

Fiscal Year 2023-24

Attendance Accounting and Instructional Time Requirements

Presented by: The Attendance Accounting Office



CALIFORNIA DEPARTMENT OF EDUCATION
Tony Thurmond, State Superintendent of Public Instruction

Acronyms (1)

- **AB** = Assembly Bill
- **ADA** = Average Daily Attendance
- **CBIS** = Course-Based Independent Study
- **CCAP** = College and Career Access Pathway
- **CCC** = California Community College
- **CCR** = *California Code of Regulations*
- **CDE** = California Department of Education
- **COE** = County Office of Education
- **DE** = Dual Enrollment
- **EAAP** = Education Audit Appeals Panel
- **EC** = *Education Code*
- **ECHS** = Early College High School
- **ELO-P** = Expanded Learning Opportunities Program
- **ESY** = Extended School Year
- **FTE** = Full Time Equivalent
- **FY** = Fiscal Year
- **GSA** = Grade Span Adjustment



Acronyms (2)

- **HSC** = *Health and Safety Code*
- **IEP** = Individualized Education Program
- **IS** = Independent Study
- **LCFF** = Local Control Funding Formula
- **LEA** = Local Educational Agency
- **MCHS** = Middle College High School
- **NDE** = Non-Dual Enrollment
- **PADC** = Principal Apportionment Data Collection
- **SB** = Senate Bill
- **SBE** = State Board of Education
- **TK** = Transitional Kindergarten



Agenda (1)

Instructional Time

- Importance of Instructional Time
- Annual Day and Minute Requirement
- Minimum Day Requirements
- School Calendar
- Summer School
- SB 328

Attendance for Apportionment

- Attendance Accounting Basics
- Formula for Computing ADA
- Notable Funding Requirements



Agenda (2)

Transitional Kindergarten

- FY 2023-24 Statutory Changes
- Eligibility & Examples
- TK Funding Requirements
- Conditions of Apportionment
- Class Size Requirements, Calculations, and Penalties
- Adult-to-Student Ratio, Calculations, and Penalties
- TK Penalty Scenarios
- Instructional Time Requirements

Independent Study

- Independent Study Overview
- Traditional Independent Study
- Course-Based Independent Study
- Written Agreements
- Short-term Independent Study
- Long-term Independent Study
- Academic Credit vs. Apportionment Credit
- Limits on generating independent study
ADA



Agenda (3)

Dual Enrollment

- Background
- Dual Enrollment Expansion
- Student Eligibility
- Instructional Time Requirements
- Dual Enrollment & Independent Study
- Funding & Apportionment
- Supervision Requirements

Form J-13A

- Form J-13A
- Funding Impact
- Email Submission Process
- Independent Study Plan
- Emergency Built-in Day Policy
- Closure or Material Decrease due to Covid-19 or other illness
- Reminders
- Emergency Timeline
- Quick Reference Guide



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.

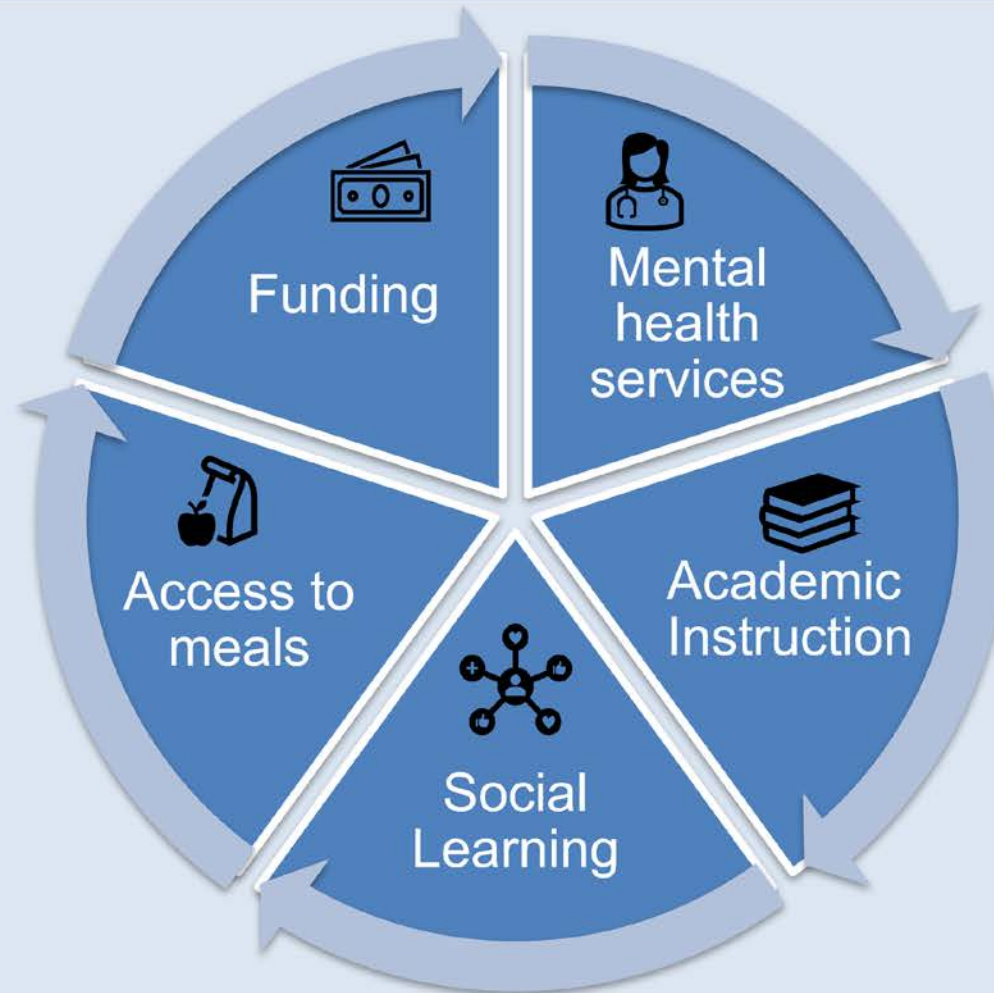
Our contact information is at the end of the presentation if you need to reach out for support regarding a specific situation.



Instructional Time



Importance of Instructional Time



Annual Day and Minute Requirement

Annual Day & Minute Requirements for School Districts & Charter Schools

Type of LEA	Number of School Days	Number of Instructional Minutes
School District	180	TK/K 36,000
		1–3 50,400
		4–8 54,000
		9–12 64,800
Charter School	175	Same as school district

- School year operates between July 1 – June 30.
- School districts also have minimum length of a school day.
- Daily minute requirement is not applicable to charter schools.
- COE programs: requirements dependent on instructional setting.
- Compliance checked during annual audit and failure to comply will result in fiscal penalties.
- Fiscal penalty may be waived by State Board of Education.



Minimum Day Requirement (1)

A day of school shall only count towards the instructional time requirements and for ADA purposes if it has been scheduled for at least the minimum day (not applicable to charter schools).



Minimum Day Requirement (2)

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
ECHS & MCHS	180 minutes (Dual Enrollment)	46146.5
ECHS & MCHS	240 minutes (Non-Dual Enrollment)	46146.5



Minimum Day Requirement (3)

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	180 minutes	46180



School Calendar

School Year

Starts on July 1 and ends on June 30

- The governing board of the school district has the authority to create and approve the school calendar.

School Month

Consists of 20 days or four weeks of five days each, including legal holidays.

- ADA is reported in full school months.

School Week

Consists of five days, Monday to Friday (school district and COE).

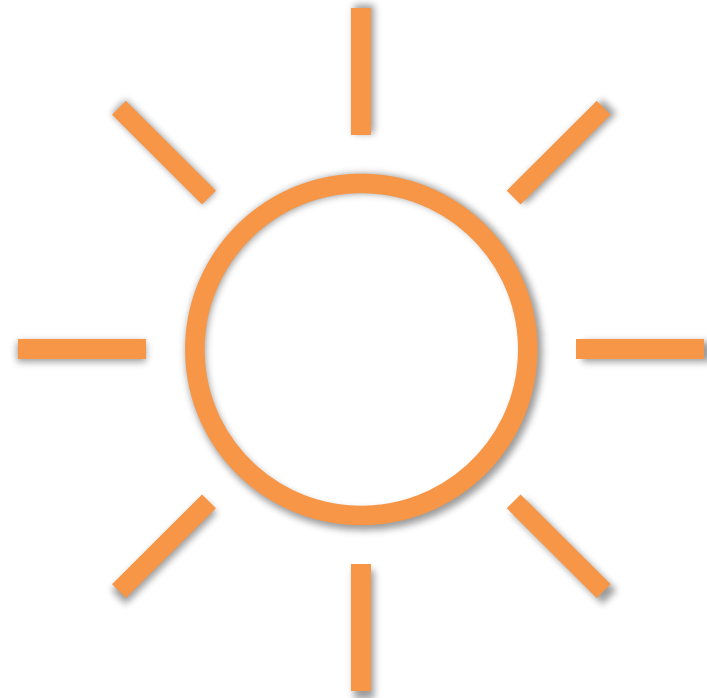
- Authority to operate a four-day school week must be provided for in statute.



Summer School (1)

There is no longer a formal summer school program for apportionment purposes unless an LEA is operating one of the following ESY programs:

1. Special Education (*EC* Section 56345): Offered for students with an IEP.
2. Migrant Education (*EC* Section 41601.6) : Offered for approved LEAs serving migrant education students that meet certain enrollment conditions.



Summer School (2)



To generate ADA during the summer months, the summer months would need to be part of a full school year of at least:

- 180 days of instruction and the required number of daily and annual instructional minutes per grade span for school districts.
- 175 days of instruction and the required number of annual instructional minutes per grade span for charter schools.
 - If a school district student enrolls into a charter school during the summer months, the charter school should be accepting these students with the intent of providing a minimum of 175 days of instruction as well as the required number of annual minutes.



SB 328 – Late Start Time

- 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 was 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



School Fiscal Services Division



Attendance Accounting Basics




- LEAs take attendance for two purposes:
 - Compulsory attendance
 - Attendance for apportionment (Reported to SFSD in aggregate)
- Attendance for apportionment must meet requirements in law. Examples:
 - Students offered required number of days and minutes.
 - Students under the immediate supervision and control of certificated employee of the LEA.
- LEAs can **only** earn ADA two ways:
 - In-person (classroom-based) instruction
 - Independent study (specific requirements)
- LEAs must keep records of student attendance to show compliance at annual audit to avoid fiscal penalties.



Formula for Computing ADA



Notable Funding Requirements (1)

Requirement	Description	Compliance Check
Instructional Time	<ul style="list-style-type: none"> • Full annual offering of minutes and days • School Districts: daily scheduling requirements • Charter Schools: do not have minimum day requirements 	
Attendance	<ul style="list-style-type: none"> • In-person: engaged in educational activities required of them • Independent Study: work product and synchronous instruction (if applicable), or satisfactory educational progress in certified courses 	
Supervision	<ul style="list-style-type: none"> • In-person: immediate supervision and control of a certificated employee of the LEA • Independent Study: general supervision and control of a certificated employee of the LEA 	





Notable Funding Requirements (2)

Requirement	Description	Compliance Check
<p>Age-Eligibility</p>	<ul style="list-style-type: none"> • School Districts: no maximum age unless participating in IS or Special Education • Charter Schools: students over 19 must be continuously enrolled, making satisfactory educational progress towards a high school diploma, and shall not be over the age of 22 • Independent Study: Continuously enrolled in a School District/COE: not over 21 years. Continuously enrolled in a charter: not over 22 years. Not continuously enrolled: not over 19 years (All LEAs). 	<p>✓</p>
<p>Residency</p>	<ul style="list-style-type: none"> • School Districts: must be a resident of the district unless an exception is provided for in law • Charter Schools: must be a resident of California • Independent Study: must be a resident of the county or adjacent county 	<p>✓</p>



Notable Funding Requirements (3)

Requirement	Description	Compliance Check
Immunization	<ul style="list-style-type: none"> • Students must receive appropriate immunizations to participate in in-person instruction • Conditional admission permitted only if requirements of <i>CCR</i>, Title 17, Section 6035 are met • Not applicable for students with IEPs and students participating in independent study programs 	
ADA Limitations	<ul style="list-style-type: none"> • Each student cannot generate more than one day of attendance per day • Some ADA is not fundable: <ul style="list-style-type: none"> ➤ Excess independent study ADA ➤ Continuation and opportunity education independent study ADA over the 10 percent threshold 	



Transitional Kindergarten



School Fiscal Services Division



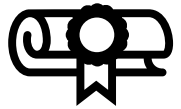
Statutory Reminders and Updates

FY 2023-24

In FY 2023-24, TK statute has been updated and amended as follows:



EC Section 48000(g)(2) 2023-24 maintains **1:12 adult-to-student ratio** requirement.



EC Section 48000(g)(4) extends the deadline for credentialed teachers to obtain TK certification to **August 1, 2025**.



EC Section 48000.15 allows school districts and charter schools to enroll children who will turn 4 between June 3rd and September 1st preceding the school year under specific conditions. These types of students are defined as “**early enrollment children.**”



Transitional Kindergarten Eligibility

In FY 2023-24, there are three different types of TK students



Age-eligible

Child turns 5 between September 2 and April 2 shall be admitted to a TK program maintained by the school district or charter school.

- Age-eligible students generate ADA from the first day of school.



Early admittance

Any child not meeting the age-eligibility requirement, with a birthday between April 3 and June 2 may be admitted to a TK program maintained by the school district or charter school.

- Early admittance students generate ADA once they turn 5.



Early enrollment children

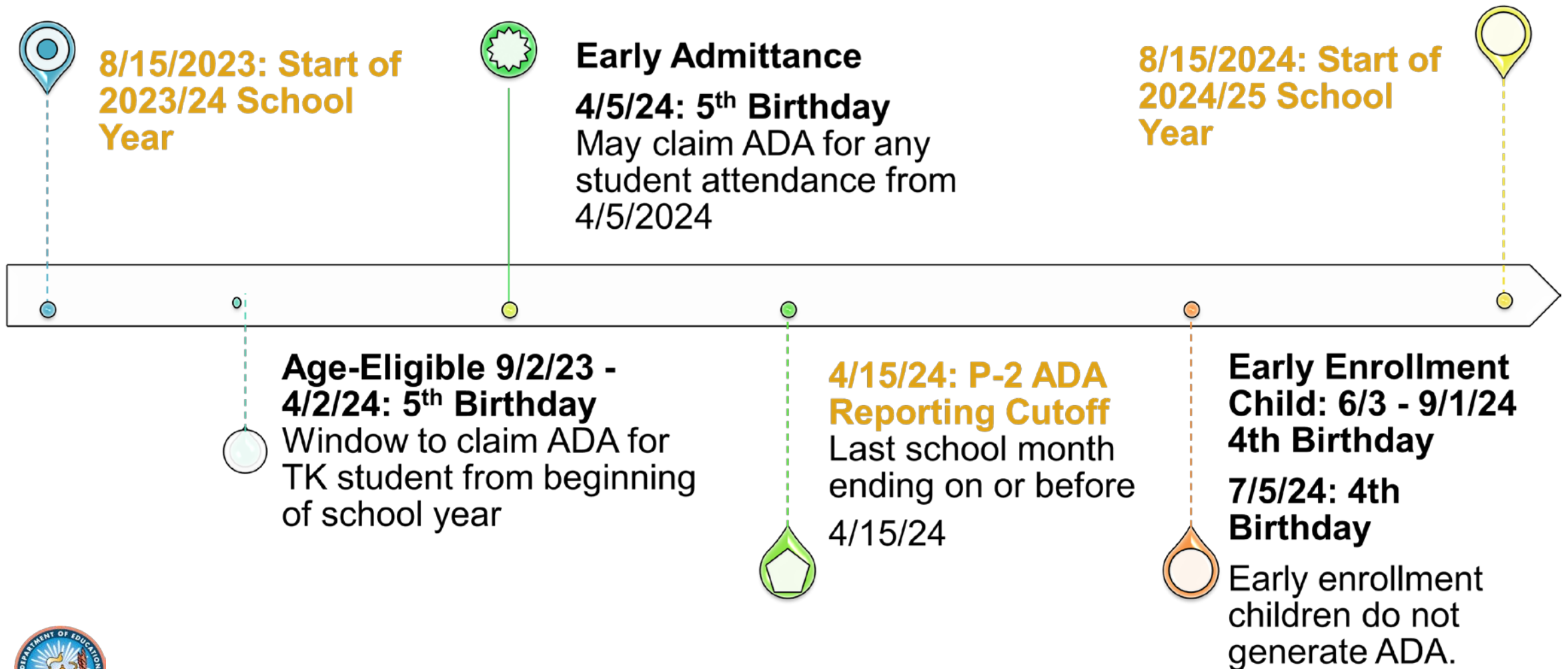
Any child whose 4th birthday falls on or between June 3 – September 1 in a TK program for the 2023-24 schoolyear.

- Early enrollment children do not generate ADA.



Transitional Kindergarten

Early Admittance Examples in FY 2023-24



Transitional Kindergarten Conditions of Apportionment



Class size and adult-to-student ratio requirements

Apply to all students in a classroom providing instruction to TK students, including combination classes, with the exception of students enrolled in “long term” independent study and special day classes



Schoolsites not meeting the requirements are subject to audit penalties



Transitional Kindergarten Class Size

Subject	TK Schoolsite	TK Classroom with Early Enrollment Children
Requirement	Average of not more than 24 students	Not to exceed 20 students
Audit Penalty	P-2 ADA x GSA	P-2 ADA x GSA

- Calculation based on student enrollment counts taken on the last teaching day of each school month ending before April 15.
- School districts can build upon current monitoring system for class enrollment for TK/K-3 GSA.
- Charter schools must develop systems to monitor TK enrollment.



Transitional Kindergarten Class Size Calculation (Early Enrollment Children)

XYZ Elementary	Mo. 1	Mo. 2	Mo. 3	Mo. 4	Mo. 5	Mo. 6	Mo. 7	Mo. 8	Sum of Active Enrollment Counts	Number of Active Enrollment Counts	Average Number of Students Enrolled Per Class
Class A	18	19	19	20	20	21	22	21	160	8	20
Class B	19	19	20	21	21	22	21	21	164	8	20.5



Example Penalty Calculation: Class Size Penalty

Classroom with Early Enrollment Children



Transitional Kindergarten Class Size Penalty

XYZ Elementary	Mo. 1	Mo. 2	Mo. 3	Mo. 4	Mo. 5	Mo. 6	Mo. 7	Mo. 8	Sum of Active Enrollment Counts	Number of Active Enrollment Counts	Average Number of Students Enrolled Per Class
Class A	23	24	25	23	26	27	27	25	200	8	25
Class B	22	23	24	23	24	25	26	25	192	8	24

Sum of Average Number of Pupils Enrolled Per Class: 49

Average Transitional Kindergarten Class Enrollment = 24.5

*Average Transitional Kindergarten Class Enrollment is rounded to the nearest half or whole integer.



Example Penalty Calculation: Schoolsite without Early Enrollment Children

Current Year P-2 ADA	×	TK GSA	=	Penalty
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$$46 \times \$1,032 = \$47,472$$



Transitional Kindergarten Adult-to-Student Ratio

Subject	TK Schoolsite	TK Classroom with Early Enrollment Child
Requirement	1:12	1:10
Audit Penalty	# of adults needed x (24 - statewide absence rate) x TK Add-on	# of adults needed x (20 - statewide absence rate) x TK Add-on

- Based on adult counts taken on the last teaching day of each school month ending before April 15.
 - Adult count includes employees of the school district or charter school.
- Schoolsite calculation uses the average number of students enrolled per class as determined for the TK class size average.
- Classrooms with early enrollment children are calculated on a per-classroom basis.



Transitional Kindergarten Adult-to-Student Ratio with Early Enrollment Child(ren)

XYZ Elementary	Mo. 1	Mo. 2	Mo. 3	Mo. 4	Mo. 5	Mo. 6	Mo. 7	Mo. 8	Sum of Adult Counts	Number of Adult Counts	Average Number of Adults*	Average Number of Students Enrolled Per Class
Class A	1	1	1	1	2	2	2	2	12	8	1.5	20

Pupils Per Adult: $20 \div 1.5 = 13.33 \approx 1:13$ Adult-to-Student Ratio*

Adults needed to meet ratio = .5

*Average number of adults and adult-to-student ratio are rounded to the nearest half or whole integer



Example Penalty Calculation

**Classroom with one or more Early Enrollment Child:
Calculation for adult-to-student ratio exceeding 1:10**

Number of Adults needed	×	20 - Prior Year Statewide K-8 Absence Rate	×	TK Add-on per-ADA	=	Penalty
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$$\frac{1}{2} \text{ Adult} \times 17 \times \$3,044 = \$25,874$$



Transitional Kindergarten

Adult-to-Student Ratio Penalty (without Early Enrollment Children)

XYZ Elementary	Mo. 1	Mo. 2	Mo. 3	Mo. 4	Mo. 5	Mo. 6	Mo. 7	Mo. 8	Sum of Adult Counts	Number of Adult Counts	Average Number of Adults*	Average Number of Students Enrolled Per Class
Class A	2	2	2	2	2	2	2	2	16	8	2	25
Class B	1	1	1	1	2	2	2	2	12	8	1.5	24
Sum	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3.5	49

Pupils Per Adult: $49 \div 3.5 = 14 \approx 1:14$ Adult to Student Ratio
Adults needed to meet ratio = .5

*Average number of adults and adult-to-student ratio are rounded to the nearest half or whole integer



Example Penalty Calculation

**Schoolsite without Early Enrollment Children:
Calculation for adult-to-student ratio exceeding 1:12**

Number of Adults needed	×	24 - Prior Year Statewide K-8 Absence Rate	×	TK Add-on per-ADA	=	Penalty
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Transitional Kindergarten Penalty Scenarios

Early Enrollment Children ONLY

Scenario

- 24 Students
- 1 TK Teacher/ 1 Aide

Requirements

- 20 student class maximum
- 10:1 Ratio

Penalties

Adult-to-Student Ratio	✓
Class size	N/A

Early Enrollment Child + Age-Eligible TK Students

Scenario

- 24 Students
- 1 TK Teacher/ 1 Aide

Requirements

- 20 student class maximum
- 10:1 Ratio

Penalties

Adult-to-Student Ratio	✓
Class size	✓

Age-Eligible TK Students ONLY

Scenario

- 24 Students
- 1 TK Teacher/ 1 Aide

Requirements

- 24 student class maximum
- 12:1 Ratio

Penalties

Adult-to-Student Ratio	X
Class size	X

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/K 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.
- The minimum length of instructional time that must be offered to constitute a schoolday for TK/Kindergarten is 180 minutes.
- The maximum schoolday in TK/Kindergarten is 4 hours, except for students in early primary programs.
- 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.



Independent Study



School Fiscal Services Division



Independent Study Overview (1)



An optional educational program which LEAs may, but are not required to, offer



Must be voluntary; students must have a classroom option



Short-term IS: to maintain continuity of education (e.g., during vacation)



Long-term IS: an alternative to in-person instruction



Independent Study Overview (2)



All students in IS must be offered the annual instructional minutes and days required by grade level and setting



All conditions of apportionment must be met to claim ADA for IS



Compliance with statutory requirements will be checked during the annual audit



May be offered via traditional IS or CBIS



Traditional Independent Study

If all other apportionment significant requirements are met, ADA for traditional IS 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.

A certificated employee of the LEA must evaluate the work product of each student participating in traditional IS 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 that is determined by a certificated employee of the charter school.
- Charter schools are required to have a daily engagement record.



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 of 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 following:
Duration of the course(s).
Number of equivalent daily instructional minutes for each schoolday that a student is enrolled.
Number of equivalent total instructional minutes.
Number of course credits for each course.



This information shall be consistent with that of equivalent classroom-based courses.



Written Agreements (1)

Attainment

LEAs must have a current compliant written agreement on file for each student.

Provisions

All the provisions required in *EC* sections 51747 and/or 51749.6 must be included in the written agreement.

Signatures

Each written agreement must be signed by all applicable parties.

Timeline

Obtain a signed and dated written agreement by the dates specified in law. Participation for school district and COE students must be at least 3 consecutive schooldays (not applicable to charter schools).



Written Agreements (2)

LEAs must obtain a signed and dated written agreement that meets the following conditions pursuant to *EC* sections 51747(g)(9)(A) and 51749.6(b)(1)

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.



“Short-Term” Traditional Independent Study

Days 0-4

Student A - participates in IS for 4 consecutive days.

Written agreement signed within 10 school days of enrollment in IS .

Days 15-19

Student A – participates in IS for an additional 5 days. These will be days 15-19 of IS during this school year.

A new written agreement signed within 10 school days of enrollment in IS.

On day 15 –The requirements of tiered reengagement, synchronous/live instruction, and a plan to transition to in-person instruction apply.

Days 5-14

Student A - participates in IS for 10 additional consecutive days.

A new written agreement must be signed within 10 school days of enrollment in IS.



“Long-term” Traditional Independent Study

Student B is enrolled in "long-term" IS from the beginning of the school year

The written agreement must be signed prior to commencing IS.

End of the school year

IS written agreements cannot be for longer than one school year.

This IS agreement ends on the last day of school.

On the 15th day of IS, the requirements of tiered reengagement, synchronous/live instruction, and a plan to transition to in-person instruction apply.

Day 15-Requirements



Academic Credit vs. Apportionment Credit

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

- A student excluded from school (or absent) or school is closed due to COVID-19 or any other illness:
 - *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.



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. Determined by the independent study ratio.
- 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



Dual Enrollment



School Fiscal Services Division



Background

- The terms dual enrollment and concurrent enrollment are used interchangeably in California.
- The terms signify enrollment in a college course while also being enrolled in elementary or secondary school.
- Statute allows four pathways of dual enrollment:
 - Special Part-Time Student
 - ECHS
 - MCHS
 - CCAP



Dual Enrollment Expansion

- Dual Enrollment has been expanding over the last few years, and is set to take off in the coming years due to:
 - Middle College and Early College Grant Programs
 - Career and College Access Pathways Grant Programs
 - More information on these grant programs can be found at <https://www.cde.ca.gov/ci/gs/hs/duenconstgs.asp>
 - Sonya Christians, California's new Community College Chancellor, will prioritize enrolling every ninth grader in a college course
 - <https://edsources.org/2023/enroll-every-9th-grader-in-a-college-course-says-californias-incoming-community-college-chancellor/691065>



Student Eligibility



- The governing board may authorize dual enrollment
- Recommendation from the principal
- Consent of parents



School District Daily Instructional Minutes

School Districts

A dually enrolled school district student is required to be scheduled for the minimum instructional day in order to generate ADA.

- *EC* Section 46146 specifies minimum day requirements for dually enrolled students at a school district high school that is not an ECHS or MCHS.
- *EC* Section 46146.5 specifies minimum day requirements for dually enrolled students at an ECHS or MCHS.



Charter School Daily Instructional Minutes

Charter Schools

Charter schools do not have minimum day requirements. As such, charter school students are required to attend a percentage of the annual instructional time offered at the schoolsite in order to generate ADA.

- *EC Section 46146.5(d)* specifies classroom-based scheduling requirements for students dually enrolled in a charter ECHS or a charter MCHS and on a part time basis in a CSU, UC, or community college setting.
- *EC Section 76004(s)(2)* specifies classroom-based scheduling requirements for students enrolled in a charter high school that is not an ECHS or an MCHS and a community college per a CCAP partnership agreement.



School District Minimum Day Requirements

Grade/Setting	Minimum Schoolday	ADA Generated	EC Section
School District (Non-Dual Enrollment)	240 minutes	1 ADA	<u>46141</u>
School District (Dual Enrollment)	180 minutes	$\frac{3}{4}$ ADA	<u>46146</u>
E/MCHS (Dual Enrollment)	180 minutes	1 ADA	<u>46146.5</u>
E/MCHS (Non-Dual Enrollment)	240 minutes	1 ADA	<u>46146.5</u>



Charter School Instructional Time Requirements

Grade/Setting	Minimum Instructional Time	ADA Generated	EC Section
Charter (CCAP – Dual Enrollment)	<ul style="list-style-type: none"> 80% offered at schoolsite 50% instructional time required at schoolsite by student 	1 ADA	<u>47612.5(a)(1) & 76004(s)(2)</u>
Charter (CCAP – Non-Dual Enrollment)	<ul style="list-style-type: none"> 80% offered at schoolsite 	1 ADA	<u>76004(s)(2)</u>
Charter E/MCHS (Dual Enrollment)	<ul style="list-style-type: none"> 80% offered at schoolsite 50% instructional time required at schoolsite by student 	1 ADA	<u>46146.5</u>
Charter E/MCHS (Non-Dual Enrollment)	<ul style="list-style-type: none"> 80% offered at schoolsite 67% instructional time required at schoolsite by student 	1ADA	<u>46146.5</u>



Dual Enrollment & Independent Study

LEAs can offer dual enrollment offerings through IS.

The instructional time and ADA computation conditions described in *EC* sections 46146, 46146.5, and 76004 apply to IS.



School District Independent Study Minimum Day Requirements

Grade/Setting	Minimum Schoolday	ADA Generated	EC Section
School District (Non-Dual Enrollment)	240 minutes	1 ADA	<u>46141</u>
School District (Dual Enrollment)	180 minutes	$\frac{3}{4}$ ADA	<u>46146</u>
E/MCHS (Dual Enrollment)	180 minutes	1 ADA	<u>46146.5</u>
E/MCHS (Non-Dual Enrollment)	240 minutes	1 ADA	<u>46146.5</u>



Charter School Independent Study Instructional Time Requirements

Grade/Setting	Minimum Instructional Time	ADA Generated	EC Section
Charter (CCAP – DE)	<ul style="list-style-type: none"> Offered less than 80% at schoolsite Required less than 50% instructional time at schoolsite by student 	1 ADA	47612.5(a)(1) & 76004(s)(2)
Charter (CCAP – NDE)	<ul style="list-style-type: none"> Offered less than 80% at schoolsite 	1 ADA	76004(s)(2)
Charter E/MCHS (DE)	<ul style="list-style-type: none"> Offered less than 80% at schoolsite Required less than 50% instructional time at schoolsite by student 	1 ADA	46146.5
Charter E/MCHS (NDE)	<ul style="list-style-type: none"> Offered less than 80% at schoolsite Required less than 67% instructional time at schoolsite by student 	1ADA	46146.5



Funding

TK/K-12 LCFF

- LEAs are funded through the LCFF.
- LCFF funding is allocated through the Principal Apportionment and based on ADA reported at different points throughout the FY.
- Students generate ADA through either in-person instruction or independent study.

Community College

- CCC funding is separate and distinct from TK/K-12 education.
- CCCs claim FTE students for funding.
- For more information on how CCCs generate funding, contact the Intersegmental Support Unit at the CCC Chancellor's Office at 916-322-1440.



Apportionment

EC Section 76004(r): A district or COE shall not receive a state allowance or apportionment for an instructional activity for which the partnering district has been, or shall be, paid an allowance or apportionment.

In other words:

- Both entities (school district and community college) cannot be funded for the same course, nor can courses at the community college that generate FTEs for community college be used towards meeting TK/K-12 instructional time requirements or be used to generate ADA.



SUPERVISION REQUIREMENTS

Where the LEA claims ADA

In-Person

- Must be under the immediate supervision and control of a certificated employee of the LEA.
 - School district and COE (*EC* Section 46300(a))
 - Charter School (*EC* Section 47612.5(e))

Independent Study

- Must be under the general supervision of a certificated employee of the LEA.
 - All LEAs (*EC* Section 51747.5)
 - All LEAs (*EC* Section 51749.5)

To the extent that the students are taught by a community college instructor who is not a certificated employee of the LEA, the in-person or independent study supervision requirements would have to be met to generate ADA.



SUPERVISION REQUIREMENTS

Where the LEA does not claim ADA

- When the LEA does not:
 - claim ADA for students participating in the college class, or
 - include the time spent in the college class as instructional time
- The college instructor does not need to be a certificated employee of the LEA in order to teach that class.



Form J-13A



School Fiscal Services Division



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

- Used to obtain approval of attendance and instructional time credit:
 - Emergency school closures
 - School is open but attendance declines because of an emergency
 - Lost or destroyed attendance records
- Emergency school closures-no loss in funding.
 - ADA is still calculated as
 - Days Attended/Days Taught
 - An approved Form J-13A provides LEAs with a waiver of instructional time requirements

- CDE Approval:
 - School Closure - prevents application of instructional time fiscal penalties during annual audit
 - School Open but ADA Declines – allows LEA to recoup funding by adjusting ADA

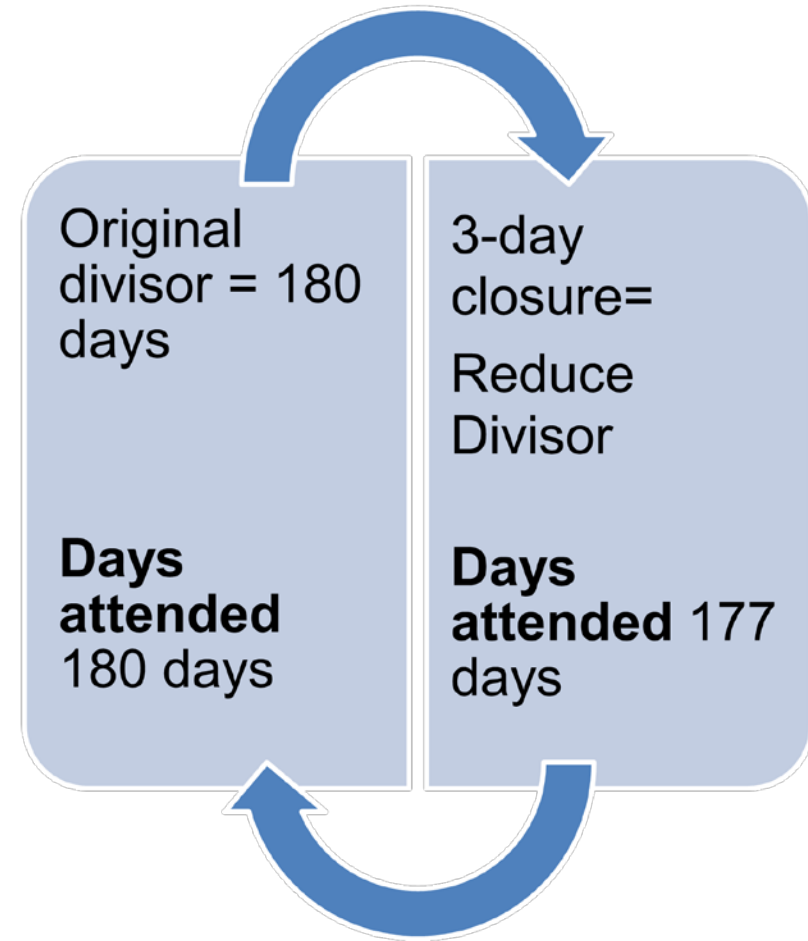
Approvable Events	Non-approvable Events
<ul style="list-style-type: none"> • Act of Nature (wildfire, floods, etc.) • Inclement weather • Pandemics • Threats of violence • Power loss • Etc. 	<ul style="list-style-type: none"> • LEA Employee Strikes • Student Protests



Funding Impact (1)

School Closure (no fixed divisor)

- An LEA applying for its schools without a fixed divisor that calculate ADA based on days taught should reduce their divisor (days taught) for any school closure, regardless of whether the closure has been approved or not, because it was not a day of instruction.

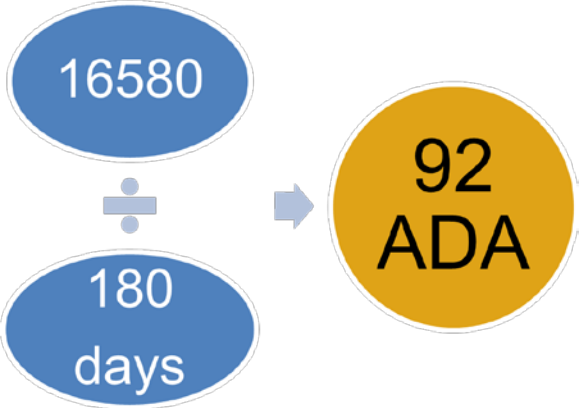


Funding Impact (2)

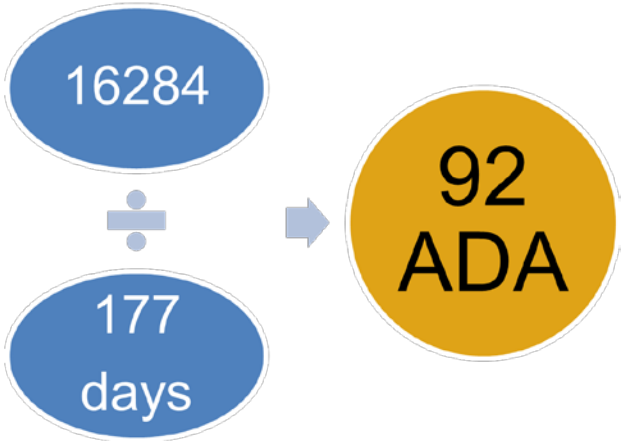
XYZ School District

- Student population of 100
- Average absence rate of 8% (92 students attending each day)
- Experiences a 3-day closure due to snow
- Reduces the divisor (days taught) from 180 to 177
- ADA remains the same and maintains the same level of funding

Non-School Closure



School Closure



Funding Impact (3)

School Closure (Fixed Divisor)

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.

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.



Form J-13A Submission Process

LEA Prepares Submittal

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

Affidavit

- Signed with digital or scanned "wet" signatures by LEA governing board majority
- LEA submits to oversight agency
- Oversight agency signs with digital or scanned "wet" signatures
- COE submits to CDE

COE Submits to CDE

- Submit completed Form J-13A with all required documentation to the SFSD by email at J13ASubmittals@cde.ca.gov or mail to address on Form.

Note: All Form J-13A requests should be sent to the CDE from the applicable COE. The ability to submit a request through email has not changed this part of the submittal process.



Independent Study Plan

LEAs must submit a certified plan for which independent study will be offered to students with all Form J-13A requests.

Continuity of academic instruction.

The independent study plan ensures LEAs have a method to provide continuity of academic instruction. Mitigates the negative impact of lost learning time and supports mental health.

- CDE encourages LEAs to offer independent study to students during emergency events pursuant to their independent study plan certification in order to minimize academic disruption and allow students to maintain academic progress.
- Approval of a Form J-13A waiver is not conditioned upon implementation of the independent study plan.



Emergency Built-in Days

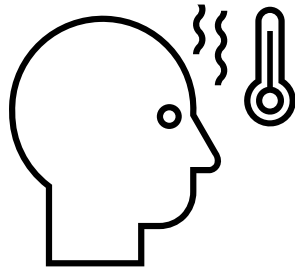
Beginning in FY 2022-23 and for all future years:

- CDE recommends that LEAs evaluate the need for built-in days in their school calendar based on school closure history.
- If an LEA experiences a school closure, CDE will continue to recommend that the LEA use all available built-in days, or add days if possible, prior to submitting a Form J-13A request.
 - However, the approval of a Form J-13A will no longer be contingent on an LEA's use of their built-in days.



Closure or Material Decrease Due to COVID-19 or Other Illness

- LEAs may submit a Form J-13A request due to school closure and/or a material decrease in attendance due to COVID-19 or other illness.



- Any request submitted due to COVID-19 or other illness, will require signed documentation from the local county health department to substantiate the request.
- If the request is submitted for a material decrease, the attendance recorded on the date(s) of emergency must be 90% or less than normal attendance.



Form J-13A Reminders (1)

- 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.



Emergency Timeline



Preparation in the event of an emergency

- LEA has board policies in place
- LEA adopts independent study plan
- Include independent study agreements in back-to-school paperwork for parents/guardians to sign ahead of time



When submitting a Form J-13A

- Submit by email to J13ASubmittals@cde.ca.gov
- Submissions by mail also accepted
- Utilize Form J-13A resources for questions that may arise regarding the submission



When an emergency occurs

- Prioritize the health and safety of all students, staff, and families
- CDE recommends that an LEA utilizes all available built-in days
- Understand there is no deadline for submitting a Form J-13A



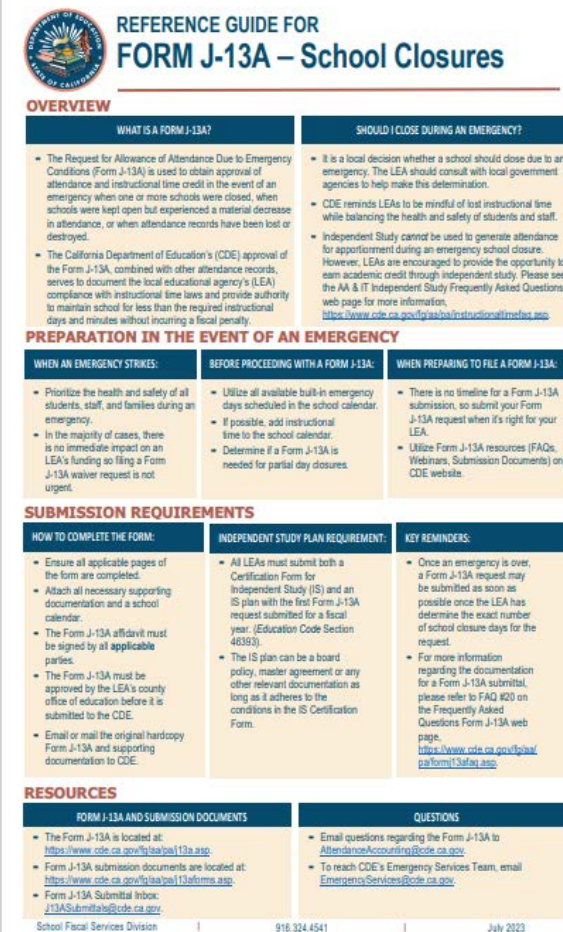
Planning for future emergencies

- Assess closure history and plan for any built-in days that should be added to future school calendars
- Assess current board policies



Quick Reference Guide

- In July 2023, CDE published a Quick Reference Guide for Form J-13A – School Closures
- This guide has helpful information for LEAs prior to, during, and after an emergency.
- LEAs can find this reference guide in the Resources section at the end of this presentation under Form J-13A.



REFERENCE GUIDE FOR FORM J-13A – School Closures

OVERVIEW

WHAT IS A FORM J-13A?	SHOULD I CLOSE DURING AN EMERGENCY?
<ul style="list-style-type: none">• The Request for Allowance of Attendance Due to Emergency Conditions (Form J-13A) is used to obtain approval of attendance and instructional time credit in the event of an emergency when one or more schools were closed, when schools were kept open but experienced a material decrease in attendance, or when attendance records have been lost or destroyed.• The California Department of Education's (CDE) approval of the Form J-13A, combined with other attendance records, serves to document the local educational agency's (LEA) 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.	<ul style="list-style-type: none">• It is a local decision whether a school should close due to an emergency. The LEA should consult with local government agencies to help make this determination.• CDE reminds LEAs to be mindful of lost instructional time while balancing the health and safety of students and staff.• Independent Study cannot be used to generate attendance for apportionment during an emergency school closure. However, LEAs are encouraged to provide the opportunity to earn academic credit through independent study. Please see the AA & IT Independent Study Frequently Asked Questions web page for more information. https://www.cde.ca.gov/aa/it/independentstudy/faq.asp

PREPARATION IN THE EVENT OF AN EMERGENCY

WHEN AN EMERGENCY STRIKES:	BEFORE PROCEEDING WITH A FORM J-13A:	WHEN PREPARING TO FILE A FORM J-13A:
<ul style="list-style-type: none">• Prioritize the health and safety of all students, staff, and families during an emergency.• In the majority of cases, there is no immediate impact on an LEA's funding so filing a Form J-13A waiver request is not urgent.	<ul style="list-style-type: none">• Utilize all available built-in emergency days scheduled in the school calendar.• If possible, add instructional time to the school calendar.• Determine if a Form J-13A is needed for partial day closures.	<ul style="list-style-type: none">• There is no timeline for a Form J-13A submission, so submit your Form J-13A request when it's right for your LEA.• Utilize Form J-13A resources (FAQs, Webinars, Submission Documents) on CDE website.

SUBMISSION REQUIREMENTS

HOW TO COMPLETE THE FORM:	INDEPENDENT STUDY PLAN REQUIREMENT:	KEY REMINDERS:
<ul style="list-style-type: none">• Ensure all applicable pages of the form are completed.• Attach all necessary supporting documentation and a school calendar.• The Form J-13A affidavit must be signed by all applicable parties.• The Form J-13A must be approved by the LEA's county office of education before it is submitted to the CDE.• Email or mail the original hardcopy Form J-13A and supporting documentation to CDE.	<ul style="list-style-type: none">• All LEAs must submit both a Certification Form for Independent Study (IS) and an IS plan with the first Form J-13A request submitted for a fiscal year. (Education Code Section 46103).• The IS plan can be a board policy, master agreement or any other relevant documentation as long as it adheres to the conditions in the IS Certification Form.	<ul style="list-style-type: none">• Once an emergency is over, a Form J-13A request may be submitted as soon as possible once the LEA has determined the exact number of school closure days for the request.• For more information regarding the documentation for a Form J-13A submission, please refer to FAQ #20 on the Frequently Asked Questions Form J-13A web page. https://www.cde.ca.gov/aa/it/independentstudy/faq.asp

RESOURCES

FORM J-13A AND SUBMISSION DOCUMENTS	QUESTIONS
<ul style="list-style-type: none">• The Form J-13A is located at: https://www.cde.ca.gov/aa/it/independentstudy/faq.asp• Form J-13A submission documents are located at: https://www.cde.ca.gov/aa/it/independentstudy/faq.asp• Form J-13A Submittal Inbox: j13a.submittals@cde.ca.gov	<ul style="list-style-type: none">• Email questions regarding the Form J-13A to AttendanceAccounting@cde.ca.gov.• To reach CDE's Emergency Services Team, email EmergencyServices@cde.ca.gov.

School Fiscal Services Division | 916.324.4541 | July 2023



Resources



School Fiscal Services Division



CDE Web Resources

- Compulsory Education – Child Welfare and Attendance: <https://www.cde.ca.gov/ls/ai/cw/>
- IS Frequently Asked Questions: <https://www.cde.ca.gov/sp/eo/is/faq.asp#truancy>
- Dual Enrollment: <https://www.cde.ca.gov/fg/it/dualenrollment.asp>
- 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>
- SBE Waiver: <https://www.cde.ca.gov/re/lr/wr/faq.asp>
- Transitional Kindergarten: <https://www.cde.ca.gov/ci/gs/em/kinderfaq.asp>
- Form J-13A: <https://www.cde.ca.gov/fg/it/j13a.asp>



Form J-13A Resources

- Form J-13A: <https://www.cde.ca.gov/fg/it/j13a.asp>
- Form J-13A School Closure Quick Reference Guide: <https://www.cde.ca.gov/fg/it/documents/j13aquickreference.pdf>
- Form J-13A Submission Documents: <https://www.cde.ca.gov/fg/it/j13aforms.asp>
- Form J-13A Submittals:
 - Email J13ASubmittals@cde.ca.gov
 - Form J-13A Submission Questions:
 - Email ATTENDANCEACCOUNTING@cde.ca.gov
- Emergency Services Team:
 - Email EmergencyServices@cde.ca.gov



EC References Specific to School Districts and COEs

- Annual Instructional Minutes – *EC* Section 46201.5 and 46207
- Annual Instructional Days – *EC* sections 46200.5 and 46208
- Minimum School Day – *EC* sections 8973, 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, 46300
- Transitional Kindergarten – *EC* sections 48000, 48000.1, and 48000.15
- Equity length of time – *EC* Section 37202
- Four-day School Week - *EC* sections 37700(a) and 37711.



EC References Specific to Charter Schools

- Annual Instructional Minutes – *EC* Section 47612.5(a)(1)
- Annual Instructional Days – *EC* Section 47612
- Classroom-based ADA – *EC* Section 47612.5(e)(1)
- Nonclassroom-based ADA – *EC* Section 47612.5(e)(2)
- Transitional Kindergarten – *EC* sections 48000, 48000.1, and 48000.15
- 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



CDE Contact Information

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



Thank you!

