

SCOE BIZ

Business Services

Bulletin No. 22-12

January 27, 2022

To: District and Charter Business Services
From: Sarah Lampenfeld, Director, External Fiscal Services
Subject: January 2022 Edition

Governor's Proposed Budget

On January 10, 2022, the Governor released his proposed State Budget for the upcoming 2022-2023 fiscal year. Governor Newsom's State Budget proposal provides more funding to education due to the robust economy California has experienced in the 2021-22 fiscal year, while offering fewer new initiatives than seen with the 2021-22 State Budget (which is appreciated by LEAs). Some of the major 2022-23 proposed budget components include:

- ✚ 5.33% statutory COLA, applied to the base grants
- ✚ A solution to the ADA cliff for **School Districts** by proposing to fund schools on the greater of: Current-Year ADA, Prior-Year ADA or Computed Average ADA using the prior three year's ADA
- ✚ Additional \$3.4 billion ongoing for the Expanded Learning Opportunities Program
- ✚ \$700 million in grants focused on early literacy
- ✚ \$1.5 billion in one-time grants (over four years) for Career Pathway Programs
- ✚ \$500 million (over four years) in one-time investment for Dual Enrollment for high school students to take classes that count towards high school graduation and college credit
- ✚ \$2.225 billion for school construction projects through the School Facility Program
- ✚ \$1.5 billion one-time (over three years) funds to support school transportation programs
- ✚ An additional \$596 million to fund universal access to subsidized school meals
- ✚ \$500 million in Prop 98 General Fund special education funding
 - \$140.6 million to fund the 5.33% COLA to special education

The proposal includes deposits into the education rainy day fund for 2020-21 through 2022-23 since all four conditions of Proposition 2 would be met. The proposed deposits would trigger the cap on district reserves for the 2022-23 fiscal year. Basic aid and districts with fewer than 2,501 ADA are exempt from the reserve cap.

2nd Interim Guidance & Common Message

A separate SCOE Biz containing 2nd Interim guidance and required submissions will be e-mailed out to all business contacts the first week of February, along with the Common Message for 2nd Interim. SCOE will be analyzing fiscal stability of each LEA using the updated assumptions included with the Governor's 2022-23 Proposed Budget.

The School Services of California Dashboard is [attached](#) for your reference.

Expanded Learning Opportunities Program

As you will recall, the 2021-22 Budget Act included a new ongoing program intended to expand learning opportunities for all students, with a focus on students who are low-income, foster youth, or English learners. For fiscal year 2021–22, statute requires LEAs to offer the ELO Program to all transitional kindergarten (TK)/K-6 classroom based unduplicated pupils and to provide program access to at least 50% of enrolled TK/K–6 classroom-based unduplicated pupils. But, there will be a grace period as programs will not be required to be compliant in meeting the requirement of 50% of unduplicated student enrollment on the first day of the 2021–22 school year. The intent is for LEAs to grow their capacity and meet the 50% enrollment in the first year and therefore, statute provides flexibility for 2021–22 funds to be used to develop an ELO Program **or** provide services. The offering requirement is **not** a condition of apportionment and LEAs will **not** be audited for the program until the 2022–23 fiscal year. LEAs can expect the requirements of this program to increase in fiscal year 2022-23.

Please note that expanded learning provided through this program must comply with the following requirements:

- 1) On each school day, before or after school, expanded learning opportunities plus instructional day must total at least nine hours
- 2) During summer break or other intersessional periods, at least 30 days of 9 hour expanded learning opportunities days must be provided
- 3) Programs that serve transitional kindergarten or kindergarten students must maintain a pupil-to-staff ratio of no more than 10 to 1. For all other students, the ratio must be no more than 20 to 1
- 4) Educational enrichment and tutoring or homework assistance must be provided in accordance with the After-School Education and Safety (ASES) Program
- 5) A nutritious snack, meal, or both, must be provided

Eligible LEAs have already received 55% of their 2021-22 funds while the remaining 45 percent will be allocated through the Principal Apportionment schedule beginning with 2021-22 First Principal Apportionment. Additionally, First Principal Apportionment will include a new funding exhibit for this program. A recap of the program can be found [here](#) and the Program Plan Template is now available [here](#). CDE's FAQs can be found [here](#). **The CDE provided an update on whether or not LEAs can opt out the program.... LEAs CANNOT opt-out of the program. Failure to meet the program requirements will result in an audit funding and funding may be due back to the State.**

A-G requirement

The A-G Completion Improvement Grant is state funding provided to local educational agencies for additional supports to help increase the number of California high school pupils, particularly low-income, English learner, and foster youth students, who graduate from high school with A-G eligibility. Funds are provided via three grants: A-G Access Grant, A-G Success Grant, and A-G Learning Loss Mitigation Grant.

Grant recipients must develop a plan by April 1, 2022, that describes how the funds received will increase or improve services for unduplicated students to improve A-G eligibility, including information about the number of students identified for opportunities to retake courses in accordance with the A-G Learning Loss Mitigation Grant. **The plan shall be discussed at a regularly scheduled governing board meeting and adopted at a subsequent meeting.**

In addition, grant recipients must report to the California Department of Education (CDE) by December 31, 2023, on how the LEA is measuring the impact of funds received on the A-G completion rate, as identified within their plan, and the outcomes based on those measurements.

Universal Meals

Beginning in 2022-23, LEAs must provide free breakfast and lunch each school day to any student requesting a meal, regardless of free or reduced-price meal eligibility. Recently, the CDE presented on the program for planning purposes. Their presentation can be found [here](#).

Educational Benefits Video and Infographic

Many LEAs experienced a decline in their unduplicated pupil percent (UPP) as a result free meal access through the Summer Seamless Option in this fiscal year. LEAs will likely see another decline in 2022-23 as a result of the implementation of universal meals; therefore, I wanted to share one school district's creative ideas to showcase the programs that were funded with their supplemental and concentration dollars and improve their UPP. The District reported a 10-15% increase in their UPP as a result of the video and infographic. Credit to Heather Rantala for sharing.

[Educational Benefit Video \(Ukiah Unified School District\)](#)

[Educational Benefits Infographic \(Ukiah Unified School District\)](#)




ESSA PPE Reporting

CDE's web-based application for LEAs to submit Every Student Succeeds Act Per-Pupil Expenditures (ESSA PPE) is now available. Login information for the application was sent to each LEA Superintendent and Administrators of direct-funded charter schools listed in the California School Directory in mid-November. **LEAs are expected to submit data to the CDE no later than March 1, 2022.**

LCAP Supplement (One-time supplemental)

As a result of AB 130, LEAs are required to present an update to their governing board or body and the LEA's educational partners (name change – was stakeholders) on the funds received through the 2021 Budget Act.

The update has to include:







-  A one-time supplement to the annual update to the 2021-22 LCAP
-  All available mid-year outcome data related to metrics identified in the 2021-22 LCAP
-  Mid-year expenditure and implementation data on all actions identified in the 2021-22 LCAP

While this Supplement, mid-year outcome and expenditure data must be **presented by February 28, 2022**, the Supplement does not require approval by the board. Rather, the Supplement will be included with the 2022-23 LCAP for the purpose of review, adoption, and approval. The CDE approved template can be found [here](#).

SCOE has created the sample language to assist LEAs with their prompts, which can be found [here](#) and we are offering a LCAP Supplement Drop-In working session on Wednesday, February 2nd at 3:30 – 5:30 p.m. Zoom link will be available soon.

Federal Cash Management Data Collection (CMDC)

The data collection window for the Federal Cash Management Data Collection (CMDC) System is open. You may report your data at any time during this period. **LEAs must submit cash balance data by January 31st** for the following programs in order to receive funds in the next apportionment for those programs (if you are a Title III Consortium LEA, your cash apportionments flow based on the total combined reporting for all Consortium LEAs):

-  Title I, Part A
-  Title I, Part D
-  Title II, Part A
-  Title III, Immigrant
-  Title III, LEP
-  Title IV

Note: The cash balance is to be reported regardless of the fiscal year from which the funds originated. CMDC information, including instructions, future reporting dates, FAQs, and Login can be found at the CDE Web site <http://www.cde.ca.gov/fg/aa/cm/>.

Federal Quarterly Interest Reporting (due January 31st)

CDE federal program grantees are required to report and remit interest to the CDE at least quarterly. Although grantees are allowed to keep interest amounts up to \$500 per year for administrative purposes, the \$500 is in total for all federal programs, not for each federal program. When reporting and remitting federal interest to the CDE, grantees should specify the time period of interest earning and the federal program resource codes. Interest on federal cash balances should be sent to the CDE at the following address:

California Department of Education
P.O. Box 515006
Sacramento, CA 95851
Attention: Cashier's Office

If no\$ to Remit: Email
cashmanagement@cde.ca.gov

The CDE requests LEAs submit documentation regarding the calculations and the interest rate used. Documentation (once available) for the **current quarter's rate of .491%** can be found at https://sonomacounty.ca.gov/templates_portal/Service.aspx?id=2147528173. A complete list of federally reimbursable programs that should be EXCLUDED from your interest calculations can be found at <https://www.cde.ca.gov/fg/ac/co/reimbursableprograms.asp>. A good report to use for documenting your calculations is the Fiscal24 Resource Cash daily balances. You will need to enter the reporting period (quarter dates), interest rate for the quarter, and specific federal resources you would like to include in the calculation. **Title I, II, III, IV, ELOG (resources 3216, 3217, 3218 and 3219 only), GEER and ESSER I, II, and III would need to be included, but you may have other non-reimbursable programs.**

CARS – Consolidated Application and Reporting System

The CARS Winter Release of data collections is **now open**. The deadline for data certification is Friday, March 11, 2022. The CDE offers a training webinar for new users, Navigating CARS. The

webinar can be accessed at <https://www.cde.ca.gov/fg/aa/co/cars.asp> . Details on changes in reporting for the Winter Release can be found at the same link.

Minimum Wage Increase

In California, the 2022 minimum wage rate of **\$14** an hour for businesses with 25 employees or fewer and **\$15 an hour** for larger companies took effect on Jan. 1. Note that, depending on location, your LEA may be required to comply with a higher local minimum wage. In addition, keep in mind that under the current remote working conditions of many employees, it is important to understand that local ordinances are based on where the employee is working.

IRS Standard Mileage Rate for 2022

Beginning January 1, 2022, the mileage reimbursement rate for business travel is 58.5 cents per mile (up from 56 cents in 2021).

Bid Limit Increased for 2022

Effective January 1, 2022, the bid threshold limit for non-construction, competitively bid contacts has increased to \$99,100. This higher bid limit only applies to 1) the purchase of equipment, materials and supplies to furnished, sold, or leased to the school district; 2) services, except construction services; and 3) repairs, including maintenance as defined in Public Contract Code section 20115. Note: The \$15,000 threshold for construction services/public works projects has not changed. CDE's notification letter can be found [here](#).

Summer Assistance Program grant

The Classified School Employee Summer Assistance Program (CSESAP) provides up to a dollar for dollar match on amounts withheld from a participating local educational agency's (LEA's) classified school employees' monthly paychecks during the 2022-23 school year. The classified employees' pay withheld and the state match funds will be paid by LEAs to the LEA's eligible employees in the summer months following the 2022-23 school year.

School districts and county offices of education that elect to participate must notify their classified school employees by January 1, 2022, and **the California Department of Education (CDE) by April 1, 2022**. More information can be found on the CDE webpage at <https://www.cde.ca.gov/fg/aa/ca/csesap.asp>. A summary of key dates and requirements that LEAs need to be aware of in implementing the program if the LEA decides to participate in FY23 can be found [here](#).

Web-based SACS Financial Reporting System

CDE anticipates to release a web-based SACS financial reporting system in April 2022. The web-based system will replace the current desktop version of SACS. The web-based version will not change the following: SACS code structure, data file structure (import and export files), or forms (same content and overall functionality). The new system will add user roles, security, functionality and compatibility. More information to follow once we get closer to April.

Updated SCOE Biz 22-07 J-13A Waiver: Request for Allowance of Attendance Due to Emergency Conditions

With the rise in cases of COVID-19, due to Omicron, LEAs are faced with the reality of staff storages and possible school closures. AB 130 and 167 modified the requirements for a closure

for fiscal year 2022-23. [SCOE Biz 22-07](#) addresses the changes for this fiscal year and has been updated to include the Governor's recent executive order.

REMINDERS:

Contact Information and Helpful Web links

- ✚ Stay informed by *joining* CDE's listservs:
 - PASE: join-pase-contacts@mlist.cde.ca.gov(send a blank email)
 - LCFF: join-LCFF-list@mlist.cde.ca.gov(send a blank email)
 - CALPADS: <http://www.cde.ca.gov/ds/sp/cl/listservs.asp>
- ✚ LCFF Information (Funding Overview, FAQs, etc.): <http://www.cde.ca.gov/fg/aa/lc/>
- ✚ LCFF Audit Finding Calculator and Derived Value of ADA: <http://www.cde.ca.gov/fg/au/ag/statecomp.asp>
- ✚ EPA FAQs <http://www.cde.ca.gov/fg/aa/pa/pafaq.asp>
- ✚ Funding Rates and Information ~ Principal Apportionment:
 - <https://www.cde.ca.gov/fg/aa/pa/ratesandinfo.asp>

LCAP Workshops

SCOE will offer two LCAP trainings (same content each session) this February which will focus on the 2022-23 LCAP template and changes implemented as result of AB 130. The training sessions are February 8 and 22 from 9:30 to 11:30 am.

Fiscal Reports by School Services of California

School Services does an excellent job of providing explanations to current topics. If you are a member of School Services of California, you can also see these reports by logging in to view on their web page or subscribe to their email services. Attached for your convenience are:

- ✚ Managing Instructional Time and Attendance Requirement Amidst Omicron, Part One
- ✚ Managing Instructional Time and Attendance Requirement Amidst Omicron, Part Two

Dates to Remember:

01/28/2022 CALPADS amendment window closes (includes SELPA approval)
02/08/2022 SCOE LCAP training
02/09/2022 Escape Payroll Concepts Part 3 of 3 [Click to register](#)
02/22/2022 SCOE LCAP training
02/24/2022 DBUG

NOTE:

- Want to add something to a DBUG Agenda? Want a topic added to SCOE Biz? Contact DBUG Chair Christina Menicucci
- Documents presented at [DBUG](#) can be found posted at <http://www.scoe.org/pub/htdocs/fiscal-dbug.html>
- [Workshop manuals](#) and [Fiscal Services/IT forms](#) may be found at <http://www.scoe.org/escape> under the heading of Resources on the left side of the page. **We will be migrating all forms and materials to a shared Google based folder soon. A link will be provided when this occurs.**

SSC School District and Charter School Financial Projection Dashboard 2022-23 Governor's Budget

This version of School Services of California Inc.'s (SSC) Financial Projection Dashboard is based on the 2022-23 Governor's Budget proposal. We have updated the cost-of-living adjustment (COLA), Consumer Price Index (CPI), and ten-year T-bill planning factors per the latest economic forecasts. We have also updated the Local Control Funding Formula (LCFF) factors. We rely on various state agencies and outside sources in developing these factors, but we assume responsibility for them with the understanding that they are general guidelines.

LCFF PLANNING FACTORS					
Factor	2021-22	2022-23	2023-24	2024-25	2025-26
Department of Finance Statutory COLA ¹	1.70%	5.33%	3.61%	3.64%	3.62%
Planning COLA	5.07% ²	5.33%	3.61%	3.64%	3.62%

LCFF GRADE SPAN FACTORS FOR 2022-23				
Entitlement Factors per ADA*	K-3	4-6	7-8	9-12
2021-22 Base Grants	\$8,093	\$8,215	\$8,458	\$9,802
Statutory COLA at 5.33%	\$431	\$438	\$451	\$522
2022-23 Base Grants	\$8,524	\$8,653	\$8,909	\$10,324
Grade Span Adjustment Factors	10.4%	–	–	2.6%
Grade Span Adjustment Amounts	\$886	–	–	\$268
2022-23 Adjusted Base Grants ³	\$9,410	\$8,653	\$8,909	\$10,592

*Average daily attendance (ADA)

OTHER PLANNING FACTORS						
Factors		2021-22	2022-23	2023-24	2024-25	2025-26
California CPI		5.78%	3.69%	2.90%	2.75%	2.60%
California Lottery	Unrestricted per ADA	\$163	\$163	\$163	\$163	\$163
	Restricted per ADA	\$65	\$65	\$65	\$65	\$65
Mandate Block Grant (District)	Grades K-8 per ADA	\$32.79	\$34.54	\$35.79	\$37.09	\$38.43
	Grades 9-12 per ADA	\$63.17	\$66.54	\$68.94	\$71.45	\$74.04
Mandate Block Grant (Charter)	Grades K-8 per ADA	\$17.21	\$18.13	\$18.78	\$19.46	\$20.16
	Grades 9-12 per ADA	\$47.84	\$50.39	\$52.21	\$54.11	\$56.07
Interest Rate for Ten-Year Treasuries		1.93%	2.50%	2.90%	3.00%	2.60%
CalSTRS Employer Rate ⁴		16.92%	19.10%	19.10%	19.10%	19.10%
CalPERS Employer Rate ⁴		22.91%	26.10%	27.10%	27.70%	27.80%
Unemployment Insurance Rate ⁵		0.50%	0.50%	0.20%	0.20%	0.20%

STATE MINIMUM RESERVE REQUIREMENTS	
Reserve Requirement	District ADA Range
The greater of 5% or \$71,000	0 to 300
The greater of 4% or \$71,000	301 to 1,000
3%	1,001 to 30,000
2%	30,001 to 400,000
1%	400,001 and higher

¹Applies to Special Education, Child Nutrition, Foster Youth, Adults in Correctional Facilities Program, American Indian Education Centers/American Indian Early Childhood Education, and Mandate Block Grant.

²Amount represents the 2021-22 statutory COLA of 1.70% plus an augmentation of 1.00%, compounded with the 2020-21 unfunded statutory COLA of 2.31%.

³Additional funding is provided for students who are designated as eligible for free or reduced-price meals, foster youth, and English language learners. A 20% augmentation is provided for each eligible student with an additional 65% for each eligible student beyond the 55% identification rate threshold.

⁴California State Teachers' Retirement System (CalSTRS) and California Public Employees' Retirement System (CalPERS) rates in 2021-22 were bought down by a prior year \$2.3 billion payment from state of California. Rates in the following years are subject to change based on determination by the respective governing boards.

⁵Unemployment rate in 2021-22 and 2022-23 are final based on the 2021 State Enacted Budget, and the subsequent years' rates are subject to actual experience of the pool and will be calculated in accordance with California Unemployment Insurance Code Section 823(b)(2)

SCOE BIZ

Business Services

Bulletin No. 22-07 (Original 9/23/2021)



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Santa Rosa, CA 95403-8246
(707) 524-2600 ■ www.scoe.org

Updated January 18, 2022

To: District and Charter Business Services
From: Sarah Lampenfeld, Director, External Fiscal Services
Subject: J-13A Waiver: Request for Allowance of Attendance Due to Emergency Conditions

This SCOE Biz has been updated based on the new frequently asked questions released January 7, 2022 ([CDE FAQs](#)). The updated information is in red ink.

A Form J-13A is used to obtain approval of attendance and instructional time credit under the following conditions:

- One or more schools were closed
- One or more schools were kept open but experience a material decrease in attendance
- When attendance records have been lost or destroyed

Typical qualifying events for a J-13A request (not inclusive list)

- Wildfires
- Epidemic substantiated by local health departments
- Power outages
 - The CDE provides guidance for both air quality and PSPS school closure consideration on their website to assist with decision making.
- Unanticipated inclement weather

When should the LEA close school?

- It is a local decision as to whether a school should close due to an emergency. If appropriate, the LEA should consult with local government agencies such as local law enforcement or the local public health department to help decide.

Material decrease requests relating to current epidemic:

- LEAs that experience a material decrease in ADA due to emergencies, including health epidemic, can file a J-13A request
 - The 10% threshold does not apply under declared states of emergency such as the COVID-19 emergency we are currently in.

NEW: Effective September 1, 2021 AB 130 modified the requirements for filing J-13A request when they experience a material decrease in ADA:

For events that occur **after September 1, 2021**, LEAs will be required to include certification in their affidavits submitted to the State Superintendent that they have a plan to offer independent study. The plan shall comply with all the following:

- Applies to any student impacted by a closure for any reason identified in EC 46392 within ten days of a closure, including, but not limited to, an epidemic
- Requires reopening in person as soon as possible once allowable by a city or county health officer
- Includes information regarding establishing master agreements in a reasonable amount of time
 - Note: new rule is after September 1, 2021 therefore, if an LEA experiences a material decrease **prior** to September 1st the rule does not apply. If material decrease occurs before September 1st **and** independent study is not an option see *material decrease requests relating to current epidemic*

NEW: Assembly Bill 167, the Budget clean-up bill for K-12 education:

- Offering mostly helpful tools to LEAs, particularly around staffing and funding protections.
- The measure did not, however, modify AB130's new independent study requirements.

1. J-13A: An option for LEAs with COVID-related staff shortages.

The Education Code allows the Superintendent of Public Instruction (SPI) to grant apportionment credit to an LEA in cases of school closures due to extraordinary conditions or material decreases in attendance due to emergencies, like fires and floods. (Sections 41422, 46392.) These requests occur through a Form J-13A (Section 46393; see also [CDE FAQs](#)).

For **school closures** due to the impacts of Covid-19, AB 167 denies recovery of ADA credit. For **material decreases in attendance** due to the quarantine of pupils pursuant to public health guidance, AB 167 denies recovery of ADA.

Notwithstanding those two sections, the SPI may grant a J-13A request if ALL the following conditions are met (as demonstrated by the appropriate affidavits):

- The request is for ADA lost between September 1, 2021, to June 30, 2022.
- The school closure or material decrease was due to COVID-19 related staffing shortages.
- The LEA is "unable to provide in person instruction due to staffing shortages," certificated or classified employees, "as a result of staff quarantine due to exposure to, or infection with, COVID-19 pursuant to local or state public health guidance."
- **The LEA has "exhausted all options for obtaining staff coverage and has consulted with their county office of education and the *Superintendent [of Public Instruction] in determining that staffing needs cannot be met through any option."**

- See Executive Order N-33-22 (attached), which is intended to help LEAs manage the substantial short-term staff shortage as a result of the Omicron surge of COVID-19 cases.

*Question regarding the CDE consultation process may be directed to staffshortageconsultation@cde.ca.gov.

- For school closures only, the ADA recovery applies only to “instructional days and minutes that were scheduled for in-person instruction,” as demonstrated by a calendar approved by the governing body before the closure.
- For school closures only, a state or local public health or safety order required the closure. (Sections 41422, 46392, 46393.)

Local educational agencies (LEAs) that remained open but lost attendance due to COVID-19 related staffing shortages during the time period of September 1, 2021 to June 30, 2022, inclusive, may submit a Form J-13A request for attendance credit if additional conditions are met and affirmed via an affidavit of members of the LEA’s governing board and the county superintendent. The additional conditions 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 Superintendent 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 Superintendent in determining that staffing needs cannot be met through any option.

LEAs that incurred a loss of attendance due to quarantine or experienced a COVID-19 related loss of attendance prior to September 1, 2021 can submit a [Form] J-13A to mitigate losses of average daily attendance and receive instructional time credit for losses of attendance that occurred prior to September 1, 2021.

The nature of the circumstances resulting in a material decrease of attendance when school remains open while experiencing a COVID-19 related staffing shortage will impact the timing of when the county office of education and CDE consultation should occur.

The Form J-13A request and all required documentation should be submitted after the material decrease is over so that the LEA can determine the exact number of days of decreased attendance for the request.

Timing for CDE Consultation

Timing for CDE Consultation for a COVID-19 Related Staffing Shortage	
SCHOOL CLOSURE	MATERIAL DECREASE
<p>Step 1:</p> <p>If faced with a potential school closure, the LEA is to consult with the county office of education and the CDE to discuss all options for obtaining staff coverage prior to closing.</p>	<p>The nature of the circumstances resulting in a material decrease due to a COVID-19 related staffing shortage will impact the timing of when the county office of education and CDE consultation should occur. Questions related to the timing of the consultation may be directed to ATTENDANCEACCOUNTING@cde.ca.gov.</p>
<p>Step 2:</p> <p>The county office of education and CDE consultations should factor in to the LEA's final decision to close if it is determined that staffing needs cannot be met.</p>	<p>If it is determined that staffing needs cannot be met, the LEA may submit a Form J-13A request to the CDE once the material decrease is over.</p>
<p>Step 3:</p> <p>The LEA may submit a Form J-13A request to the CDE once the closure is over.</p>	

Finally, for any J-13A **after September 1, 2021**, filed for any purpose, the LEA must certify it has "a plan for which independent study will be offered" to any pupil impacted by the school closure or material decrease in attendance within 10 days. (Section 46393(a).) Note: the criterion is for a plan, not implementation of that plan, though the legislative intent is clearly to provide the greatest level of instruction under the circumstances.

As under existing law, independent study provided to a pupil for less than 15 cumulative school days is not required to include tiered reengagement strategies, live instruction and synchronous minimums, and a five-day return to the classroom upon request. (Section 46393(b), exempting the requirements of Section 51747(d)-(f).)

LEAs that have a waiver of the requirement to offer independent study must nevertheless certify their plan to offer independent study for purposes of a J-13A. But they are exempt from the three requirements above. (Section 46393(b).)

2. Independent study: Apportionment for quarantine begins day one.

LEAs may receive apportionment for students participating in independent study because of COVID-19 related quarantine beginning on the first day of quarantine. (Section 51747(a)(6).)

3. Independent study: Deadline for written agreements relaxed.

For the 2021–22 school year only, written agreements must be signed no later than 30 days after the first day of instruction in an independent study program or (as added in AB 167 at Section 51747(g)) by October 15, whichever date comes later. However, it is important to note that all other IS requirements (except as otherwise specified relevant to the duration of IS) must be met upon commencement of instruction.

4. Independent study: Quarantines at charter schools will not trigger funding determination.

Classroom-based charter schools providing independent study to students who are unable to attend classes in person because of a COVID-19-related quarantine are not required to count these students as nonclassroom-based charter school ADA and are not required to file for a funding determination with the State Board of Education. (Section 51747(j).)

5. Independent study: Waivers do not alter the rules of independent study.

AB 130 required all school districts and county offices of education to offer independent study during the 2021-22 school year, unless a waiver was granted by the county superintendent or SPI. (Section 51745.) Nevertheless, the only two ways to generate ADA funding are seat-based instruction or through independent study.

A waiver does not relax any of the Education Code’s requirements for independent study. Nor do different rules apply for students on quarantine or “short-term” independent study (less than 15 cumulative school days) based on the LEA’s waiver status. To receive ADA funding for non-seat-based instruction, the only option is independent study.

The only exception to this general rule is that an LEA seeking a J-13A is exempt from the requirements of subdivisions (d), (e), and (f) of Section 51747. (Section 46393(b).)

What to submit with a J-13A Waiver:

LEAs must submit a copy of their plan to offer independent study along with their affidavit, J-13A waiver request (if applicable), and school calendar. Plans do not need to comply with new independent study requirements for:

- Live interaction, by grade level
- Synchronous instruction, by grade level
- Tiered reengagement
- Transition to in-person instruction within five instructional days upon request

When to submit a J-13A:

- The local educational agency (LEA) may file a Form J-13A school closure request if the LEA had to close school due to an emergency and was not able to make up the instructional days and/or minutes.
- Once the emergency is over the LEA should submit the J-13A

For more information about J-13A Waivers for 2021-22:

[2021–22 Form J-13A - Frequently Asked Questions - Principal Apportionment \(CA Dept of Education\)](#)

Sources: CDE, CCSESA & CASBO

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-3-22

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS since then, California schools have been among the safest places in a community, providing supervised learning environments with universal mask-wearing, access to testing, superior ventilation, and staff who are vaccinated at high rates; and

WHEREAS billions of dollars in investments and countless hours of work by school and public health officials have reduced in-school transmission to minimal levels, far lower than community transmission; and

WHEREAS alternatives to in-person learning leave many students unsupervised or in environments without robust safety measures, in addition to losing the benefits to mental health, social-emotional well-being, and academic progress of in-person learning; and

WHEREAS the temporary statutory authorization for public schools to receive state funding for providing distance learning if they are not open for in-person instruction due to the COVID-19 pandemic sunset on June 30, 2021, as intended when it was initially authorized, and state law governing the 2021-22 school year again reflects the State's long-standing policy of requiring public schools to provide in-person instruction as a condition of receiving state funding; and

WHEREAS on August 16, 2021, I issued Executive Order N-12-21, Paragraph 8, waiving certain procedural requirements for retired teachers to return to the classroom and earn compensation without impacting their retirement benefits; and

WHEREAS on March 12, 2020, I issued Executive Order N-25-20, Paragraph 7; on March 21, 2020, I issued Executive Order N-35-20, Paragraph 3; and on August 16, 2021, I issued Executive Order N-12-21, Paragraph 7, which waived limitations for other retirees from public employment to return to work and earn compensation without impacting their retirement benefits; and

WHEREAS retired teachers and retired classified personnel have answered the call to return to the classroom to support the safe return to in-person instruction during the 2021-22 school year; and

WHEREAS California's commitment to the twin goals of COVID-19 safety and in-person learning have yielded remarkable results, with California schools accounting for less than 0.3% of school closures nationwide leading into the winter holidays, despite educating 12% of the nation's students; and

WHEREAS since Thanksgiving, the statewide case rates and hospitalization rates have increased dramatically; and

WHEREAS this surge is being driven by the recent emergence of the Omicron variant, which early data suggest is more transmissible but less virulent

than the Delta variant, and which has recently been estimated to account for approximately 70% of cases sequenced nationally; and

WHEREAS even when faced with the surge of cases in Fall 2021 driven by the Delta variant and the current surge of cases driven the Omicron variant, the State has remained firmly committed to using all tools available to enable schools to remain safe and open for in-person instruction; and

WHEREAS to that end, the State has invested further in school safety measures by supplying over 13 million at-home antigen tests to schools beginning in early December 2021, conducting over 3.6 million COVID-19 tests for students and staff through school-testing programs at over 4,400 school sites, supplying millions of N95 respirators to schools statewide, and continuously promoting the benefits of vaccination to all students ages 5 and older and making vaccines readily available to the public—efforts that have led to over 80 percent of eligible Californians receiving at least one vaccine dose so far (including 49 percent of Californians aged 5 to 17); and

WHEREAS because of transmission that occurred outside the school over the winter holidays, schools nationwide are experiencing short-term staffing shortages, which has put a heavy strain on school operations; and

WHEREAS providing temporary flexibility regarding administrative processes and other requirements will further support schools to maintain orderly operations with qualified staff, continuing to keep students in supervised learning environments with strong COVID-19 safety measures and learning opportunities; and

WHEREAS providing additional flexibility to support retired teachers and classified personnel who have returned to support safe, in-person learning, and eliminating barriers that may prevent additional retired teachers and classified personnel from returning to support safe, in-person learning, will also further assist schools to maintain orderly operations, continuing to keep students in supervised learning environments with strong COVID-19 safety measures and learning opportunities; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with the statutes specified in this Order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The temporary flexibilities authorized through this Order shall apply to a school district, county office of education, or charter school only if the school district superintendent, county superintendent of schools, or charter school leader, or such officials' designee, makes a written finding, which shall be signed by the official or designee and retained and made available to any member of the public upon request, that

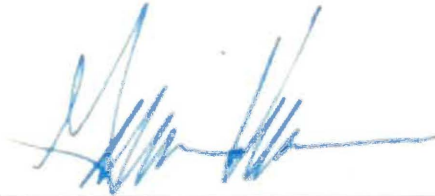
temporary staffing flexibility will support the school district, county office of education, or charter school in maintaining in-person services for students despite staffing shortages caused by the Omicron-driven rise in COVID-19 cases.

2. For the purposes of providing emergency substitute teaching services as authorized by Title 5, California Code of Regulations section 80025(b), temporary certificates may be issued pursuant to Education Code section 44332(a) without regard to whether the recipient has a pending credential or permit application or has made the statement under oath required by that section, and any contrary requirements of section 44332(a) are hereby suspended through March 31, 2022. All applicants receiving temporary certificates pursuant to section 44332(a) must meet the remaining eligibility requirements in section 80025 and all requirements of Education Code section 44332.6.
3. The limitations in California Code of Regulations, Title 5, sections 80025.1(c) and 80025.3(a) and (b), as modified via Section 47 of Assembly Bill 167, Chapter 252, Statutes of 2021, on the duration for which substitute teachers can be assigned to a single general education assignment are extended to no more than 120 days through March 31, 2022.
4. The requirement under Education Code 46300 and any related statute or regulation that students be under the direct supervision of a certificated employee of a school district or county office of education for calculating average daily attendance for apportionment is suspended for each day, or portion thereof, that a student teacher is assigned to a classroom without the supervision of a credentialed teacher through March 31, 2022.
5. The post-retirement compensation limitations in subdivisions (d), (f), and (g) of Education Code section 24214 are suspended for compensation earned during the 2021-22 school year through March 31, 2022.
6. For a retired member that has attained the normal retirement age at the time the compensation was earned, the post-retirement compensation limitations and procedural requirements in subdivisions (a) through (g) of Education Code section 24214.5 are suspended for compensation earned during the 2021-22 school year through March 31, 2022.
7. For retired classified and certificated personnel who have attained the normal retirement age at the time the compensation was earned, the 180-day break in service requirement under subdivision (g) of Government Code section 7522.56 is suspended for compensation earned from the public employers identified in Education Code section 26113(a)(1) and (3) through March 31, 2022.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 11th day of January 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State

[Click Here for COVID-19 Related Resources](#)

FISCAL REPORT

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

Managing Instructional Time and Attendance Requirements Amidst Omicron, Part One

 [BY WENDI MCCASKILL](#)

 [BY PATTI F. HERRERA, EDD](#)

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posted January 24, 2022

Editor's Note: From time to time, we tackle complex issues through our Fiscal Report as a resource to local educational agencies (LEAs). We know that the surge in COVID-19 cases has presented challenges to ensuring continuous instruction for students that coincide with legal requirements related to instructional time and attendance. This is the first part of a two-part series to help LEAs understand the requirements of law and their options to meet them. In Part Two, we will provide more detailed guidance based on conditions LEAs are experiencing and managing locally.

Background

Form J-13A is the short name of a form used by LEAs to receive instructional time and attendance credit from the California Department of Education (CDE) in the instance of qualifying emergencies that cause LEAs to close school or experience material losses of attendance while school is open for instruction. The Form J-13A can also be used when attendance records are lost and destroyed. Historically, Form J-13As have been approved by the CDE for events like earthquakes, fires, floods, and unforeseen inclement weather.

In response to the pandemic, significant changes were made to the J-13A laws for both school closure and material decrease requests. Some of these changes are ongoing and some are in effect for the 2021-22 school year only. An addendum and additional certification form have been added to the required Form J-13A to accommodate these changes.

Due to the current surge in COVID-19 cases, the fact that most Form J-13A requests are submitted after January 1 each year, and the new complexities in the Form J-13A process, we felt it may be helpful to highlight some of the key process components for 2021-22.

Continuity: What Didn't Change

As in years past, Form J-13A school closure and material decrease requests can still be submitted to the CDE to mitigate losses in attendance and instructional time for non-COVID-19-related emergency events such as fires, floods, earthquakes, unforeseen inclement weather, and non-COVID-19-related epidemics.

The CDE continues to encourage LEAs to make up lost instructional time when they must close school due to any emergency event. Although an approved J-13A request protects LEAs that are unable to meet minimum legal requirements due to unforeseen emergencies, it is best practice to make up lost instructional time when LEAs close schools for the educational benefit of their students.

When processing all Form J-13As for school closures, the CDE will determine whether any additional days were built into the school calendar for emergencies, commonly referred to as “snow days.” When approving Form J-13A requests, the CDE will factor in emergency days built into the school calendar and approve the net difference between the number of days closed and the number of built-in emergency days added to the school calendar.

As displayed below, school districts and charter schools should reduce their divisors when calculating average daily attendance (ADA) for any non-COVID-19-related school closure by the number of days that school was closed. No attendance is collected or reported for days that school sites are physically closed due to non-COVID-19-related emergencies¹.

LEA	Scheduled Days of Instruction	Number of School Closure Days	Number of Actual Instructional Days Offered	Number of Days Attendance Can Be Generated	ADA Calculation Divisor	ADA Calculation
School District	180	3	177	177	177	Total Days of Student Attendance ÷ 177
Charter School	175	3	172	172	172	Total Days of Student Attendance ÷ 172

LEAs can combine multiple events in one J-13A request. When combining multiple events, substantiation for each event must be included and dates for each distinct event must be delineated.

In order to be considered by the CDE, the LEA’s county office of education must approve the Form J-13A request(s) and include an affidavit prior to submission to the CDE for review. Once received, the CDE will evaluate the request(s) and supporting documentation and determine whether or not the request(s) is(are) approved. A completed review will result in a letter to the LEA making the request indicating the outcome.

What’s New for 2021-22: Independent Study Plans

Beginning with the 2021-22 school year, all Form J-13A submissions for school closures and/or material decreases in attendance due to events occurring after September 1, 2021, must be accompanied by an independent study plan and a signed certification form. This signed certification form serves to attest to the plan’s compliance with statute. This requirement is ongoing and will apply to all Form J-13A submissions in future years as well.

The independent study plan must include each of the following elements:

- Independent study must be offered to any student impacted by any of the conditions that caused the emergency event within ten days of the first day of the school closure or material decrease in attendance
- Students who are individuals with exceptional needs must receive the services identified in their Individualized Education Programs (IEPs) pursuant to Education Code Section (EC S) 56345(a)(9) and may participate in an independent study program

- In-person instruction must be resumed as soon as possible unless prohibited under the direction of the local or state health officer
- Information regarding establishing independent study master agreements must be provided in a reasonable amount of time

The certification form that must be signed and accompany the independent study plan and Form J-13A is available on the CDE's website [here](#).

Limitations on Form J-13A Requests Due to COVID-19

Statutory changes in effect for events that occur September 1, 2021, through June 30, 2022, disallow Form J-13A submissions to mitigate losses of attendance as a result of physical school closures or material losses of attendance due to COVID-19, but provides for the following exceptions to this prohibition:

- Staffing shortages or material losses of attendance due to COVID-19 that meet specific conditions
- Closure of or material losses of attendance at community day schools
- Closure of classes or school sites that only serve pupils who are individuals with exceptional needs, as defined in EC § 56026, whose IEPs developed pursuant to Article 3 (commencing with EC § 56340) of Chapter 4 of Part 30 of Division 4 do not specifically provide for participation in independent study
- Material losses of attendance of students with exceptional needs whose IEPs developed pursuant to Article 3 (commencing with EC § 56340) of Chapter 4 of Part 30 of Division 4 do not specifically provide for participation in independent study and who are enrolled in classes or school sites that only serve pupils who are individuals with exceptional needs, as defined in EC § 56026

In Part Two, we will provide information on the COVID-19-related limitations on Form J-13A requests in greater detail. Stay tuned.

¹In the instance of non-COVID-19-related school closure that use fixed divisors when calculating ADA, such as community day schools or county community schools, Form J-13A approval is required to reduce the divisor used to calculate ADA.

[Click Here for COVID-19 Related Resources](#)

FISCAL REPORT

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

Managing Instructional Time and Attendance Requirements Amidst Omicron, Part Two

 [BY WENDI MCCASKILL](#)

 [BY PATTI F. HERRERA, EDD](#)

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posted January 26, 2022

Editor's Note: From time to time, we tackle complex issues through our Fiscal Report as a resource to local educational agencies (LEAs). We know that the surge in COVID-19 cases has presented challenges to ensuring continuous instruction for students that coincide with legal requirements related to instructional time and attendance. This is the second part of a two-part series to help LEAs understand the requirements of law and their options to meet them. In Part One, we provided background information and an overview of recent changes to statute that affect school closures and material losses of attendance in 2021-22. In this article, Part Two, we provide more detailed guidance based on conditions LEAs are experiencing and managing locally.

COVID-19 and the 2021-22 Form J-13A Process

As mentioned in Part One, statute governing the Form J-13A process was amended in September 2021 to prohibit LEAs from requesting relief for school site closures and material losses of attendance due to COVID-19 that occur from September 1, 2021, through June 30, 2022, inclusive, with the following exceptions:

- COVID-19 caused school closures or material decrease requests due to staffing shortages that meet specific conditions
- Closure of or material losses of attendance at community day schools
- Closure of classes or school sites that only serve pupils who are individuals with exceptional needs, as defined in Education Code Section (EC §) 56026, whose Individualized Education Plan (IEP) developed pursuant to Article 3 (commencing with EC § 56340) of Chapter 4 of Part 30 of Division 4 does not specifically provide for participation in independent study
- Material losses of attendance of students with exceptional needs whose IEP developed pursuant to Article 3 (commencing with EC § 56340) of Chapter 4 of Part 30 of Division 4 does not specifically provide for participation in independent study

As a result of these changes, the Form J-13A process is more complex for the 2021-22 school year and, depending on which exception is met, additional consultation, forms, and signatures may be required to accompany requests submitted.

It is important to note that most LEAs start the school year prior to September 1. Since these statutory limitations apply to physical school closures and material losses of attendance due to COVID-19 or quarantine that occur on or after September 1, 2021, Form J-13As for closures or material losses of attendance for dates prior to September 1, 2021, can still be submitted.

Independent Study ADA and COVID-19 Caused School Closure

Prior to the 2021-22 school year, students without a classroom-based option for attendance were unable to generate independent study average daily attendance (ADA). In addition, law requires students to participate in independent study for a minimum of three consecutive days in order to generate independent study ADA. Independent study statute was amended in the fall to provide that, from September 1, 2021, through June 30, 2022, students who are subject to quarantine for exposure to, or infection with, COVID-19 pursuant to local or state health guidance and that cannot participate in classroom-based instruction or who are unable to attend school in person due to a COVID-19 caused school closure can generate ADA through independent study from the first day of student quarantine or school closure.

While statute was amended to provide more flexibility in generating and claiming independent study ADA for students affected by COVID-19 caused closures, statute for receiving relief from lost attendance and instructional time through the Form J-13A process was restricted for COVID-19 and quarantine-related closures. Specifically, for school site closures due to COVID-19 that occur between September 1, 2021, and June 30, 2022, inclusively, lost attendance cannot be mitigated through the Form J-13A process with the aforementioned exceptions.

In practical terms, this means that if an LEA must physically close a school site(s) due to COVID-19 that does not meet one of the exceptions, the ADA calculated for that school site during the period of physical closure is generated through meeting independent study requirements and the divisor used in calculating the ADA cannot be reduced by the number of days that in-person instruction was not provided.

Instructional time for school sites is typically calculated based on the time offered under the immediate supervision of a certificated employee at those sites. Each year, auditors rely on bell schedules and calendars that indicate the instructional time scheduled to perform their determination of whether minimum instructional time requirements were met. Although LEAs can still generate attendance through independent study while school sites are physically closed due to COVID-19 in 2021-22, instructional time is affected. As such, statute was amended for the 2021-22 school year to allow LEAs to file J-13A requests for instructional time credit only during a school closure due to COVID-19 if LEAs certify that independent study was offered to all students during the closure. The instructional time certification form is available on the California Department of Education's (CDE's) website [here](#).

In summary, for 2021-22 and with the aforementioned exceptions, in the instance of a school site closure due to COVID-19 that occurs any time between September 1, 2021, and June 30, 2022, inclusive:

- LEAs cannot reduce their divisor when calculating ADA by the number of days school sites were physically closed
- LEAs can generate attendance through independent study from the first day of the site closure
- LEAs can submit Form J-13A requests for instructional time credit only
- Receiving instructional time credit is contingent upon certification that independent study was offered to all students affected by the school closure

Material Decreases in Attendance Due to COVID-19 Quarantine

Material decreases in attendance occur when school sites remain open for instruction, a material number of students are unable to attend due to an emergency event. Consistent with changes in J-13A laws regarding school closures, LEAs cannot submit material decrease Form J-13A requests to recover ADA lost due to students who are quarantined and unable to attend in-person instruction due to exposure to, or infection with, COVID-19 pursuant to local or state public health guidance. This prohibition applies to material decreases in attendance on dates between September 1, 2021, and June 30, 2022, inclusive with the following exceptions:

- Staffing shortages due to COVID-19 that meet specific conditions
- Material losses of attendance at community day schools
- Material losses of attendance of students with exceptional needs whose IEP developed pursuant to Article 3 (commencing with EC § 56340) of Chapter 4 of Part 30 of Division 4 does not specifically provide for participation in independent study

As a reminder, since the statutory changes disallowing material decrease Form J-13A requests for students who were unable to attend school due to quarantine apply to losses in attendance that occur during the September 1, 2021, through June 30, 2022, timeframe, losses that occur on dates prior to September 1, 2021, may still meet the conditions for Form J-13A approval.

What to Do When LEAs Close Schools Due to COVID-19 That Meet One or More of the Exceptions

Staffing Shortages Due to COVID-19

Form J-13As *can* be submitted for school closures and material decreases in attendance that occur as a result of staffing shortages when the following 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 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 (COE) and the 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 COE and the CDE in determining that staffing needs cannot be met through any option

In providing guidance on staffing shortage closure requests, the CDE has specified that the CDE consultation must occur *prior* to the school closure and close enough in proximity to the event to have factored in the options that exist to mitigate the need to close at the time the shortage is experienced.

The CDE recently provided a [GoogleDoc](#) where LEAs can input information about staffing shortages and request consultation.

When submitting a Form J-13A request for school site closures or material decreases in attendance due to COVID-19 caused staffing shortages, the request must be accompanied by an addendum that provides all the following:

- The category of staff involved in the staffing shortage
- The number of staff unable to provide instruction due to the staffing shortage
- The circumstances that led to the staffing shortage
- The exhausted options for obtaining staff coverage
- The exhausted options as a result of the required consultations with the LEA's COE and the CDE

The staffing shortage addendum is available on CDE's website [here](#).

Community Day Schools

Although academic instruction can be provided by community day schools through independent study during a school closure or a student's inability to attend in-person instruction due to quarantine, community day school statute precludes community day school students from generating attendance for apportionment through independent study. With consideration to this provision, physical closure of community day school sites due to COVID-19 is a qualifying event for a Form J-13A. Similarly, when school remains open and a material number of students are unable to attend due to quarantine, material decrease Form J-13A requests may be submitted to recover the lost averaged daily attendance.

Since community day schools calculate their ADA using a fixed divisor, Form J-13A approval is required to allow school districts to reduce the divisor by the number of school closure days when calculating community day school ADA. Similarly, and consistent with historical practice, school districts must receive a material decrease approval letter from the CDE before adjusting their ADA to accommodate for lost attendance due to students who are quarantined and are unable to participate in in-person instruction.

When IEPs Don't Provide for Independent Study Participation

Students with exceptional needs whose IEPs do not have a provision for participating in independent study do not generate independent study ADA. Fortunately, J-13A laws specifically provide for the submission of Form J-13A school closure requests where there is a COVID-19 caused closure of a school site or class that only serves pupils who are individuals with exceptional needs, as defined in EC § 56026, whose IEP developed pursuant to Article 3 (commencing with EC § 56340) of Chapter 4 of Part 30 of Division 4 does not specifically provide for participation in independent study.

This provides LEAs that, due to COVID-19, must close school sites or classes that only serve pupils who are individuals with exceptional needs who cannot generate independent study ADA with the opportunity to mitigate losses of ADA based funding.

In this instance, the LEA would reduce their divisor when calculating ADA by the number of days that the site or classes were closed, and no attendance would be generated on the dates of closure. An approved Form J-13A would provide the needed instructional time credit to avoid an instructional time penalty.

Similarly, J-13A laws were amended to allow LEAs to recoup material losses of attendance for students who are individuals with exceptional needs, as defined in EC § 56026, whose IEP developed pursuant to Article 3 (commencing with EC § 56340) of Chapter 4 of Part 30 does not specifically provide for participation in independent study in the event that those students have been quarantined or are unable to attend in-person instruction due to exposure to, or infection with, COVID-19 pursuant to local or state public health guidance.

An approved material decrease Form J-13A letter will provide authority for LEAs that meet these conditions to increase their ADA and accommodate for the loss of attendance due to quarantine or inability to attend in-person instruction to due to exposure to or infection with COVID-19.

Summary

The process for managing instructional time and attendance when an LEA must close school sites or experiences a loss of attendance due to COVID-19 emergencies has become complex. The ability to mitigate losses of attendance and instructional time when schools close due to COVID-19 or when students are unable to attend school physically due to quarantine has become limited. Understanding these limitations and the exceptions to them is critical to protecting yourself from instructional time penalties and ADA losses. Since Form J-13As are submitted to the CDE after emergency events causing closures or material losses of attendance have passed and many LEAs are still in the midst of managing emergency events, we will follow up in the coming month with an article dedicated to the Form J-13A submission process.

Finally, please join School Services of California Inc. as we cover these key changes to the J-13A process during our upcoming "[Virtual Learning Through Independent Study](#)" webinar.

Resources

- Frequently asked questions specific to 2021-22 Form J-13A submissions and process: [2021-22 Form J-13A—Frequently Asked Questions - Principal Apportionment \(CDE\)](#)
- Staffing Shortage Addendum: [COVID-19 Staff Shortage Addendum—Principal Apportionment \(CDE\)](#)
- CDE Staffing Shortage Consultation GoogleDoc: <https://docs.google.com/forms/d/e/1FAIpQLSfT9RmbOCvdX6djRaSlkwa-IyBKcTqlBswCce-C7PRpJLESSw/viewform>
- Form J-13A: [J-13A Form—\(CDE\)](#)
- Certification Forms for Independent Study and Instructional Time: [CDE Certification Form for IS—Principal Apportionment](#)