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### Emergency Day Waivers for H1N1 Flu ADA Losses

We have had many calls and e-mails from school districts with questions about school closures due to the outbreak of the H1N1 Flu virus, also known as the swine flu. At the current time, state and local health officials make the decision to close a school. Local public health officers should order the dismissal of students from any public school if there is one confirmed or one strongly suspected case of swine flu. If a local public health officer orders a school closure, then school officials should also cancel other school gatherings and advise parents to warn their children not to get together with other children during the time school is dismissed. Schools should resume normal operations only after no other confirmed cases have been reported for seven days after the last confirmed case of swine flu from that school. When a school is closed or when there is a material decrease in ADA due to an emergency, school districts should file a J-13A waiver with the California Department of Education (CDE) (ref. Education Code Sections [E.C.] 41422 and 46390 et seq., and California Code of Regulations, Title 5, Section 425). Approval of the waiver allows the school agency to get credit for the lost ADA for the day of the closure, as well as for the missed instructional time. In addition to the waiver, there are other provisions that apply when the Governor has declared a State of Emergency. Pursuant to E.C. 46392(b), under this situation, any decrease in ADA due to the emergency is deemed to be material, and the usual threshold of a minimum decrease of 10% does not need to be met. Furthermore, pursuant to this provision, a school agency may submit a waiver request to recoup the loss in ADA related to the emergency for the remainder of the school year. For a complete copy of the CDE's Advisory regarding emergency days (Management Advisory 90-01), go to <http://www.cde.ca.gov/fg/sf/aa/ma9001.asp>. For a copy of "Form J-13A Request for Allowance of Attendance Because of Emergency Conditions," go to <http://www.cde.ca.gov/fg/sf/aa/documents/formj13a.doc>. Although districts are past the P-2 reporting period, districts affected by school closures due to outbreaks of the H1N1 Flu virus are likely to experience decreases in their annual attendance that could affect funding that is based on annual attendance reporting, including:

- Lottery

- Community Day Program

- Juvenile Court Schools

- County Community Day

Non Public Schools Filing the waiver will ensure that you get credit for the day(s) of the closure, as well as for the missed instructional time. State Schools Chief Jack O'Connell issued a news release on April 29, 2009, urging calm and precaution over the flu outbreak. It states, "... the Center for Disease Control and Prevention and California Department of Public Health are currently advising that local health officers may recommend closure of specific school sites if there are confirmed cases

of H1N1 flu. "O'Connell urged local district superintendents and school health officials to stay in close communication with local health officials during the H1N1 flu outbreak. Frequently Asked Questions About Pandemic Flu is available on the CDE's website at <http://www.cde.ca.gov/ls/he/hn/pandemicflufaq.asp>.