

Fiscal Year 2022-23

Attendance Accounting and Instructional Time Requirements

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CALIFORNIA DEPARTMENT OF EDUCATION
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Acronyms

- **AB** = Assembly Bill
- **ADA** = Average Daily Attendance
- **CBIS** = Course Based Independent Study
- **CCR** = *California Code of Regulations*
- **CDE** = California Department of Education
- **COE** = County Office of Education
- **EAAP** = Education Audit Appeals Panel
- **EC** = *Education Code*
- **HSC**= Health and Safety Code
- **FTE** = Full Time Equivalent
- **IEP** = Individualized Education Program
- **IS** = Independent Study
- **LCFF**= Local Control Funding Formula
- **LEA** = Local Education Agency
- **PADC** = Principal Apportionment Data Collection
- **SB** = Senate Bill
- **SBE** = State Board of Education
- **TK** = Transitional Kindergarten
- **CDPH**= California Department of Public Health



Agenda (1)

Instructional Time

- Instructional Days and Minutes
- Minimum Day
- SB 328

Attendance for Apportionment

- Requirements to Generate ADA
 - Vaccine Requirement
 - Residency
- Requirements to Generate ADA for Independent Study
 - Traditional independent study
 - Course-Based independent study



Transitional Kindergarten

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- Conditions of Apportionment

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- Independent Study Changes
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 - Student Exceptions

Agenda (2)

Form J-13A

- Form J-13A
- Sunsetting Requirements
- Continuing legislation
 - Certification Form
- Submission Documents
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2021-22 ADA Loss Mitigation

- ADA Adjustment
- Certification Requirements

Resources

- CDE Web Resources
- Form J-13A Resources
- CDE Contact Information
- *EC* References for School Districts and COEs
- *EC* References for Charters
- *EC* References for Independent Study



Disclaimer

This webinar is advisory in nature. It is not intended to cover in detail every statutory requirement and exception, nor should it be relied upon as the authority for instructional time and attendance accounting. Our contact information is at the end of the presentation if you need to reach out for support regarding a specific situation.



Instructional Time



School Fiscal Services Division



Annual Day and Minute Requirement

School District

180 Days

TK/K	36, 000 minutes
1-3	50, 400 minutes
4-8	54, 000 minutes
9-12	64, 800 minutes

Charter School

175 Days

TK/K	36, 000 minutes
1-3	50, 400 minutes
4-8	54, 000 minutes
9-12	64, 800 minutes



Minimum Day Requirement (1)

Grade/Setting	Minimum Schoolday	EC Section
TK/Kindergarten	180 minutes	46117
Grades 1-3	230 minutes	46112
Grades 4-8	240 minutes	46113
Grades 9-12	240 minutes	46141
Early/Middle College High School	180 minutes (Dual Enrollment)	46146.5
Early/Middle College High School	240 minutes (Non-Dual Enrollment)	46146.5



Minimum Day Requirement (2)

Instructional Settings	Minimum Schoolday	EC Section
Community Day School	360 minutes	48663
Continuation High	180 minutes	46170
County Community School	240 minutes	1984 and 46141
Juvenile Court School	240 minutes (average over 10 days)	48645.3
Opportunity School/Program	180 minutes	46180



Senate Bill 328

- SB 328 added *EC* Section 46148, which requires all charter schools and non-rural school districts to begin the schoolday at their middle and high schools no earlier than 8 or 8:30 am respectively.
- Implementation date of the bill's provisions at middle and high schools is July 1, 2022, or the date on which a school district or charter school's respective collective bargaining agreement that is operative on January 1, 2020 expires, whichever is later.
- Once implemented, instructional time and attendance credit cannot be claimed for apportionment for instruction offered before the newly established start time.
- LEAs should consult with their legal counsel regarding applicability of the bill's provisions.



Attendance for Apportionment



Requirements to Generate ADA: Reporting ADA and Non-fundable ADA

- LEAs may report attendance for the purpose of apportionment if the student was:
 - offered the required number of annual days and minutes per statute.
 - scheduled for at least the minimum day (not applicable to charter schools).
 - in attendance under the immediate supervision and control of a certificated employee of the LEA claiming attendance and engaged in educational activities required of the student for some part of that day.
- Each student cannot generate more than one day of attendance per day.
- Some ADA is not fundable:
 - Excess independent study ADA.
 - Continuation and opportunity education independent study ADA over the 10 percent threshold.



Requirements to Generate ADA: Residency Requirements

In order to claim ADA, the following residency requirements must be met:

School District

- A student must be a resident of the school district.
- Exceptions to this requirement must be provided for in law. Some examples include:
 - Students with an interdistrict transfer agreement.
 - Students placed in a state hospital.
 - Students whose parent's or guardian's employment meet certain conditions.

➤ *EC* sections 48200-48204

Charter School

- A student must be a California resident.

➤ *EC* Section 47612(b)

Independent Study

- A student must be resident of the county or adjacent county.

➤ *EC* Section 51747.3(b)



Requirements to Generate ADA: Charter Schools

Charter school students are either generating classroom-based attendance or nonclassroom-based attendance.

All charter schools are required to offered the required number of annual days and minutes per statute. In addition, charter schools must meet the following requirements in order to claim classroom-based or nonclassroom-based attendance.

Classroom-based Attendance

The charter school may report classroom-based attendance for the purpose of apportionment as long as the student was:

- offered at least 80 percent of the annual instructional minutes at the school site.
- required to attend at least 80 percent of the annual instructional minutes at the school site.
- present and engaged in educational activities required of them, and under the immediate supervision and control of a certificated employee of the charter school for some part of the school day (*EC* Section 47612.5).

Nonclassroom-Based Attendance

The charter school may report nonclassroom-based attendance for the purpose of apportionment as long as the student:

- was offered less than 80 percent of the required annual instructional minutes at the school site.
- was required to attend less than 80 percent of the annual instructional minutes at the school site.
- met all IS statutory criteria (*EC* sections 47612.5 and 51744-51749.3) and attendance was generated based on the time value of the student's work product and daily engagement in educational activities required of the student.



Immunization Requirements (1)

- Students cannot be unconditionally admitted to elementary or secondary school unless, prior to their first admission to that institution, the governing board determines that they have been fully immunized (*HSC* sections 120325-120380).
 - *HSC* also provides for conditional admittance for students that are in the process of becoming fully immunized.
 - For a list of required immunizations, please see CDPH's Guide to Immunization Requirements for School Entry.
- Immunization requirements do not apply to students who:
 - Attend a home-based private school.
 - Participate in an independent study program and do not receive classroom-based instruction.



Immunization Requirements (2)

- A school district or a COE must exclude a student from attending school if the student is not properly immunized (*EC* Section 48216).
- Immunization requirements are conditions of apportionment:
 - Failure to comply with immunization requirements would result in ineligible ADA.
 - Immunization requirements are included in the annual audit, 2022-23 Audit Guide, Section Z. Immunizations.
- Students who do not meet the immunization requirements are excluded from attending school.
- A student who seeks admission and lacks documentation of having received all required vaccines may be admitted conditionally if the requirements of *CCR*, Title 17, Section 6035 are met.



Requirements to Generate ADA: Traditional Independent Study

- If all other apportionment significant requirements are met, ADA for traditional independent study is generated based on *either* the time value of the student's work product; **or the combined time value of student's work product and participation in synchronous instruction**_(EC Section 51747.5).
- A certificated employee of the LEA must evaluate the work product of each student participating in traditional independent study and determine a time value for that work product.
- **School Districts and COEs**
 - Students must complete a work product that is at least the equivalent in time value to a minimum school day of attendance in a classroom setting.
- **Charter Schools**
 - Students must complete a work product that equates to a full day of school at determined by a certificated employee of the charter school.
 - Charter schools are required to have a daily engagement record.



Requirements to Generate ADA: Course-Based Independent Study

- If all other apportionment significant requirements are met, ADA for CBIS is based on enrollment and satisfactory educational progress in courses that are annually certified to by the LEA's local governing board.
- A certificated employee of the LEA or an LEA that has a memorandum of understanding must provide general supervision of the student's CBIS program.
- This certification shall, at a minimum, include the
 - duration of the course,
 - number of equivalent daily instructional minutes for each schoolday that a student is enrolled,
 - number of equivalent total instructional minutes, and
 - number of course credits for each course.
- This information shall be consistent with that of equivalent classroom-based courses.



Limits on Generating Independent Study ADA

There is not an overall cap on IS, but there are some limits for generating ADA:

- No more than one unit of ADA can be earned per student.
- Charter schools that meet nonclassroom-based charter criteria must have a funding determination.
- ADA to FTE ratio requirements.
- 10 percent cap on continuation and opportunity school students:
 - Is based on P-2 ADA.
 - Does not apply to students who are pregnant or parenting as the primary caregiver.
 - Is evaluated on a school site basis.
- CBIS ADA Adjustment (CBIS only):
 - First 10 percent of total LEA ADA is adjusted at full rate.
 - All CBIS ADA in excess of the first 10 percent is reduced by the statewide average absence rate for elementary (K-8) or high school (9-12) as calculated by the CDE for the prior FY.



Transitional Kindergarten



Transitional Kindergarten

Instructional Time Requirements (1)

In order to generate a day of attendance for the purpose of apportionment, students must be:

- offered the required number of annual days and minutes per statute,
- scheduled for at least the minimum schoolday, and
- in attendance under the immediate supervision and control of a certificated employee and engaged in educational activities required of them for some part of that day.

At the TK/Kindergarten grade level, recess may be included in the instructional minutes calculation if the students are engaged in educational activities required of them and under the immediate supervision and control of a certificated employee.



Transitional Kindergarten

Instructional Time Requirements (2)

- The annual instructional minute requirement for TK/Kindergarten is 36,000 minutes (*EC* Section 46207).
- The minimum length of instructional time that must be offered to constitute a schoolday for TK/Kindergarten is 180 minutes (*EC* sections 46114 and 46117).
- The maximum schoolday in TK/Kindergarten is 4 hours, except for students in early primary programs (*EC* sections 8973, 46111, and 37202).
- TK/Kindergarten programs operated by a school district must be of equal length to any TK/Kindergarten program operated by the same school district, unless there is:
 - an approved State Board of Education waiver on file, or
 - the school district operates an early primary program pursuant to *EC* Section 8973 (*EC* Section 37202).



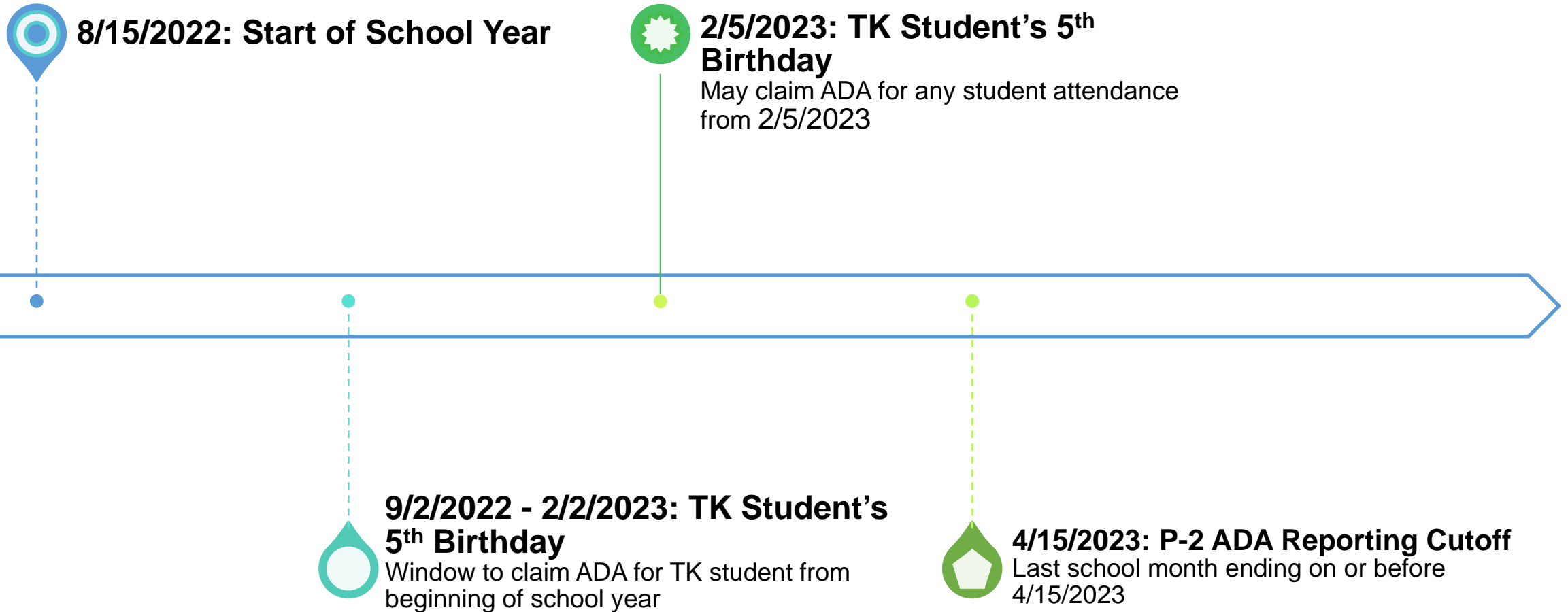
Transitional Kindergarten Conditions of Apportionment

In FY 2022-23, an LEA may claim ADA for a student who will have their fifth birthday between September 2 and February 2 beginning the first day of the school year. If the student turns five after February 2, but during the same school year, then the LEA may claim ADA once the student has attained their fifth birthday, regardless of when the student was admitted during the school year.

- ADA may not be retroactively claimed from the start of the school year.
- *EC* Section 48000(c) provides additional statutory age requirements for TK/Kindergarten in future years.



Transitional Kindergarten Example



Independent Study



School Fiscal Services Division



Notable IS Requirements (1)

IS Condition of Apportionment	New for 2022-23	Pre-2021-22 Requirements	No Change
Students must be residents of the county or adjacent county.	N/A	N/A	BOTH
Students over 21 cannot generate IS ADA.	N/A	N/A	BOTH
Students that have not been continuously enrolled since their 18 th birthday can only generate IS ADA until they are 19.	N/A	N/A	BOTH
Charter schools must meet charter school age eligibility requirements.	N/A	N/A	BOTH
Students with an IEP must have IS included in IEP in order to participate.	N/A	N/A	BOTH

CBIS= Course-Based IS

TRADITIONAL = Traditional IS

BOTH = Traditional/CBIS

**This table is not a comprehensive list of all IS apportionment requirements.*



Notable IS Requirements (2)

IS Condition of Apportionment	New for 2022-23	Pre-2021-22 Requirements	No Change
Independent study participation must be voluntary and all students must have a classroom option.	N/A	BOTH	N/A
Students must be enrolled and identified by grade level, program placement, and school of enrollment.	N/A	N/A	BOTH
Student's residency cannot be established based upon parent's place of employment	N/A	N/A	BOTH
Equity in resources between participants in IS and students who attend regular classes.	N/A	N/A	BOTH

CBIS= Course-Based IS

TRADITIONAL = Traditional IS

BOTH = Traditional/CBIS

** This list is a resource, but should not be used as a comprehensive list of all IS apportionment requirements.*



Notable IS Requirements (3)

IS Condition of Apportionment	New for 2022-23	Pre-2021-22 Requirements	No Change
The duration of the IS written agreement must be a minimum of three consecutive days in order to claim attendance (except for charter schools).	N/A	BOTH	N/A
LEAs are required to adopt and implement policies for their IS program in order to claim IS ADA for the purpose of apportionment.	N/A	N/A	BOTH
All students participating in IS must have a signed compliant written agreement in order to generate ADA.	N/A	N/A	BOTH
IS students cannot generate more than one day of attendance per student, per day.	N/A	N/A	BOTH

CBIS= Course-Based IS

TRADITIONAL = Traditional IS

BOTH = Traditional/CBIS

** This list is a resource, but should not be used as a comprehensive list of all IS apportionment requirements.*



Notable IS Requirements (4)

IS Condition of Apportionment	New for 2022-23	Pre-2021-22 Requirements	No Change
Enrollment and satisfactory educational progress in courses that are annually certified to by the LEA's local governing board.	N/A	N/A	CBIS
LEA's ability to count participation in synchronous instruction towards instructional time and attendance for apportionment calculations.	TRADITIONAL	N/A	N/A
IS by each student must be coordinated and evaluated under the general supervision of an employee of the LEA who possesses a valid certification document.	N/A	N/A	BOTH
Time value of work products and participation in synchronous instruction must be determined by a certificated teacher of the LEA.	N/A	N/A	TRADITIONAL

CBIS= Course-Based IS

TRADITIONAL = Traditional IS

BOTH = Traditional/CBIS

** This list is a resource, but should not be used as a comprehensive list of all IS apportionment requirements.*



Notable IS Requirements (5)

IS Condition of Apportionment	New for 2022-23	Pre-2021-22 Requirements	No Change
LEAs must document each student's participation in live interaction and synchronous instruction pursuant to EC Section 51747, as applicable.	N/A	N/A	TRADITIONAL
LEAs must maintain written or computer-based evidence of student engagement.	N/A	N/A	TRADITIONAL
LEAs must maintain written or computer-based evidence of satisfactory progress for each student and each course.	N/A	N/A	CBIS

CBIS= Course-Based IS

TRADITIONAL = Traditional IS

BOTH = Traditional/CBIS

** This list is a resource, but should not be used as a comprehensive list of all IS apportionment requirements.*



Sunseting Requirements (1)

The IS offering requirement for school districts and COEs sunset as of June 30, 2022.

Additional requirements that have sunset as of June 30, 2022 include:

- The requirement for school districts and COEs to provide a notification to parents or guardians of options to enroll students in in-person instruction or IS.
- The ability for LEAs to obtain signed and dated written agreements up to 30 calendar days from the first day of IS instruction.
 - This includes the flexibility in signature requirements that allowed an LEA to obtain either the signature of the student or the student's parent, legal guardian, or caregiver, if the student was less than 18 years old.



Sunsetting Requirements (2)

- The allowance for classroom-based charter schools to report nonclassroom-based ADA that was generated as a result of providing IS to students during quarantine or school closure due to COVID-19 as classroom-based ADA.
 - This includes the need for a funding determination as a result of reporting nonclassroom-based ADA that was generated when providing IS to students during quarantine or school closure due to COVID-19 as classroom-based ADA.
 - For FY 2022-23 and subsequent years, all nonclassroom-based ADA that meets the IS conditions of apportionment should be reported as nonclassroom-based ADA.



Board Policy Changes

- LEAs must update and implement their board policy to comply with new tiered reengagement procedures which are triggered by a traditional IS student who is not:
 - Generating attendance for more than 10 percent of the of the required instructional time over four continuous weeks.
 - Participating in the synchronous instructional offering pursuant to *EC* Section 51747.5 for more than **50** percent of the time in a school month as applicable by grade span.
 - Meeting the agreed upon terms of the written agreement pursuant to *EC* Section 51747(g).



Written Agreements (1)

- Each written agreement must be signed by all of the following parties:
 - student,
 - student's parent, legal guardian, or caregiver, if the student is less than 18 years of age,
 - certificated employee who has been designated as having responsibility for the general supervision of independent study, *and*
 - **certificated employee designated as having responsibility for the special education programming of the student, as applicable.**



Written Agreements (2)

- LEAs must obtain a signed and dated written agreement that meets the following conditions:

Fewer than 15
("short-term")

- Signed within 10 schooldays of the first day of a student's enrollment in IS.

More than 14
("long-term")

- Signed before the commencement of IS.



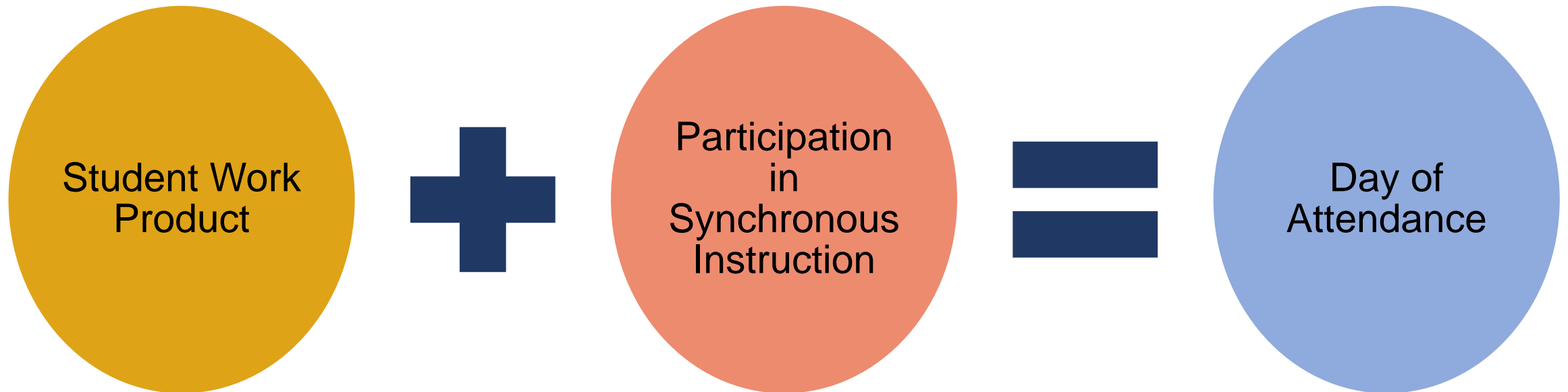
New Requirement in FY 2022-23: Synchronous Instruction

- In FY 2022-23 and subsequent years, LEAs can claim a day of attendance for apportionment for traditional IS through *either*:
 - the time value of student work products, as personally judged in each instance by a certificated teacher employed by the LEA, *or*
 - the combined time value of student work product and student participation in synchronous instruction (*EC Section 51747.5(b).*)



Counting Synchronous Instruction

If the LEA does decide to count synchronous instruction towards instructional time and attendance for apportionment, the LEA may only claim apportionment credit insofar as a student's participation in a synchronous instructional offering augments the time value of student work product.



Synchronous Instruction Requirements (1)

- To count participation in synchronous instruction towards instructional time and attendance for apportionment calculations, an LEA must ensure the following:
 - The participation in synchronous instruction time augments time value of student work product.
 - The synchronous instruction is applied to the schoolday on which the student participated.
 - The synchronous instruction meets the definition provided in *EC* Section 51745.5(d).
 - The synchronous instruction is provided by the teacher(s) of record.
 - A teacher of record can be the supervising teacher who coordinates, evaluates and generally supervises the student or the certificated teacher(s) that evaluate student work product for time value.



Synchronous Instruction Requirements (2)

- Evidence of student participation in synchronous instruction for each hour or fraction thereof must be furnished and maintained.
- Evidence of participation may include, but is not limited to, student work produced or performed, as verified by a certificated employee of the LEA.

Student
(evidence)

- notes, summaries, or projects.

Teacher
(evidence)

- rubrics, notes, or other documentation.



Synchronous Instruction Requirements (3)

Teacher Record

- Basis of apportionment credit for ADA.
- Basis of academic credit.
- Teacher maintains a record for each student under their supervision.
- Includes record of each assignment due date and meeting with student.
- Used in place of classroom attendance for the purpose of generating ADA.
- Record of time value and academic credit.
 - Time value of both work product and participation in synchronous instruction.



Exemption Conditions for Students

- Students participating in IS are exempted from the requirements of *EC* sections 51747 or 51749.5 specific to tiered reengagement procedures, opportunities for synchronous instruction and live interaction, and a transition plan to in-person instruction when the student:
 - participates in IS for fewer than 15 cumulative schooldays in a school year; *or*
 - **is enrolled in a comprehensive school for classroom-based instruction and under the care of appropriately licensed professionals, participating in IS due to necessary medical treatments or inpatient treatment for mental health care or substance abuse.**



COVID-19 and Attendance in FY 2022-23

Independent study participation **must be voluntary**
and **all students must have a classroom option:**

- A student is excluded from school (or absent) or school is closed due to COVID-19:
 - *Academic Credit:* students should be provided access to instruction and a means to generate academic credit, and if well enough to participate, when possible instruction through IS.
 - *Apportionment Credit:* LEAs can submit a Form J-13A request for closure and/or material decrease in attendance to recover ADA and mitigate against loss of ADA-based funding.
- A student whose health would be put at risk by in-person instruction, as determined by the parent or guardian of the student:
 - *Academic Credit:* students can generate academic credit through IS.
 - *Apportionment Credit:* students can generate ADA through IS if all other conditions of apportionment are met.



Form J-13A



School Fiscal Services Division



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

- The Request for Allowance of Attendance Due to Emergency Conditions, Form J-13A is 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 *EC* Section 41422.
 - When one or more schools were kept open but experienced a material decrease in attendance (*EC* Section 46392 and 5 *CCR*, Section 428).
 - When attendance records have been lost or destroyed as described in *EC* Section 46391.
- The CDE's approval of the Form J-13A, combined with other attendance records, serves to document the LEA's compliance with instructional time laws and provide authority to maintain school for less than the required instructional days and minutes without incurring a fiscal penalty to the LEA's LCFF funding.



Types of Qualifying Events

- Wildfire
- Public Safety Power Shutoff (PSPS)
- Unforeseen inclement weather
- Impassible roads
- Earthquake
- Epidemic (substantiation from a local public health officer is required)
- Imminence of a major safety hazard (substantiation from a local safety officer is required)
- Inability to secure or hold a teacher
- Illness of the teacher



FY 2022-23 Form J-13A Submittals (1)

- The request must be complete, properly substantiated with necessary supporting documentation, and signed by all applicable parties.
- COVID-19 submittals are a qualifying event for school closures and material decreases.
 - CDE consultations for a school closure due to COVID-19 related staffing shortages are no longer required.
- The request must be complete, properly substantiated with necessary supporting documentation, and signed by all applicable parties.



FY 2022-23 Form J-13A Submittals (2)

- If the request is submitted for school closure, the dates requested must be scheduled instructional days and built-in days must be properly utilized prior to submitting the request.
- If the request is submitted due to material decrease, the attendance recorded on the date of emergency must be 90% or less than normal attendance.
 - Since the State of Emergency is still in effect for COVID-19, any loss of attendance is considered material.



FY 2022-23 Form J-13A Continuing Requirements (1)

- All LEAs must submit *both* a Certification Form for IS *and* an IS plan with any Form J-13A request submitted for a school closure and/or a material decrease in attendance due to a qualifying event (*EC* Section 46393).
 - LEAs must certify to offering IS within ten days of the first day of a school closure or material decrease in attendance for any emergency condition pursuant to *EC* sections 41422 and 46392.
 - The IS plan can be a board policy, written agreement, or any other relevant documentation as long as it adheres to the conditions pursuant to *EC* Section 46393.
- Note: LEAs only need to submit the IS plan with the initial J-13A submittal for a fiscal year.



FY 2022-23 Form J-13A Continuing Requirements (2)

- An LEA's IS plan must comply with the following:

- IS offered to any student impacted by any of the conditions listed in *EC* sections 46392 and 41422 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 IEPs pursuant to *EC* Section 56345(a)(9) and may participate in an IS 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 IS written agreements in a reasonable amount of time.



Form J-13A Submission Process for FY 2022-23

LEA Prepares Submittal

- Complete all applicable sections of the Form J-13A
- LEA's IS Plan
- Certification Form for IS
- Supporting documentation to substantiate the request

Affidavit

- Majority of LEA's governing board signs "wet signature only"
- LEA submits to oversight agency
- Oversight agency completes affidavit section

COE Submits to CDE

- Submit completed original hard copy Form J-13A with all required documentation to the School Fiscal Services Division by mail



Form J-13A Reminders (1)

- Unused built-in days in the school calendar need to be used first.
 - *Ex: An LEA submits a Form J-13A request for a school closure for 5 days that meets all the requirements but has two unused built-in days, the CDE's Form J-13A approval would be for 3 days.*
 - LEAs are encouraged to add days and/or minutes of instruction to the school calendar when instructional days and minutes are lost.
- Form J-13A submissions should not be submitted until after the event concludes.



Form J-13A Reminders (2)

- An LEA may combine multiple events into one Form J-13A submittal.
 - If combining events, LEAs should clearly identify in the request the applicable dates for each event; identify which event is submitted for school closure or material decrease; and if a portion of the request is solely for instructional time credit indicate applicable dates.
 - This indication can be made in Section B: Part I “Nature of Emergency” field.
 - Ensure all necessary supporting documentation accompanies the request.



J-13A Submittal Checklist

All Requests

- Document qualifying event
- Include IS Plan and Certification Form (wet signature)
 - Highlight 3 conditions in IS plan
- Supporting documentation
 - Police report or letter for threats of violence
 - Letter from county health officer for health emergencies
 - Other relevant documentation
- Redact student information
- Combine multiple events
- Signed affidavit (wet signatures)

School Closures

- Use all available built-in days before submitting a J-13A request
- Provide school calendar

Material Decreases

- Use October or May school month, not calendar month, to determine “normal” attendance
- Provide State of Emergency if one is issued for your county for the emergency



What should an LEA do if a J-13A is approved? (1)

School Closure

- An LEA applying for its schools that calculate ADA based on days taught (without a fixed divisor) should reduce their divisor (days taught) for any school closure when reporting ADA to CDE, regardless of whether CDE approved or not, because it was not a day of instruction.
- An LEA applying for its schools that calculate ADA using a fixed divisor should reduce their divisor only when CDE has approved the closure. Once the Form J-13A approval letter has been received, the LEA should reduce their divisor (days taught) by the days approved for closure. After the ADA has been recalculated using the reduced divisor, the LEA should submit revised ADA to CDE.
- All LEAs should keep the Form J-13A approval letter to document the school's compliance with instructional time laws and authority to maintain school for less than the required annual instructional days and minutes without incurring a fiscal penalty to their LCFF funding.



What should an LEA do if a J-13A is approved? (2)

Material Decrease

- For a material decrease, the LEA will have to wait until the approved net increase of apportionment days is received from the CDE. Until the Form J-13A approval letter has been received, the LEA will submit the actual attendance on the day(s) of the emergency condition. Once the approval letter is received, the LEA will need to submit a revised ADA to CDE.



ADA Loss Mitigation



School Fiscal Services Division



2021-22 ADA Loss Mitigation (1)

- Adjustment to ADA for purposes of LCFF entitlements based on attendance yields in the 2019–20 and 2021–22 school years.
- The CDE will calculate the adjusted ADA at the 2021–22 Annual Apportionment (certified in February 2023).
- New funding exhibits will display the 2021–22 ADA Loss Mitigation.
- School districts and COEs must certify compliance with IS requirements to receive benefit, however, no additional ADA or enrollment data reporting will be required from LEAs.



2021-22 ADA Loss Mitigation (2)

FY	2019–20	2021–22
ADA	102.30	90.00
Enrollment	110	100
Attendance Yield (ADA / Enrollment)	93%	90%
ADA Loss Mitigation Factor	N/A	$93\% / 90\% = 1.0333$
Adjusted ADA	N/A	$1.0333 \times 90.00 = 93.00$

1. Calculate attendance yields for 2019–20 and 2021–22.
2. If yield was greater in 2019–20, calculate ADA Loss Mitigation Factor by taking ratio of attendance yields.
3. 2021–22 reported ADA will be increased by ADA Loss Mitigation Factor.



2021-22 ADA Loss Mitigation (3)

2021-22 Annual

- LCFF Entitlements including:
 - Education Protection Account Entitlements
 - In-lieu of property taxes
 - Basic aid LCFF funding calculations

2021-22 Classroom-Based Charter Schools

- One-time 2021–22 Charter Declining Enrollment Protection (Assembly Bill 181, Section 123).

2022-23 – 2024-24 FYs

- Applies only to school districts.
- Used in the determination of Funded ADA for LCFF (greater of current year, prior year ADA, or the average ADA of the three most recent prior FYs).



2021-22 ADA Loss Mitigation (4)

- School Districts and COEs: Required to certify to CDE that specific requirements were met by November 1, 2021.
- Requirement #1 (*EC* Section 42238.023(c)(1)(A)):
 - Offered an IS program to all students for the 2021–22 school year, consistent with the requirements of *EC* Section 51745.
 - Provided notification to parents or guardians of options to enroll students in in-person instruction or IS.

*AB 185, a clean-up bill to AB 181, if signed by the Governor, will make significant changes to *EC* Section 42238.023 related to the school district and COE certification requirements. The guidance above reflects these proposed changes.



2021-22 ADA Loss Mitigation (5)

- Requirement #2 (*EC* Section 42238.023(c)(1)(B)):
 - Adopted written policies for providing instruction to students through IS pursuant to *EC* sections 51747 or 51749.5, *and*
 - Have verifiable documentation substantiating the provision of opportunities for live interaction and synchronous instruction pursuant to *EC* Section 51745.5, if applicable.

OR

- Adopted the provision of activities or student work product of a student while out on IS that is equivalent to in-person instruction pursuant to *EC* sections 51747 and 51749.5.

*AB 185, a clean-up bill to AB 181, if signed by the Governor, will make significant changes to *EC* Section 42238.023 related to the school district and COE certification requirements. The guidance above reflects these proposed changes.



2021-22 ADA Loss Mitigation (6)

- **School Districts and COEs** can also meet the requirements if they:
 - Received a waiver by June 15, 2022, pursuant to *EC* Section 51745(g), of IS requirements in the 2021–22 school year.
 - Entered into a contract with another COE or an inter-district transfer agreement with another school district pursuant *EC* Section 51745(f) for the offering of IS.

*AB 185, a clean-up bill to AB 181, if signed by the Governor, will make significant changes to *EC* Section 42238.023 related to the school district and COE certification requirements. The guidance above reflects these proposed changes.



2021-22 ADA Loss Mitigation (7)

- **IS Certification**

- Must be completed by School Districts and COEs through the PADDC Web-Based Application and submitted to the CDE by November 1, 2022.
- CDE will release a new Data Entry Screen on or before October 11, 2022.

- **Classroom-Based Charter Schools**

- Charter schools that were classroom-based as of P-2 in FY 2021-22 are eligible.
- Are not required to certify IS offering.



Resources



School Fiscal Services Division



CDE Web Resources

- Compulsory Education – Child Welfare and Attendance: <https://www.cde.ca.gov/ls/ai/cw/>
- Guide to Immunization Requirements for School Entry: <https://eziz.org/assets/docs/IMM-231.pdf>
- Transitional Kindergarten: <https://www.cde.ca.gov/ci/gs/em/kinderfaq.asp>
- Dual Enrollment: <https://www.cde.ca.gov/fg/aa/pa/dualenrollment.asp>
- IS Frequently Asked Questions: <https://www.cde.ca.gov/sp/eo/is/faq.asp#truancy>
- IS Ratio Calculations: <https://www.cde.ca.gov/sp/eo/is/calculations.asp>
- CBIS ADA Adjustment: <https://www.cde.ca.gov/fg/aa/pa/pa2223rates.asp>
- Form J-13A: <https://www.cde.ca.gov/fg/aa/pa/j13a.asp>
- SBE Waiver: <https://www.cde.ca.gov/re/lr/wr/faq.asp>
- 2022-23 Audit Guide: <https://eaap.ca.gov/wp-content/uploads/sites/281/2022/08/2022-23-Audit-Guide-8-1-22.pdf>



Form J-13A Resources

- Form J-13A: <https://www.cde.ca.gov/fg/aa/pa/j13a.asp>
- Form J-13A Submission Documents: <https://www.cde.ca.gov/fg/aa/pa/j13aforms.asp>
- Form J-13A Submission Questions:
 - Email ATTENDANCEACCOUNTING@cde.ca.gov
- Emergency Services Team:
 - Email EmergencyServices@cde.ca.gov



CDE Contact Information

- For questions related to attendance for apportionment, instructional time, and the Form J-13A, please contact: ATTENDANCEACCOUNTING@cde.ca.gov
- For questions related to COVID-19 ADA Mitigation, please contact: PASE@cde.ca.gov



EC References Specific to School Districts and COEs

- Annual Instructional Minutes – *EC* Section 46201.5 and 46207
- Annual Instructional Days – *EC* Section 46200.5 and 46208
- Minimum School Day – *EC* sections 46112-46115, 46117, 46141-46142, 46146-46146.5, 46170, 46180, 46307, 48645.3, 48663
- Attendance Recordkeeping– *EC* Section 44809; *CCR*, Title 5, Section 401
- Attendance for the purpose of apportionment – *EC* sections 46010.3 and 46300
- Equity length of time – *EC* Section 37202



EC References Specific to Charter Schools

- Annual Instructional Minutes – *EC* Section 47612.5(a)(1)
- Annual Instructional Days – *EC* Section 47612
- Classroom-based – *EC* Section 47612.5(e)(1)
- Nonclassroom-based ADA – *EC* Section 47612.5(e)(2)
- Attendance for the purpose of apportionment – *EC* sections 47605(l), 47612.5(e)(1)
- Contemporaneous Attendance Records – *EC* Section 47612.5(a)(2)



EC References Specific to Independent Study

- IS ADA – *EC* sections 46300-46300.7
- Charter school IS:
 - *EC* Section 47612.5
 - *CCR*, Title 5, sections 11960, 11963-11963.7
- IS program requirements and restrictions on apportionment – *EC* sections 51744-51749.3
- CBIS program and requirements – *EC* sections 51749.5-51749.6
- General IS provisions, standards and charter school specific provisions – *CCR*, Title 5, sections 11700-11705



Appendix (1)

***Due to 508 compliance regulations, slide 24 “Transitional Kindergarten Example” requires a long text description (see below).**

Here is an example of TK ADA reporting and the impact on an LEA’s funding in the 2022-23 school year:

- In this example 8/15/2022 is the first day of school.
- ADA is generated from the beginning of the school year for TK students who turn five years old between Sept 2, 2022 and Feb 2, 2023.
- For TK students who turn five years old after Feb 2, 2023, ADA is generated beginning on the student’s 5th birthday.
- P-2 ADA is primarily used in LEA funding calculations; P-2 ADA is attendance generated between July 1 and the last school month ending on or before April 15th, therefore TK students who turn five after that school month do not generate funding based on P-2 ADA in 2022-23.
- Additionally, only TK students who turn five on or before February 2, 2023 will be included in the unduplicated pupil count for LCFF supplemental and concentration grants in the 2022-23 school year.



Appendix (2)

***Due to 508 compliance regulations, slide 50 “Form J-13A Submission Process” requires a long text description (see below).**

Here is an outline of the J-13A submission process:

- An LEA must first prepare its J-13A submittal. The J-13A submittal must include the following:
 - Complete all applicable sections of the Form J-13A
 - LEA’s Independent Study Plan
 - Certification Form for Independent Study
 - Supporting documentation to substantiate the request
- An LEA then completes their J-13A affidavit. The LEA must ensure the following requirements are met:
 - Majority of LEA’s governing board signs “wet signature only”
 - LEA submits to oversight agency
 - Oversight agency completes affidavit section
- An LEA completes the submission process when the COE submits the J-13A request to the CDE.
- The COE must submit a completed original hard copy Form J-13A with all required documentation to the School Fiscal Services Division by mail



Thank You!

