

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

Presented by:

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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
- **FY** = Fiscal Year
- **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
- **SDC** = Special Day Class
- **TK** = Transitional Kindergarten
- **CDPH** = California Department of Public Health



# Agenda

Today we will discuss:

- Annual instructional time requirements
- Form J-13A overview for school closure and material decrease in attendance
- What constitutes a qualifying Form J-13A submission
- Form J-13A submission requirements
- Form J-13A submission process
- Steps to take after receiving a Form J-13A outcome letter
- Form J-13A submittal checklist and reminders
- Form J-13A historic data
- Dispelled Form J-13A myths
- Question & Answer
- Helpful resources and contact information



# Annual Instructional Minutes

- LEAs are required to offer a minimum number of minutes between July 1 and June 30 each FY to receive full apportionment.
- School districts, charter schools and county special day classes are required to offer the following annual instructional minutes:
  - TK/Kindergarten: 36,000 minutes
  - Grades 1-3: 50,400 minutes
  - Grades 4-8: 54,000 minutes
  - Grades 9-12: 64,800 minutes



# Annual Instructional Days

- LEAs must operate a minimum number of instructional days between July 1 and June 30 each FY to receive full apportionment:
  - School District/COE SDC: 180 days
  - Charter School: 175 days
- **School District:** In order for a day to count as a day of instruction towards their annual instructional day requirement, school must be scheduled for at least the minimum schoolday per grade span or instructional setting.
- **Charter School:** Charter schools do not have a minimum day requirement but are required to offer enough minutes in a schoolday to meet the annual minute requirement.
- **COE:** There are different minimum school day requirements for county programs.



# 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.



# Request for Allowance of Attendance Due to Emergency Conditions Form J-13A – School Closure

## School Closure

- In most cases a school district or charter school will not experience an immediate loss in funding. Operation of the statutory number of schooldays is captured through the LEA's annual audit, and for charter schools is also monitored through a year-end data report to the CDE.
- The earliest an adjustment in funding would occur is February in the following FY, if a Form J-13A has not yet been submitted and approved by the CDE.
- Programs where ADA is calculated using a fixed divisor, most often operated by the COE, may experience a loss in funding that would be restored in the future if a Form J-13A request is approved.



# Request for Allowance of Attendance Due to Emergency Conditions Form J-13A- Material Decrease

## Material Decrease

- For a material decrease, a loss in attendance typically will result in a loss of funding but it will not be immediate for a couple of reasons.
  - School districts are funded based on the greater of their current year, prior year, or average of the three most recent prior years ADA and because most school districts are in declining enrollment, most are funded on prior year ADA. Thus, a reduction in current year ADA will not impact a school district until the subsequent fiscal year.
  - Because CDE recalculates each fiscal year's LCFF entitlement multiple times as part of the Principal Apportionment, the loss of funding an LEA may experience from a material decrease in ADA would be restored in the future if a Form J-13A waiver is approved by the CDE.





# 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



# Who may submit a Form J-13A?

## Qualifying Submissions

LEAs that report Principal Apportionment ADA for the purpose of calculating a K–12 LCFF entitlement

## Non-Qualifying Submissions

- Adult education programs
- Regional occupational centers and programs
- After school programs
- Early education
- School Closures at a Non-public school (NPS)\*



# 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.
- Note that LEAs have the ability to submit a Form J-13A request for a COVID-19 related closure and/or material decrease in attendance and all other emergency conditions provided by *EC* Sections 41422 and 46392.
  - LEAs are encouraged to provide access to instruction and the opportunity to earn academic credit through independent study for students who are excluded from school (or absent) or school is closed due to COVID-19.



# 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.
  - When the Governor declares a state of emergency, the 10% requirement does not apply. A Form J-13A may be submitted for any decrease in attendance compared to October or May ADA of the same school year.



# FY 2022-23 Form J-13A Submittals (3)

- The Governor declared a State of Emergency (SOE) for the State of California on Wednesday, January 4, 2023 due to the “Bomb Cyclone” conditions.
  - This SOE is specific to the all counties in California. If an LEA located in California experienced a school closure or material decrease due to the SOE, then the LEA should select the box in Section A, Part III of the Form J-13A to indicate that the request dates are associated with an SOE.
- The SOE is in effect for COVID-19 until Feb 28, 2023, and until that date, any loss of attendance is considered material.
  - After this date, substantiating documentation, such as an order by the Public Health Department will be required for closures and/or material decreases (over 10%) due to COVID-19.



# 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: In a single FY, an LEA only needs to submit their IS plan with the initial Form J-13A request.



# FY 2022-23 Form J-13A

## Continuing Requirements (2)

### An LEA's IS plan shall comply with the following:

- IS must be 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

- Signed by majority of LEA's governing board
- LEA submits to oversight agency
- Oversight agency completes affidavit section
- *Wet signatures only*

## COE Submits to CDE

- Submit completed original hard copy Form J-13A with all required documentation to the SFSD by mail





# 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 report the revised ADA to the CDE.



# What should an LEA do if a J-13A is denied?

## (1)

- LEAs are always encouraged to add days and/or minutes of instruction to the school calendar when instructional days and minutes are lost. In the event that a Form J-13A was denied and the LEA did not add instructional days/and or minutes to make up for the lost days of instruction, the LEA would face an instructional time penalty for failing to meet the instructional time requirements pursuant to *EC* sections 46207 and 46208.
- As possible courses of action for failing to meet the instructional minute requirements, school districts and charter schools can do the following:
  - Pay the penalty through the LCFF apportionment
  - Appeal the audit finding to the Education Audit Appeals Panel (EAAP)
  - Obtain SBE waiver of fiscal penalty
    - An SBE waiver may be granted upon the condition that the school, or schools, in which the minutes were lost, maintain minutes of instruction equal to those lost, in addition to the minimum amount required for twice the number of years that it failed to maintain the required minimum length of time.



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

- The following are options when a school district fails to meet the instructional day requirements:
  - Pay the penalty through the LCFF apportionment
  - Appeal the audit finding to EAAP
  - Obtain SBE waiver of fiscal penalty
- Charter schools do not have the same instructional day penalty as school districts. Instead, charter schools report actual days of operation in the PADDC web application. Charter school reported ADA is proportionately reduced when a charter offers less than 175 days.



# 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 the LEA has two unused built-in days. The CDE's Form J-13A approval would be for 3 days.*
    - Valid emergency built-in days must be appropriately budgeted and staffed to operate if necessary.
  - 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 requests should not be submitted until after the event concludes.
  - The CDE encourages LEAs to prioritize the health and safety of all students, staff, and families during an emergency.
  - Once an emergency is over, a Form J-13A request may be submitted as soon as possible. This way the LEA can determine the exact number of school closure days and/or material decrease in attendance for the request.



# 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



# 5-Year History of Form J-13A Submissions

<b>FY</b>	<b># Approved School Closures</b>	<b># Days Approved</b>
<b>2017-18</b>	426	1841
<b>2018-19</b>	815	1749
<b>2019-20</b>	546	1343
<b>2020-21</b>	191	174
<b>2021-22</b>	95	451





# Form J-13A Myths Dispelled (1)

Myth	Fact
An approved Form J-13A provides additional/new funds.	The J-13A process protects an LEA from losing funding it would otherwise receive and credits an LEA for lost instructional time.
A Governor's Declaration of Emergency applies statewide.	Only the specific counties listed in the Declaration are covered.
Form J-13A requests must be submitted immediately after an emergency.	The Form J-13A does not need to be submitted immediately and there is not a submission deadline.
LEAs should treat closure days as regular school days.	No attendance or absences should be recorded on a school closure day. It should be considered a non-instructional day.
Credit for apportionment days for a material decrease can be applied without CDE approval.	For material decreases in attendance, credit of apportionment days should only be reported <u>after</u> receiving an approval letter from CDE.

# Form J-13A Myths Dispelled (2)

Myth	Fact
<p>School closures will result in an immediate loss of ADA/funding.</p>	<p>There should be no impact to ADA, because ADA will be calculated based on the actual days taught.</p> <ul style="list-style-type: none"><li>• There is an exception for programs calculated using a fixed divisor and closures due to COVID-19 in the 2021-22 fiscal year.</li><li>• Funding loss occurs during the annual audit in the form of an instructional time penalty if the LEA does not receive approval of a Form J-13A.</li></ul>
<p>Material decreases in attendance will result in an immediate loss of ADA/funding.</p>	<p>Not necessarily...</p> <ul style="list-style-type: none"><li>• School districts funded on prior year ADA, or the average of the three most recent prior years, won't experience a reduction in funds in the current year.</li><li>• Principal apportionment (PA) payments are paid through a statutory schedule, so it depends on what month the emergency occurs and where we are in our apportionment cycle.</li><li>• If a material decrease is approved, any loss of funding would be restored in the future through subsequent PA recertifications.</li></ul>



# Form J-13A Myths Dispelled (3)

Myth	Fact
<p>Students who participate in independent study during an emergency school closure generate attendance for apportionment.</p>	<p>No. When students participate in independent study instruction during an emergency closure, it is for the purposes of continuing instruction and earning academic credit and does not count for the purpose of generating attendance for apportionment.</p> <ul style="list-style-type: none"><li>● Participation in independent study must be voluntary where students have a classroom option. If the students are excluded from school and do not have a classroom option (e.g. emergency closure), then they cannot generate attendance for apportionment (<i>EC</i> Sections 51747(g)(8) and 51749.6(a)(6)).</li></ul>



# Question & Answer



School Fiscal Services Division



# Resources



School Fiscal Services Division



# 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](mailto:ATTENDANCEACCOUNTING@cde.ca.gov)
- Emergency Services Team:
  - Email [EmergencyServices@cde.ca.gov](mailto: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](mailto:ATTENDANCEACCOUNTING@cde.ca.gov)



# EC References Specific to School Districts and COEs

- Annual Instructional Minutes – *EC* sections 46201.5 and 46207
- Annual Instructional Days – *EC* sections 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



Thank You!

