

OAKLAND UNIFIED SCHOOL DISTRICT
Office of State Administrator

June 25, 2008

To: Vincent Matthews, State Administrator
Board of Education

From: Leon Glaster, Chief Financial Officer
Dr. Mary Ann Burke, Director, State and Federal Compliance

Subject: **Public Hearing and Adoption of Request for Allowance of Attendance Because of Emergency Condition Pursuant to Education Code Section 41422 for Fiscal Year 2007-2008 for January 11, 2008 Closure of Reach Academy Due To Water Main Break**

ACTION REQUESTED:

Conduct Public Hearing and adopt a Resolution Requesting Allowance of Attendance Because of Emergency Condition Pursuant to Education Code Section 41422, or for the longer school year and longer school day as provided in Education Code Sections 46200 and 46201, for Fiscal Year 2007-2008 for January 11, 2008 Closure of Reach Academy Due To Water Main Break.

BACKGROUND:

Instruction at Reach Academy, on January 11, 2008, was disrupted due to a water main break on the street in front of the school which led to the closure of the school, for health and safety reasons, for the day as described in Resolution No. 0708-0223 and other documentation attached hereto. The January 11, 2008 instructional day at Reach Academy cannot otherwise be made up this fiscal year due to factors beyond the District's control.

Staff is recommending that the State Administrator and/or the Board, with the support of the Alameda County Superintendent of Schools, pursuant to Education Code Section 41422, and as documented herein, file a Request for Allowance of Attendance Because of Emergency Conditions with the California Superintendent of Public Instruction, which if granted, will result in no loss of apportionment to the District for Reach Academy for its emergency closure on January 11, 2008.

FISCAL IMPACT:

The approval of the Request by the Superintendent of Public Instruction will allow the District to maintain the apportionment for Reach Academy and credit the instructional time without regard to the fact that the school was closed due to said emergency on January 11, 2008.

RECOMMENDATION:

Conduct Public Hearing and adopt a Resolution Requesting Allowance of Attendance Because of Emergency Condition Pursuant to Education Code Section 41422, or for the longer school year and longer school day as provided in Education Code Sections 46200 and 46201, for Fiscal Year 2007-2008 for January 11, 2008 Closure of Reach Academy Due To Water Main Break.

Attachments: Resolution No. 0708-0223
California Department of Education Form J-13A
Oakland Unified School District Community Advisory – January 11, 2008

LEGISLATIVE FILE

File ID No. 08-1287
Introduction Date 6/25/08
Enactment No. _____
Enactment Date _____
By _____

**RESOLUTION
OF THE
STATE ADMINISTRATOR
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT**

Resolution No. 0708-0223

Request for Allowance of Attendance Because of Emergency Conditions

WHEREAS, Education Code Section 41422 provides that attendance apportionment from the State School Fund, upon a satisfactory showing of fact to the California Superintendent of Public Instruction, shall not be reduced if in a fiscal year a school district operates its instructional program for less than 175 Instructional days or otherwise operates instructional sessions of shorter length than prescribed by law, due to, among others conditions, other extraordinary conditions; and

WHEREAS, the aforementioned Education Code Section is equally applicable to the longer school year and longer school day as provided in Education Code Sections 46200 and 46201,

WHEREAS, on January 11, 2008, shortly after the commencement of the school day, the primary water main on the street in the front of Reach Academy of the Oakland Unified School District, a school on the 180 day instructional calendar, supplying all water to the school, among other purposes for drinking, cafeteria service and restrooms, broke creating an emergency condition, affecting the health and safety of pupils and personnel, resulting in the evacuation and closure of the school for the remainder of the school day; and

WHEREAS, the water main break forced pupils of Reach Academy to be in school attendance on January 11, 2008 for a shorter length than required by law; and

WHEREAS, the District, for factors beyond its control, will not be able to make up the missed January 11, 2008 Instructional time at Reach Academy in the current fiscal year, will not receive state apportionment from the State School Fund due to the water main break resulting in loss of revenue to the District, unless the Superintendent of Public Instruction grants a Request for Allowance of Attendance Because of Emergency Conditions due to the water main break and/or the California State Board of Education waives appropriate Instructional time requirements not met due to said water main break for Reach Academy; and

WHEREAS, the Governing Board of the Oakland Unified School District¹ has met the **statutory prerequisite** requirements including supplying the appropriate facts and holding the required noticed public hearing on June 25, 2008 supporting the District's Request for Allowance of Attendance Because of Emergency Conditions for the school named herein; and

¹ Governing Board, in this instance, means State Superintendent of Public Instruction or designee, State Administrator, pursuant to Senate Bill 39.

**RESOLUTION
OF THE
STATE ADMINISTRATOR
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT**

Resolution No. 0708-0223

Request for Allowance of Attendance Because of Emergency Conditions

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WHEREAS, the District has the support of the Alameda County Superintendent of Schools for its Request for Allowance of Attendance Because of Emergency Conditions on January 11, 2008 at Reach Academy,

NOW, THEREFORE, BE IT RESOLVED that the Governing Board hereby approves the District's Request for Allowance of Attendance Because of Emergency Conditions (Form J-13A), incorporated herein by reference as though fully set forth, to the Superintendent of Public Instruction and/or the California State Board of Education, as may be appropriate, and authorize the submission of same with requisite supporting documentation.

I hereby certify that the foregoing is a true, accurate and complete copy of a Resolution I adopted at a Regular Meeting of the State Administrator and/or the Board of Education of the Oakland Unified School District on this 25th day of June, Two Thousand Eight at Oakland, CA.

Vincent Matthews
State Administrator
Oakland Unified School District

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

School District (or Charter School) Name: Oakland Unified School District
School District (or Charter School) Address: 1025 Second Avenue, Oakland, CA 94606
County-District Code: 0161259
County Name: Alameda

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): On Friday, January 11, 2008, shortly after the commencement of the school day, the primary water main on the street in the front of Reach Academy, 9860 Sunnyside Street, Oakland, CA 94603, in the Oakland Unified School District, supplying all water to the school, among other purposes for drinking, cafeteria service and restrooms, broke creating an emergency condition, affecting the health and safety of pupils and school personnel, resulting in the evacuation and closure of the school for the remainder of the school day. The emergency closure caused pupils of Reach Academy to be in school attendance on January 11, 2008 for a shorter length than required by law. School resumed at the usual time on Monday, January 14, 2008.

Name of School(s):
(if request covers all schools, write "all schools")

Reach Academy

School Code(s): 0110239

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):

January 11, 2008

because of the described emergency. Approval of this request authorizes the local educational agency to disregard this day in the computation of average daily attendance (ADA) (per Section 41422) and obtain credit for instructional time for the day and the instructional minutes that would have been regularly offered on this day pursuant to *Education Code* Section 46200, et seq. or for the longer school year and longer school day as provided in Education Code Sections 46200 and 46201.

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

**NOT APPLICABLE TO THIS WAIVER FOR OAKLAND UNIFIED SCHOOL DISTRICT
MATERIAL DECREASE**

Nature of Emergency (describe):

Name of School:
(if request covers all schools, write "all schools")

School Code(s):

We request the substitution of estimated days of attendance for actual days of attendance in accordance with the provisions of Section 46392. Approval of this request will authorize use of the estimated days of attendance in the computation of apportionments for the foregoing school(s) for (dates) _____ during which school attendance was materially decreased because of the described emergency.

Estimated attendance for each day (October or May ADA): _____ students per day. Estimated daily attendance multiplied by number of days of material decrease, yields _____ days of attendance requested.

State method of determining estimated daily attendance (October or May ADA):

ADA for school month beginning on _____, 2_____ and ending on _____, 2_____.

Actual apportionable attendance for days of material decrease:

Site	Date	Actual Attendance
_____	_____	_____

NOT APPLICABLE TO THIS WAIVER FOR OAKLAND UNIFIED SCHOOL DISTRICT

LOST OR DESTROYED ATTENDANCE RECORDS

We request the use of estimated attendance in lieu of attendance that cannot be verified because of the loss or destruction of attendance records. This request is made in accordance with Section 46391. The entire period covered by the lost or destroyed records commences with _____, 2____, up to and including, _____, 2_____.

Describe circumstances and extent of records loss or destruction:

Describe how it is proposed to reconstruct attendance records or estimate attendance in the absence of records:

AFFIDAVIT OF GOVERNING BOARD MEMBERS

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

Vincent Matthews, State Administrator	
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 25th day of June, 2008.

Signature, Title _____

of Alameda County, California

Contact/Individual responsible for preparing this form:

Name: Mary Ann Burke Title: Director, State and Federal Compliance

Phone: 510-879-8095 Fax : 510-879-8836 E-mail: Mary.Burke@ousd.k12.ca.us

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: Mary Ann Burke Title: Director, State and Federal Compliance
Phone: 510-879-8095 Fax : 510-879-8836 E-mail: Mary.Burke@ousd.k12.ca.us

California Department of Education

Form J-13A

NOT APPLICABLE TO THIS WAIVER FOR OAKLAND UNIFIED SCHOOL DISTRICT

AFFIDAVIT OF CHARTER SCHOOL GOVERNING BOARD MEMBERS

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

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 ____ day of _____, 2____.
Signature, Title _____
of _____ County, California

Contact/Individual responsible for preparing this form:

Name: _____ Title: _____
Phone: _____ Fax : _____ E-mail: _____

Approval by Superintendent of Authorized Local Educational Agency (LEA)

Signature, Title _____
of _____ (LEA).

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: _____

Vincent Matthews
State Administrator

Oakland Unified
School District
1025 Second Avenue
Oakland, CA 94606
www.ousd.k12.ca.us



OAKLAND UNIFIED
SCHOOL DISTRICT
expect Success

Communications Office
Contact: Troy Flint

Phone (510) 879-8242
Cell (415) 902-8589
Fax (510) 879-8800
troy.flint@ousd.k12.ca.us

Oakland Unified School District Community Advisory

Students and Staff at Reach Elementary Evacuated Due to Water Main Break
No one was injured in incident. School will resume as normal on Monday

Oakland – Jan. 11, 2008 – On the morning of Friday, January 11, a water main break occurred at Reach Academy, an Oakland Unified Elementary School located at 9860 Sunnyside Street in Oakland. No one was injured in the process and the break did not appear to present a special danger to the students and staff, but as a precaution, the school was evacuated and the remainder of the school day canceled. Repair crews are presently on site determining the cause of the break and working to fix it. School will resume as usual on Monday morning.

We apologize for the inconvenience and wish to assure you that we are taking every measure to ensure the safety of students and staff and to make the proper physical plant repairs. If you should have further questions regarding this matter, please contact OUSD spokesperson Troy Flint by emailing troy.flint@ousd.k12.ca.us or by dialing 510.879.8242.

Details

Day: Friday
Date: Jan. 11, 2008
Location: Reach Academy
Address: 9860 Sunnyside Street, 94603
Phone Number: 510.879.1100

Every student. Every classroom. Every day.