM: Alyssa Martinez, Manager
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

Education Code Section 41422 allows the State Superintendent of Public Instruction to grant normal apportionment credit to Local Educational Agencies (LEAs) in emergencies. 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.

Management Advisory 90-01

The attached CDE Management Advisory 90-01, is also available from the website above. This advisory includes a comprehensive discussion of the emergency conditions allowable for ADA credit.

Form J-13A may be filed under these conditions:

- Per EC Section 41422, when schools must be closed due to fire, flood, epidemic, military threat, or other extraordinary condition.
- Per EC Section 46392, when one or more schools were kept open, but experienced a material decrease in attendance because of specified conditions. A “material decrease” is defined as losing over 10 percent of normal attendance. For most purposes, “normal attendance” is defined as the school’s ADA during the month of either October or May of the same school year.
- Per EC Section 46391, when attendance records have been lost or destroyed.

Form J-13A cannot be used to claim credit for school closures due to conditions the LEA could reasonably have foreseen. In areas where winter snow or fog predictably force school closure for a few days each year, LEAs are expected to include extra days in their calendars to compensate for the foreseeable loss of instructional time.

When filing Form J-13A for closures related to power outages or impassable roads caused by inclement weather, LEAs must include a list of the number of days their schools were forced to close over the past five years. In these cases, ADA credit will be approved only for days in the current year that exceed the number of days shown by the five-year average.

2020-21 Provisions

Pursuant to *EC* Section 43502(b), the CDE will use 2019–20 P-2 and Annual ADA to calculate apportionments for 2020–21. Therefore, a decrease in attendance that occurs in 2020–21 will not affect an LEA’s funding for 2020–21. No Form J-13A should be submitted for a material decrease that occurs in FY 2020-21. A Form J-13A should be submitted for a closure that occurs due to a qualifying emergency in 2020-21 to avoid an instructional time penalty for not meeting the annual instructional day requirement. Frequently asked questions regarding 2020-21 funding and instructional time, including Form J-13A, are available on the CDE website at:

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

Required Signatures

The 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) 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: Alyssa Martinez

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.**

Revised Attendance Reports

Once the J-13A approval letter is received, the LEA should recalculate their ADA and submit a corrected attendance file to LACOE using the *Principal Apportionment Data Collection Software (PADC)* for the affected fiscal year. Specific instructions on how to submit corrected attendance files are available in the *Correcting Data from a Prior Period* section of the *PADC Software User Guide*, 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 me at (562) 922-6137, or by e-mail at Martinez_Alyssa@lacoe.edu.

Approved:
Octavio Castelo, Director
Business Advisory Services

AM:vb
Attachment



Home / Finance & Grants / Allocations & Apportionments / Principal Apportionment

California Department of Education Official Letter

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.

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 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 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 [Note, the preceding paragraph is no longer valid and has been replaced with:~~

Attendance credit and approval of school closures may be obtained by submitting one copy of Form J-13A (Request for Allowance of Attendance Due to Emergency Conditions, Revised December 2017) 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 second copy of the form should be retained by the requesting district or county.] 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~~) [Note, the preceding page number is no longer valid and has been replaced by J-13A, page 5]. 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~~ [Note, the preceding contact information is no longer valid and has been replaced by Early Education and Support Division at 916-322-6233.]

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 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 ~~Carina Saraiva-Perez, Analyst, School Fiscal Services Division, at (916) 322-6068~~ [Note, the preceding contact name and phone number are no longer valid and have been replaced by Principal Apportionment Section, at 916-324-4541 or by e-mail at attendanceaccounting@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, December 08, 2020
