



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 12.1f

**Meeting Date:** April 7, 2011

**Subject:** **Waiver Request and Affidavit – Request for Allowance of Attendance Due to Emergency Conditions at Fruit Ridge Elementary School on February 18, February 22 and February 23, 2011**

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: \_\_\_\_\_)
- Conference/Action
- Action
- Public Hearing

**Learning Support Unit/Department:** Administrative Services

**Recommendation:** Approve the submission of the affidavit to the State Superintendent of Public Instruction.

**Background:** In accordance with Education Code Section 41422, districts that are prevented from maintaining school for the required number of days because of extraordinary conditions, "which fact shall be shown to the satisfaction of the Superintendent of Public Instruction by the affidavits of the members of the Governing Board of the school district and of the County Superintendent of Schools, shall receive the same apportionment from the State School Fund as it would have received had it not been so prevented from maintaining school."

Asbestos was found at the Fruit Ridge Elementary site; therefore, district officials determined that the school be closed to allow for repairs. The vacant Bear Flag Elementary site needed repairs in order to be occupied by students. District staff worked throughout the weekend and holiday so that students could be in classrooms on February 24. Fruit Ridge Elementary students were moved to Bear Flag Elementary for the remaining 2010-11 school year. Due to this move, Fruit Ridge Elementary lost attendance for February 18, 22 and 23. Under the provisions of Education Code 41422, the district may request an allowance for operation of fewer days of school than normally required due to emergency conditions. The implications are as follows:

- Fiscal: Failure to file this waiver request would cost the district approximately \$48,561 in lost Revenue Limit funds.
- Personnel: None
- Program: None
- Legal: Education Code Section 41422
- Other: None

**Financial Considerations:** See above implications.

**Documents Attached:**

1. Request for Allowance of Attendance Because of Emergency Conditions Form J-13A (Rev. 01-05)

**Estimated Time:** N/A

**Submitted by:** Gerardo Castillo, CPA, Director of Budget Services

**Approved by:** Patricia A. Hagemeyer, Chief Business Officer

**REQUEST FOR ALLOWANCE OF ATTENDANCE  
BECAUSE OF EMERGENCY CONDITIONS  
Form J-13A (Rev. 01-05)**

School District (or Charter School) Name: Sacramento City Unified School District

School District (or Charter School) Address: 5735 47<sup>th</sup> Avenue, Sacramento, CA 95824

County-District Code: 34-67439

County Name: Sacramento County

This form replaces the Form J-13A (Rev. 4-90) and should be used to obtain approval of attendance and instructional time credit under one or more of the following conditions:

- When one or more schools were closed because of conditions described in *Education Code* Section 41422
- When one or more schools were kept open but experienced a material decrease in attendance because of conditions described in *Education Code* Section 46392
- When attendance records have been lost or destroyed as described in *Education Code* Section 46391

Approved credit for instructional time may be used in conjunction with regular instructional days to satisfy the requirements of *Education Code* Section 37202 (equal length of instructional time among schools within a district).

A separate form should be submitted for each emergency event, but credit may be requested for more than one school and under one or more of the foregoing conditions on the same form. Each separate form must include the affidavit of the governing board members and the county superintendent before it can be approved by the State Superintendent of Public Instruction.

The original form (with the board members' affidavit) and two copies should be filed with the county superintendent of schools. If the county superintendent approves the request, he or she should execute the affidavit certifying that approval and forward all pages of the original and one copy of the form to:

Terri Emery  
School Fiscal Services Division  
California Department of Education  
1430 N Street, Suite 3800  
Sacramento, CA 95814

This form consists of five preprinted pages. Pages 1 and 5 (5C for charter schools) must accompany all submissions. Page 4 (Lost or Destroyed Attendance Records) will not need to be submitted by most districts. Multiple copies of Pages 2 and/or 3 may have to be submitted when claims are made on a school-by-school basis.

**SCHOOL CLOSURE**

Nature of Emergency (describe): Asbestos was found at the Fruit Ridge Elementary site; therefore, district officials determined that the school be closed to allow for repairs. The vacant Bear Flag Elementary site needed repairs in order to be occupied by students. District staff worked throughout the weekend and holiday so that students could be in classrooms on February 24. Fruit Ridge Elementary students were moved to Bear Flag Elementary for the remaining 2010-11 school year. Due to this move, Fruit Ridge Elementary lost attendance for February 18, 22 and 23. Under the provisions of Education Code 41422, the district may request an allowance for operation of fewer days of school than normally required due to emergency conditions.

Name of School(s): Fruit Ridge Elementary School

School Code(s): 34-67439-6033989

We request that apportionments be maintained and instructional time credited for the above named school(s) without regard to the fact that the school(s) were closed on (dates):

February 18, 22, 23, 2011

because of the described emergency. Approval of this request authorizes the local educational agency to disregard these days in the computation of average daily attendance (ADA) (per Section 41422) and obtain credit for instructional time for the days and the instructional minutes that would have been regularly offered on those days pursuant to *Education Code* Section 46200, et seq.

If the school closure resulted from a power outage or impassable roads caused by inclement weather, state the number of school closure days for the same conditions in each of the last five years: N/A

**AFFIDAVIT OF GOVERNING BOARD MEMBERS**

We, members constituting a majority of the governing board of the Sacramento City Unified school district, hereby swear (or affirm) that the foregoing statements are true and are based on official district records.

<u>Gustavo Arroyo</u>	_____
<u>Patrick Kennedy</u>	_____
<u>Ellyne Bell</u>	_____
<u>Jeff Cuneo</u>	_____
<u>Donald Terry</u>	_____
<u>Diana Rodriguez</u>	_____
<u>Darrel Woo</u>	_____
Printed Names	Signatures

**At least a majority of the members of the governing board shall execute this affidavit.**

Subscribed and sworn (or affirmed) before me, this 7th day of April, 2011.

Signature, Title \_\_\_\_\_  
Jonathan P. Raymond, Secretary to the Board of Education of Sacramento County, California

Contact/Individual responsible for preparing this form:

Name: Gerardo Castillo Title: Director of Budget Services  
Phone: (916) 643-9405 Fax: (916) 643-9459  
E-mail: Gerardo-Castillo@sac-city.k12.ca.us

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**AFFIDAVIT OF COUNTY SUPERINTENDENT OF SCHOOLS**

The information and statements contained in the foregoing request are true and correct to the best of my knowledge and belief.

Signature, County Superintendent of Schools \_\_\_\_\_

Date: \_\_\_\_\_

Subscribed and sworn (or affirmed) before me, this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

Signature, Title \_\_\_\_\_

of \_\_\_\_\_ County, California

Contact/Individual responsible for preparing this form:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax : \_\_\_\_\_ E-mail: California \_\_\_\_\_

**Approval by Superintendent of Authorized Local Educational Agency (LEA)**

Signature, Title \_\_\_\_\_

of \_\_\_\_\_ (LEA).

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