

Emergency Recovery Guide

FOR CALIFORNIA COUNTY OFFICES OF EDUCATION

REVISED MARCH 2022



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of the California County Superintendents' Educational Services Association (CCSESA)

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Introduction

Foreword

The *COE Emergency Recovery Guide* seeks to inform county offices of education (COEs) as they help school districts prepare for recovery after a large-scale multiagency, multijurisdictional emergency. This guide is not an emergency response manual; rather, it is a guide for COE leaders to foster districts' preparation before and recovery after a catastrophic event.

This guide was created based on the experience many county offices of education gained with their school districts facing California's large-scale fires and mudslides, and their experience in ongoing preparations for earthquake, flood, and nuclear events. Emergency recovery planning and management are important but have not typically been common subjects among county-level school administrators. This guide hopes to provide guidance for county school officials to use **before, during** and **after** a large-scale emergency. This document should not be viewed as a procedures manual but as a list of emergency recovery planning actions and tasks to consider to improve school districts' preparation.

Central to this guide is the knowledge that the effectiveness of recovery is directly correlated with the amount of planning and preparation done in advance. Effective recovery results from intentional planning and actions, not chance. Emergency *recovery* actions start at the onset of a large-scale emergency, concurrent with the *response* to the event. This guide intends to make the response/recovery distinction explicit to COE administrators, who then can convey these concepts to their respective school districts. Emergency recovery is also a multiagency task that requires interagency planning, coordination and cooperation among local, state and federal agencies; this guide intends to help COEs in that endeavor.

The *COE Emergency Recovery Guide* is a living document and will be revised and edited as counties experience large-scale emergencies.

Sheldon K. Smith, Ed.D., CBO^E
Business Advisory Services Council Emergency Recovery Chair
California County Superintendents Educational Services Association

Introduction

The call came from the Sonoma County Office of Emergency Services (OES) at 1 a.m. on October 9, 2017. The county was experiencing a catastrophic wildfire and the OES needed to open schools as shelters to house 20,000-25,000 displaced residents. The fire, driven by high winds, was moving the length of a football field per minute, burning everything in its path.

By the time the firestorm passed, several school districts had suffered major damage to their schools, district offices, and/or neighborhoods around schools. Schools across the county were closed for one to three weeks because of fire and smoke hazards. The county's two major hospitals had to evacuate their patients. Students in the county office's juvenile justice center had to be relocated out of the county as the fire threatened their facility. Ultimately, the county lost 5% of its housing. Twenty-two lives were lost in the Tubbs Fire alone (wildfires across northern California caused more than 40 deaths that fall). Total damages for the Tubbs Fire were estimated at \$8 billion.

When the fire hit, I had been a superintendent for 36 years and had experienced earthquakes, floods, and a fatal school bus crash. But this event was the biggest wildfire ever in California at the time. Nothing in my past experience could compare with it.

The Northern California wildfires of 2017, unprecedented at the time, were followed by other unthinkable catastrophes. These included wildfires in Santa Barbara and Ventura counties, followed by deadly mudslides in Santa Barbara; devastating wildfires in Shasta and Lake counties; and the catastrophic Camp Fire in Butte County. It was the Camp Fire that generated the need for tools that county offices could use during large-scale disasters. The procedural steps and materials included in this guide have been tried and found to be valuable by your colleagues in counties that have experienced recent disasters, including Sonoma, Shasta, and Butte, to name just a few. Among other things, having a mutual aid agreement in place with a nearby county office of education can provide critical help during and after a disaster.

These disasters happened quickly but had long-lasting effects on schools and communities. After an immediate crisis is over, county offices have an important role to play in developing support to foster long-term recovery in schools and districts.

Every school administrator must be prepared should a disaster strike on their watch. This guide is meant to help in the recovery during and after a catastrophic event.

Steven D. Herrington, Ph.D.
Sonoma County Superintendent of Schools

Introduction

BASC Members and Partners who Contributed to the Manual

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Introduction

County Office of Education (COE) Assistance to School Districts

Document Section Guide

COE role **before** a large-scale multijurisdictional emergency

- Familiarize schools with emergency management
- Familiarize districts regarding emergency recovery
- Districts understand recovery objectives

COE Response **during** a large-scale multijurisdictional emergency

- Superintendent's emergency to-do checklist
- Create School district situation – calendar worksheet (SitStat worksheet)
- Contact California Department of Education's (CDE) AREP at CalOES via your county OES**
- Understand and establish mutual aid agreements

COE Role **after** a large-scale multijurisdictional emergency

- After-action exercise(s) and report
- Complete improvement plan – improvement plan matrix

Before Emergency Event

COE Role **Before** a Large-Scale Multijurisdictional Emergency

- Familiarize districts with emergency management
- Familiarize districts with emergency recovery
- Ensure districts understand recovery objectives

Basic COE role for district emergency planning — *good for any emergency*

- Establishing GETS and WPS phone card accounts
- Understand and establish mutual aid agreements
 - Mutual aid agreement examples

Before Emergency Event

EM – 001 Familiarize School Districts with Emergency Management

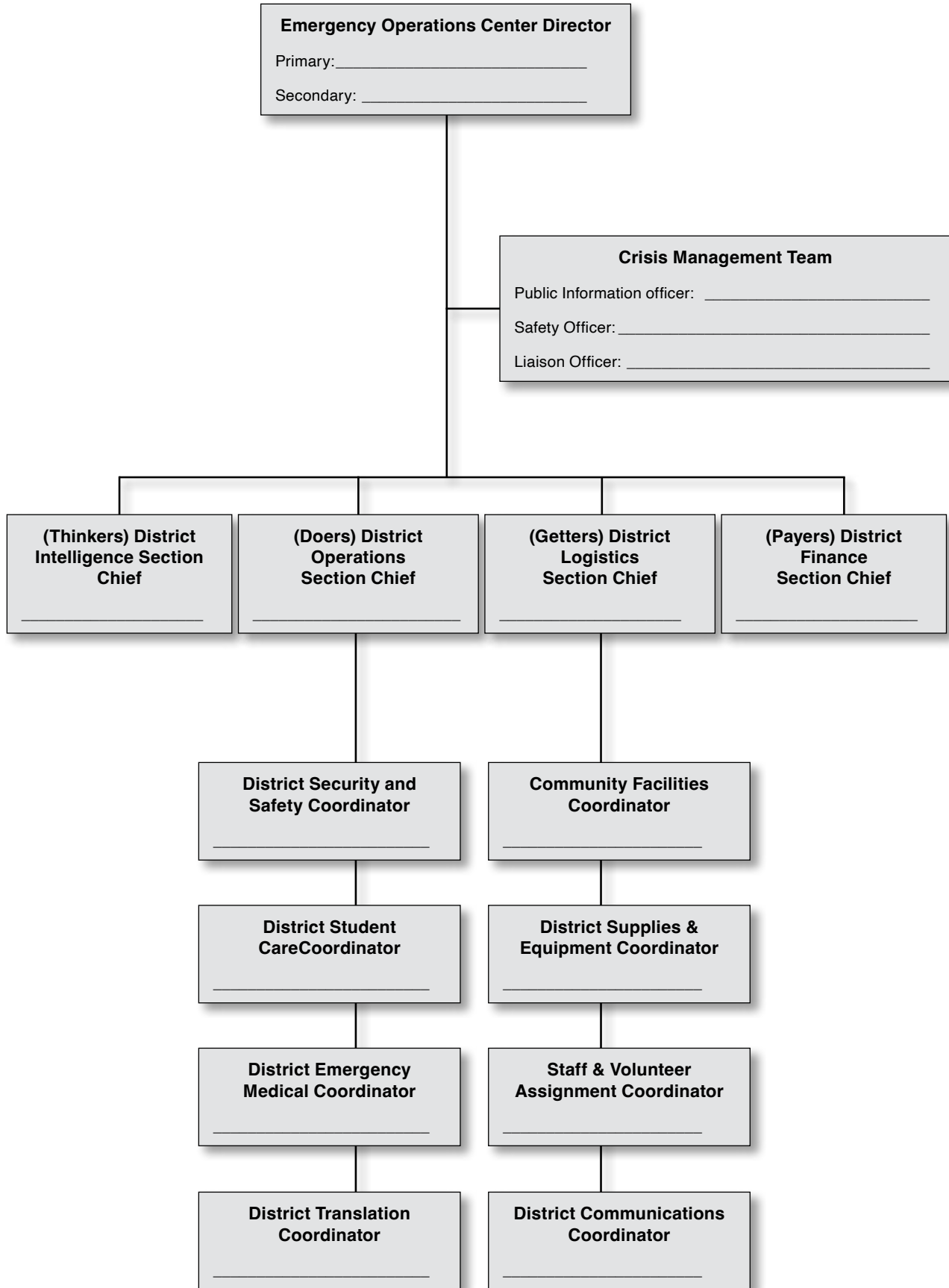
Date Implemented: 1 June 2019

Date Revised: 1 June 2019

- ❑ Help school districts identify emergency-related personnel in the district, stressing that each position should have three people assigned to those positions, or verify that there are two other people who can fulfill the position. A large scale emergency incident will last longer than 24 hours, requiring three people for continuous, sustainable coverage of the duties.
- ❑ Facilitate Emergency Management Institute (EMI) courses [IS-100.sca](#) (Introduction to the Incident Command System for Schools), and
 - Online classes located for IS-100.sca and IS-700.b at <https://www.firstrespondertraining.gov/frt/npccatalog>
- ❑ Help school districts implement the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS) organization and structure using information from CalOES below:
 - <https://www.caloes.ca.gov/schools-educators>
 - <https://www.caloes.ca.gov/Schools-Educators/Plan-Prepare/National-Incident-Management-System>
 - <https://www.caloes.ca.gov/cal-oes-divisions/planning-preparedness/standardized-emergency-management-system>

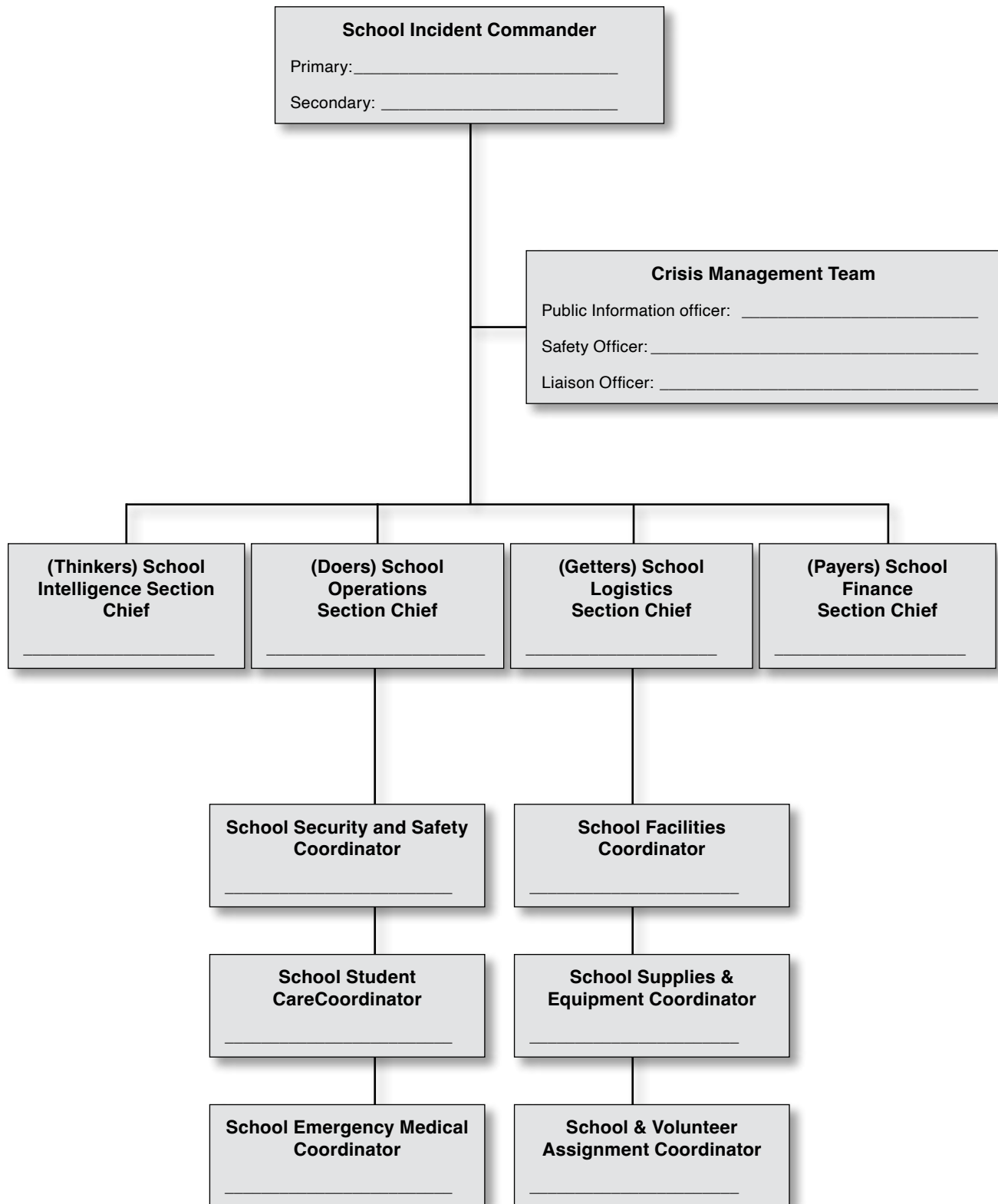
Before Emergency Event

District Emergency Operations Center Organizational Structure



Before Emergency Event

School Incident Command Organizational Structure



Before Emergency Event

EM – 002 Establish and Manage District Emergency Contact Numbers and Bus List

Date Implemented: 1 June 2019

Date Revised: 1 June 2019

- Collect and manage school district emergency contact numbers
- Establish a COE point person for compiling and maintaining an emergency contact list for district emergency personal.
- Collect mobile phone numbers and email addresses and update each year
- Secure hardware or software for sending text messages in groups (e.g., Text 2 Group, mobile device external keyboard)
- Test group notification annually

Sample District Contact Worksheet

EXTERNAL EMERGENCY CONTACT INFO							
School District	Name	Job Title	Cell	Alt Num- bers	Work	Email	Notes/Address
Atascadero	Tom Butler	Superintendent					
	Curt Eichperger	Asst. Superintendent/PIO					
	Stu Stoddard	Director of M.O.T.					
	Bill Neely	Principal (AHS)					
Cayucos	Scott Smith	Superintendent/Prin.					
	Liz Villalobos	Asst. Principal					
	Ismael Mora	Lead M.O.T.					
	Hannah Held	Executive Assistant to Supt.					
Coast	Dr. Victoria Schumacher	Superintendent					
	Donald Adams	Director of M.O.T.					
	Jill Southern	Principal					
Cuesta	Jill Stearns	Superintendent/President					July 1st - start date
	Bryan Mallard	Police Chief					
	Jason Hopkins	Public Safety Sergent/Chief					
	Terry Reece	Facilities Director					
Lucia Mar	Dr. Raynee Daley	Superintendent					
	Andy Stenson	Asst. Supt. of Business					
	Cindy Naber	Director of M & O					
	Sharon Harwin	Director of Transportation					
	Jim Empey	Curriculum/Emergency Contact					
	Ron Walton	Curriculum/Emergency Contact					
Paso Robles	Chris Williams	Superintendent					
	Nelson Payton	Director of M.O.T.					
	Kelly Jenal-Stainbrook	Transportation & OPS Manager					
	OPEN	Chief Business Officer					Retired 02/16/18
	Jennifer Gaviola	Chief Human Resources Officer					
Pleasant Valley	Wendy Nielsen	Superintendent/Principal					
	Linn Ferrin	Executive Assistant to Supt.					Now 2025 Ranchita.
	Llaina Ellison	Lead Teacher					
San Luis Coastal	Dr. Eric Prater	Superintendent					
	Ryan Pinkerton	Asst. Supt. of Business					
	Kimberly McGrath	Asst. Supt. of Personnel					
	Jeremy Koellish	IT Director					
	Amy Shields	Director of Learning					Ryan will call Amy first thing per their protocol
	Steve Stewart	Safety Coordinator					
Chris Bonin	Director of M.O.T.						

Before Emergency Event

- ❑ Establish a COE point person for compiling and maintaining a list and count of school buses, the capacity of each, and licensed drivers, for use in large-scale student and/or civilian evacuations.

SLO COUNTY SCHOOL DISTRICT BUS INVENTORY 2018

SCHOOL DISTRICT	CONTACT PERSON Phone Numbers	BUSES CAPACITY	Number of Buses	Total Capacity	Location	No. of Drivers
*Atascadero USD	Louise Mayhew 462-4256 (o) 464-9073 (c) James Duren 462-4250 (o) 431-4224 (c)	4 @ 90 10 @ 84 1 @ 82 2 @ 78 1 @ 25 1 @ 35 w/ wc 1 @ 30 w/ wc 1 @ 27 w/ wc 1 @ 26 w/ wc 4 @ 25 w/ wc	27	1706	Atascadero	8 reg. 5 sub. 1 Driver Trainer
Cayucos USD	Ismael Mora 805-995-3694 ext 215 805-459-7482 © Scott Smith 805-995-3694 ext 103 805-835-5464 (c)	1 @ 79	1	79	Cayucos	2 reg.
Coast USD	Don Adams 924-2818 (o) 423-3922 (c) Rick Skinner 927-8567 (o) 909-9506 (c)	2 @ 84 1 @ 8 3 @ 78 1 @ 62 1 @ 24 2 @ 32 w/1 wc	10	639	Cambria	2 reg. 2 sub. 1 Driver Trainer
Lucia Mar USD	Jeff Dixon 474-3100 x 5881 (o) 331-4227 (c) Sharon Harwin 474-3100 x 5870 (o) 929-6329 (h) 431-0059 (c)	4 @ 90 17 @ 84 2 @ 78 1 @ 72 2 @ 65 1 @ 60 1 @ 45 1 @ 47 3 @ 19 1 @ 24 w/1 wc 3 @ 13 w/2 wc 1 @ 12 w/4 wc 3 @ 11 w/3 wc 1 @ 10 w/4 wc 2 @ 10 w/2 wc 1 @ 8 w/3 wc 1 @ 8 w/5 wc	45	2509	Arroyo Grande	26 reg. 10 subs. 1 Driver Trainer

WC = Wheelchair Lift

Before Emergency Event

EM – 003 Purchasing and Procurement – Prepare Preferred Vendor Listing

Date Implemented: 1 June 2019

Date Revised: 1 June 2019

- COEs establish preferred vendor list at the COE
 - Ensure that district purchasing agents have preferred lists as well.
 - Preferred vendors are used in times of emergency and are available on short notice
 - Applicable preferred vendors who perform public works projects are registered with the Department of Industrial Relations.

- School districts establish preferred vendor lists
 - Use district's California Uniform Public Construction Cost Accounting Act (CUPCAA) contractor list.
 - Utilize district maintenance & operations open purchase order (PO) vendors.
 - Organize and sort by trade or service.

Before Emergency Event

EM – 004 Familiarize School Districts with Emergency Recovery

Date implemented : 1 June 2019

Date revised: 1 June 2019

- Familiarize districts with emergency recovery

Emergency recovery includes both short-term activities intended to return essential services to operation and long-term activities designed to return infrastructure systems to pre-disaster conditions.

Recovery activities are those needed to restore services and systems to a state of normalcy. Short-term recovery actions include damage and safety assessments, and return to minimum operating standards.

When conditions exist that imperil life and property and are beyond the effective response capabilities of a COE, the COE may proclaim a local emergency and request that the state implement or coordinate financial disaster recovery programs via the local county emergency services office or county office of emergency services (**see proclamations section**).

Recovery efforts can begin while response efforts are under way. Such initial efforts may include beginning to restore the delivery of educational services, debris removal, and basic efforts to prevent or mitigate additional damage.

Initial coordination of recovery efforts, such as initial planning and response, can be the responsibility of the COE. In the aftermath of a disaster, initial recovery needs may include the following:

- Assessment of the extent and severity of damages.
- Restoration of educational services including ascertaining average daily attendance (ADA) waivers and facilitating J-13A ADA, early education, after-school, and nutrition waivers with the California Department of Education (CDE).
- Facilitate emergency construction bid waivers (see appendix).
- Facilitate communication with county-level emergency operation centers (EOCs) and with the California Office of Emergency Services (CalOES) and/or FEMA.
- Facilitate distribution and use of FEMA ICS Form 214s, CalOES 130 Applicant Agent Resolution, FEMA 90-123 Force Account Labor Summary, and FEMA 90-127 Force Account Equipment Summary record.
- Facilitate a documentation system to collect disaster expense information to ensure maximum state and federal reimbursement.
- Repair of facility damages.
- Professional counseling, guidance and education due to the sudden changes resulting from the emergency.

Before Emergency Event

A. Short-Term Recovery

Short-term recovery operations usually begin during the response phase of the emergency. The major objectives of short-term recovery operations include debris removal and cleanup, orderly and coordinated restoration of essential services, and helping the COE's population cope with the emergency.

The goal of short-term recovery is to restore school districts' services to at least a minimal capacity. Short-term recovery may include the following:

- Re-establishment of county schools operations
- Coordination of working capital among school districts within the COE's purview
- Debris removal
- Cleanup
- Abatement and demolition of hazardous structures
- Helping districts with city, county, state and federal coordination

The COE, in coordination with the local school districts, may need to ensure that debris removal and cleanup operations are expedited in public areas. The COE, in coordination with the local school districts' assessments, may ensure that structures that pose a public safety concern are inspected by building officials or other professionals to determine specific damages.

B. Long-Term Recovery

The objectives of long-term recovery operations may include:

- Re-establishing education delivery to pre-emergency levels
- Recovery of disaster response expenses
- Act as a conduit for districts' coordination with FEMA and CalOES
- integration of mitigation strategies into recovery planning and operations
- Improved emergency planning

The goal of long-term recovery is to restore facilities to predisaster condition. Long-term recovery includes the following:

- Disaster response cost recovery
- Restoration or reconstruction of schools and facilities
- Hazard mitigation

The COE and affected school districts are each responsible for their own approach to mitigation, which could include requests to the appropriate city and/or county jurisdiction for the following:

- zoning variances
- building codes changes

Before Emergency Event

- ❑ plan reviews; and
- ❑ safety element review.

Rapid recovery may require a COE's guidance to districts regarding adjusting policies, helping with disaster proclamations, emergency board resolutions, submitting waivers to the CDE, and other adjustments to policies and procedures to help streamline the recovery process.

Any hazard mitigation may need to be coordinated between the COE and school districts to reduce vulnerability to future disasters as much as possible. Long-term recovery may also include local school districts restoring essential facilities to their predisaster condition by retrofitting, repairing or rebuilding them during recovery operations.

County offices of education can play a vital role in coordinating school districts' rebuilding efforts.

Before Emergency Event

EM – 005 Emergency Recovery Objectives

Date implemented: 1 June 2019

Date revised : 1 June 2019

Rebuilding efforts require decisions on a number of critical activities that have long-term implications for social, economic and physical recovery. In addition to common emergency planning considerations (e.g., establishing partnerships, risk identification and reduction, plan maintenance including drills and exercises), the local COE should consider the activities listed below during emergency management planning.

Physical Recovery Activities	Office of Education and District Recovery Activities
<ul style="list-style-type: none"> ○ Preserving historical sites ○ Considering environmental concerns ○ Upgrading infrastructure and utilities ○ Removing debris ○ Evaluating redevelopment and subdivisions ○ Establishing restoration committee ○ Pursuing hazard mitigation projects and advancing mitigation efforts ○ Improving infrastructure ○ Evaluating repair and rebuilding options ○ Incorporating changes in construction standards with any new construction. 	<ul style="list-style-type: none"> ○ Continuing the performance of school districts and office of education ○ Protecting essential facilities, equipment, records, etc. ○ Managing donations ○ Coordinating agencies that provide volunteer assistance. ○ Building community consensus ○ Engaging stakeholders, special interest groups and the public in decision making ○ Pursuing new opportunities in recovery planning ○ Upgrading communication systems ○ Pursuing political support ○ Communicating recovery activities to the public
Social Recovery Activities	Fiscal Recovery Activities
<ul style="list-style-type: none"> ○ Promoting community participation ○ Providing services for the mental health of students and staff ○ Evaluating stress ○ Promoting family individual preparedness 	<ul style="list-style-type: none"> ○ Establishing a documentation system to collect and store emergency-related cost information to ensure maximum state and federal reimbursement ○ Addressing economic needs of school districts and the county office of education ○ Identifying available working capital ○ Facilitating recovery ○ Emergency recovery assistance grants for schools, and hazard mitigation project funding for schools.

Before Emergency Event

Basic COE Role for District Emergency Planning

Good for any emergency

Basic Planning

- Establish Government Emergency Telecommunications Service (GETS) and Wireless Priority Service (WPS) phone card accounts
- Understand and establish mutual aid agreements
- Mutual aid agreement examples
- Establish catalog of building and/or site photos that show facilities in their normal state before a large scale emergency.

Before Emergency Event

EM – 006 GETS – WPS Phone Card Accounts

Date Implemented 1 June 2019

Date Revised 1 June 2019

- Help school districts issue GETS and WPS Phone Card Accounts
- Determine who is the main point of contact for issuing GETS and WPS cards in your county. Typically, the issuer is the county's emergency manager or office of emergency services director.
- Information on GETS and WPS accounts is found at <https://www.dhs.gov/GETS>

Government Emergency Telecommunications Service (GETS) provides government first responder personnel priority access and prioritized processing on the local and long-distance segments of landline networks, greatly increasing the probability of call completion.

Wireless Priority Service (WPS) supports national leadership; federal, state, local, tribal and territorial governments; and other authorized national security and emergency preparedness users. It is intended to be used in an emergency situation when the wireless network is congested and the probability of completing a normal call is reduced.



Before Emergency Event

EM – 007 Understand Mutual Aid Agreements

Date Implemented: 1 June 2019

Date Revised: 1 June 2019

- Establish mutual aid agreements among school districts located in the county to facilitate interdistrict cooperation for labor and equipment that the receiving district needs to open school. Having mutual aid agreements before to an emergency facilitates smooth FEMA reimbursement.
- Draft sample mutual aid agreement language (example shown below)
- Meet district superintendents and request signature
 - Some districts require legal review and board approval
- File fully-executed mutual aid agreement at the county office of education



**SAN LUIS OBISPO COUNTY
OFFICE OF EDUCATION**
LEADERSHIP • COMMUNITY • SERVICE
JAMES J. BRESCIA, ED. D., SUPERINTENDENT

DRAFT

Mutual Aid Agreement

among the

San Luis Obispo County Office of Education

and

Lucia Mar Unified School District

and

San Luis Coastal Unified School District

and

Atascadero Unified School District

and

Paso Robles Joint Unified School District

and

San Miguel Joint Union School District

and

Shandon Joint Unified School District

and

Coast Unified School District

and

Cayucos Elementary School District

and

Pleasant Valley Joint Union Elementary School District

and

Templeton Unified School District

November 30, 2018

In the event of a local or large scale natural or human caused event or circumstance causing, or imminently threatening to cause loss of life, injury to person/property, human suffering, or financial loss, the San Luis Obispo County Office of Education (SLOCOE) along with the aforementioned school districts agree to enter into a mutual aid agreement. Should assistance become necessary, the partnering districts are willing to provide either/all labor, materials, equipment, or replacement of damaged equipment to assist the districts listed in this agreement in disaster recovery efforts. All costs associated with labor, materials, equipment or replacement of damaged equipment will be reimbursed in full by the district receiving the aid.

In the event of an Emergency, a District's Authorized Official may request mutual aid and assistance from the other District. Requests for assistance can be made orally or in writing. When made orally, the request for personnel, equipment, and supplies shall be prepared in writing as soon as practicable. Requests for assistance shall be directed to the Authorized Official of the participating District.

Before Emergency Event

Discretion of Responding District's Authorized Official – Execution of this Agreement does not create any duty to respond to a request for assistance. When a District receives a request for assistance, the Authorized Official shall have sole and absolute discretion as to whether or not to respond, or the availability of resources to be used in such response.

It is understood that any mutual aid extended under this Agreement and the operational plans adopted pursuant thereto, is subject to section 1564 of the Military and Veterans Code providing that, "The responsible local official in whose jurisdiction an incident requiring mutual aid has occurred shall remain in charge at such incident including the direction of such personnel and equipment provided him through the operation of such mutual aid plans."

The Responding District's Authorized Official retains the right to withdraw some or all of its resources at any time for any reason in the Responding District's sole and absolute discretion. Notice of intention to withdraw must be communicated to the Requesting District's Authorized Official as soon as soon as is practicable under the circumstances.

The Requesting District shall assume the defense of, fully indemnify and hold harmless, the Responding District, its officers and employees, from all claims, loss, damage, injury and liability of every kind, nature and description, directly or indirectly arising from Responding District's work during a specified Period of Assistance. The scope of the Requesting District's duty to indemnify includes, but is not limited to, suits arising from, or related to, negligent or wrongful use of equipment or supplies on loan to the Requesting District, or faulty workmanship or other negligent acts, errors or omissions by Requesting District or the Responding District personnel.

Unless the parties mutually or singularly elect to opt out of this agreement with a 60-day notice in writing to the San Luis Obispo County Office of Education, this partnership will remain in effect in perpetuity.

_____ Date: _____
James J. Brescia, Ed.D. County Superintendent of Schools

_____ Date: _____
Andy Stenson, Superintendent LMUSD

_____ Date: _____
Eric Prater Ed.D., Superintendent SLCUSD

_____ Date: _____
Tom Butler, Superintendent AUSD

_____ Date: _____
Chris Williams, Superintendent, PRJUSD

_____ Date: _____
Curt DuBost, Ed.D., Superintendent, SMJUSD

_____ Date: _____
Kristina Benson, Superintendent, SJUSD

_____ Date: _____
Victoria Schumacher, Ed.D., Superintendent, CUSD

_____ Date: _____
Wendy Nielsen, Superintendent, PVJUESD

_____ Date: _____
Joe Koski, Ed.D., Superintendent, TUSD

Before Emergency Event

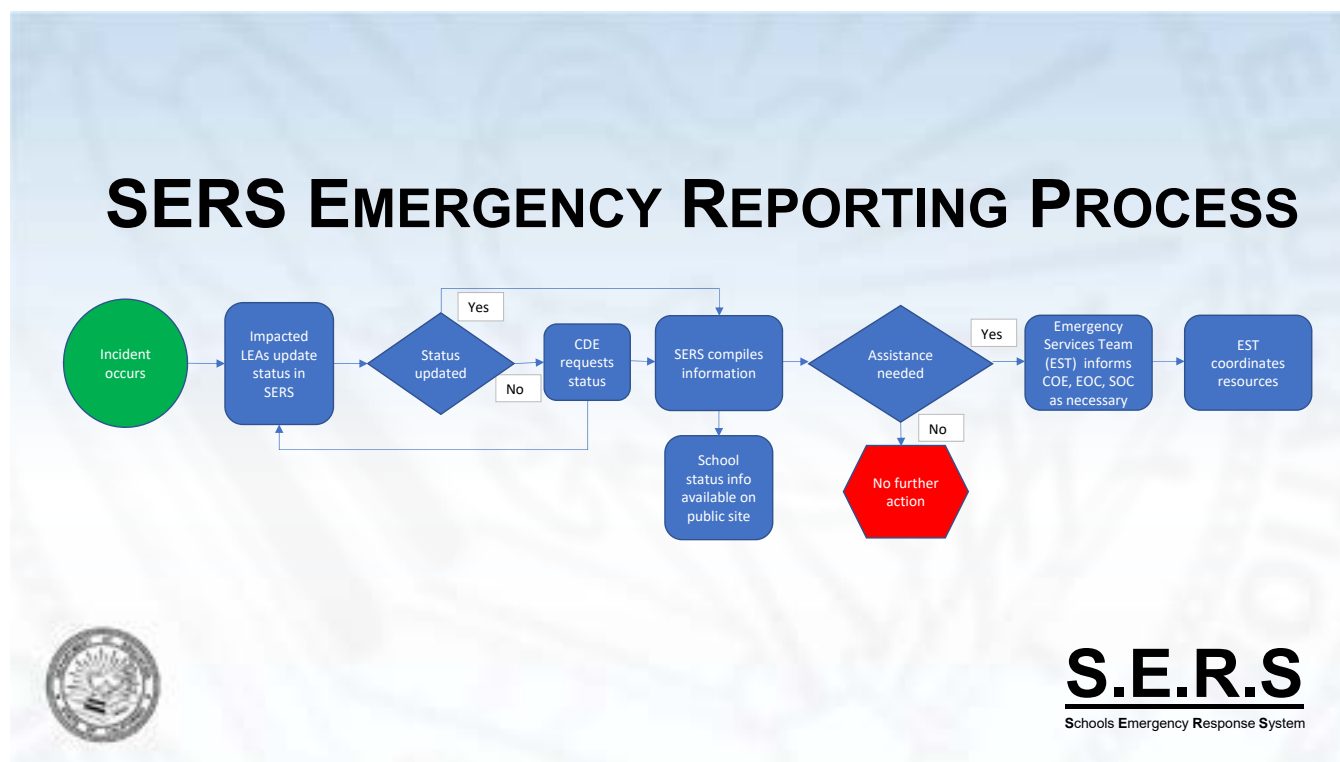
EM – 008 Register Your District POC in SERS

Date Implemented: 1 March 2022

Date Revised: 1 March 2022

- ❑ Register the district in the California Department of Education’s School Emergency Reporting System (SERS) at <https://www3.cde.ca.gov/sers>
- ❑ Request access code by selecting Forgot Access Code. Retrieve access code from the district superintendent.
- ❑ Designate the district’s Public Information Officer (PIO) or Safety/Liaison Officer (referenced in EM-001) as the Point of Contact for SERS.
- ❑ Issue login credentials for SERS Point of Contact alternates
- ❑ The district’s SERS contact familiarize themselves(s) with the SERS website, test login credentials, and verify accuracy of school information listed in the system.
- ❑ Contact CDE Emergency Services at EmergencyServices@cde.ca.gov to report any login and/or data issues.
- ❑ Update the district’s Standard Operating Procedure (SOP) to include reporting to SERS in parallel with the county Emergency Operations Center (EOC).

The School Emergency Reporting System (SERS) web application is utilized by the California Department of Education (CDE) to track school site statuses and public reporting during emergency events.



COE Response During a Large-Scale Multijurisdictional Emergency

- Superintendent's emergency to-do checklist
- Create school district situation – calendar worksheet (SitStat worksheet)
- Contact California Department of Education's (CDE) AREP at CalOES via your county OES**
- Understand and establish mutual aid agreements
- Activate recovery procedures (recovery and response actions run concurrently; ICS 214 forms, windshield surveys)

During Emergency Event

EM – 009 Superintendent’s Emergency To-Do Checklist

Date implemented: 1 June 2019

Date revised: 1 June 2019

1. Organize County Superintendent’s Administrative Team

- Established regular public information reports.
- Hosted weekly countywide superintendents meeting outlining COE’s support activities to districts. Identified key contacts. Had insurance group personnel present to answer questions. Included county OES and FEMA.
- Coordinated community donations for school emergency incident relief fund. Funds were distributed to districts and students most affected by the emergency incident. Additional funds paid for teacher training to support students who experienced trauma.
- Provided communications to all leadership team leads each morning regarding daily status.
- Maintained regular website and social media updates.
- Coordinated daily (then weekly) check-in with state’s schools emergency task force (deputy state superintendent, CDE).
- Coordinated state superintendent’s site visit and inspection tour with county superintendent and district superintendents at sites affected by fire.
- Participated in OES community forums. Listed schools on public information agendas. Addressed public issues and concerns.
- Advised districts on process to remediate (restore) their school sites to a safe and acceptable standard for students to return. Advised to be cautious of non-FEMA-certified remediation companies. Check with property liability and insurance companies for recommendations on which companies to use.
- Made personal phone calls to some district superintendents who were personally affected (lost home, etc.) by the emergency incident.
- Postponed college entrance testing dates (for ACT/SAT/PSAT) to November.
- Worked to keep displaced student groups and classes intact at other school sites.

2. Organize County Leadership Team with Areas of Responsibility.

- Deputy superintendent, instruction and assistant superintendent, special education:
 - i. Provided trauma and support activities for staff and students (see attached bulletin articles).
 - ii. Provided community emergency shelters with COE outreach and student tutors.
 - iii. Coordinated COE federal program for foster youth and homeless youth outreach and support.
 - iv. Arranged for incarcerated youth to be moved if evacuated to neighboring county.
- Associate superintendent, human resources:
 - i. Provided direct support to county employees directly impacted by fire.
 - ii. Provided five paid days for COE employees during fire recovery while county offices were closed.

During Emergency Event

- iii. Hosted COE lunch and one day of planning/recovery before reopening of schools and resumption of classes. Acknowledged staff support during initial emergency and recovery period.
 - iv. Established phone bank to provide information to staff who lost their homes and were not enrolled in automatic deposit so they could receive paychecks.
- Deputy superintendent, business services
- i. Hosted two displaced district offices. Established satellite operations, technical support and district infrastructure support in COE facilities.
 - ii. Coordinated tactical FEMA support to all schools affected (public and private). Instructed districts to keep detailed and permanent records of work completed (including photos, timesheets, receipts, etc.) to support FEMA claims.
 - iii. Covered cost for county FEMA lead to help with district claims.
 - iv. Establish liaison with state for temporary Division of the State Architect (DSA) housing support.
 - v. Hosted and facilitated FEMA workshop regarding required forms, documents and timesheets to submit for claims. Invited districts, private schools and charter schools affected by fires.
 - vi. Established criteria for J13 claim of material loss of ADA.

During Emergency Event

EM – 011 Create School District Situation (SitStat) – Assessment by Phone

Date implemented: 1 June 2019

Date revised: 1 June 2019

- Create a worksheet similar to the following to ascertain school districts' situations related to the emergency.

District

- | | |
|---|---|
| <input type="checkbox"/> Atascadero Unified School District | <input type="checkbox"/> San Luis Coastal Unified School District |
| <input type="checkbox"/> Cayucos Elementary School District | <input type="checkbox"/> San Luis Obispo County Office of Education |
| <input type="checkbox"/> Coast Unified School District | <input type="checkbox"/> San Miguel Joint Union School District |
| <input type="checkbox"/> Lucia Mar Unified School District | <input type="checkbox"/> Shandon Joint Union School District |
| <input type="checkbox"/> Paso Robles Joint Unified School District | <input type="checkbox"/> Templeton Unified School District |
| <input type="checkbox"/> Pleasant Valley Joint Union Elementary School District | |

Request by Phone: General damage assessment and situation information, as shown below.

Situation Information:

1. District EOC activated? _____
2. Liaison telephone number in agency EOC: _____
3. Overview of significant damage: _____

4. Are there any reported injuries? Fatalities? _____
If so, confirmed or unconfirmed? _____
5. Is there significant damage to buildings? _____

6. Status of water systems in the district: _____

7. Power outages in the district? _____

8. Is there an anticipated need for evacuation and/or Red Cross shelters? _____
If so, how many people may need shelter? _____

9. Do you have a need for trained emergency response Amateur Radio Emergency Services (ARES) or Radio Amateur Civil Emergency Services (RACES) (both commonly known as ham) radio operators for alternate communications? _____

10. Is there to be parent-student reunification at sites? _____

11. Is there staff supervision for students? _____

During Emergency Event

12. Is there a need for staff assistance from the COE?

13. Is there a projected need for mutual aid resources?

Fire _____

Public works _____

Law enforcement _____

Medical _____

EOC staff _____

Heavy rescue _____

14. If you anticipate the need for more than a few mutual aid resources, can you send a liaison person for the agency to the county EOC? _____

15. Other important information: _____

Inform the agency of a telephone number or communication method by which they can contact the county EOC to request resources:

The number is: _____

During Emergency Event

COE Preparation – Assistance Tasks for School Districts for any Emergency

- Familiarize districts with FEMA and CalOES forms
- Familiarize districts with establishing Red Cross and CalFire facility use agreements
- Provide sample documents to districts to prepare in advance
 - Template for emergency relief fund donations
 - Gift card letter
 - Letter to monetary donors
 - Form J-13 — CDE Information regarding J-13A attendance
 - Emergency storm recovery attendance accounting memo
 - Payroll issues FAQ
 - Letter regarding salary advances for employees

During Emergency Event

EM – 013 Familiarization with Required FEMA and CalOES Forms

Date implemented: 1 June 2019

Date revised: 1 June 2019

- Establish or clarify process for form distribution and collection
- Download Incident Command System (ICS) Activity Log (Form ICS 214) from <https://www.fema.gov/media-library/assets/documents/33551> (example below; also see Appendix E.)
- Distribute the ICS Activity Log (Form 214) to district safety leads. ***If an action is not documented, it did not happen.***
- Become familiar with CalOES 126, Application for Disaster Assistance (Appendix E).
- Become familiar with CalOES 130, Applicant Agent Designation (Appendix E).
- Become familiar with FEMA 90-123, Force Account Labor Summary (Appendix E).
- Become familiar w/ FEMA 90-127, Force Account Equipment Summary (Appendix E).
- Download CalOES forms from <http://www.caloes.ca.gov/cal-oes-divisions/recovery/forms>

During Emergency Event

FEMA Form ICS 214 Example

ACTIVITY LOG (ICS 214)

Page ____ of ____

1. Incident Name: <i>SLYDUNN Earthquake</i>	2. Incident Number:	3. Operational Period Date From: _____ Date To: _____ Time From: _____ Time To: _____
--	---------------------	---

7. Activity Log:	
Date/Time	Activities
5/5 1007	Activated EOC
1008	called DOC - SLOUSD
1010	called DOC - LUNUSD
1016	called DOC - AUSD N/A
1022	Received call call SP11 Platoon 66
1032	verified no buses from schools
1041	notified LUNUSD DOC at 1007 EOC
1050	notified center & started in ^{at 1000} at 1000 SLO
1127	call re started roof work - ^{5 min} 2 min started
1440	so 10.15 worked at 1007 EOC ^{in place}
1700	EOC closed 2.6 quads
1714	quads affected
1722	called SLOUSD re 50 schools @ 1007 ^{check} check
1746	notified SLO (schools) re 4 Bud days ^{13:20}

8. Prepared by: Name: _____ Position/Title: _____ Signature: _____
Date/Time: _____

COE Role After a Large-Scale Multijurisdictional Emergency

- ❑ Coordinate after-action exercise(s) and report
- ❑ Improvement plan – improvement plan matrix

After Emergency Event

EM – 014 After-Action Report

Date Implemented: 1 June 2019

Date Revised: 1 June 2019

- After-action reports are required; build time for them
- Conduct after-action briefings or meetings
- Review response actions
- Review Standardized Emergency Management System (SEMS) application
- Suggest local SEMS modifications
- Suggest necessary modifications to plans and procedures
- Identify training gaps and needs
- Identify recovery activities
- Highlight accomplishments
- Complete an improvement plan matrix (example below)
- Complete after-action report and submit to county OES and/or CalOES within 90 days

After-action reports and improvement plans shall be developed as outlined under the Department of Homeland Security Exercise and Evaluation Program (HSEEP) and in alignment with the following:

- California Code of Regulations Title 19. Public Safety Division
- Office of Emergency Services, Chapter 1.
- Standardized Emergency Management System (SEMS), Article 8. After-Action Reports.

The California Code of Regulations states:

§ 2450. Reporting Requirements.

(a) Any city, city and county, or county declaring a local emergency for which the governor proclaims a state of emergency, and any state agency responding to that emergency shall complete and transmit an after-action report to OES within ninety (90) days of the close of the incident period as specified in California Code of Regulations, Title 19, s2900(q).

(b) The after-action report shall, at a minimum, be a review of response actions taken, application of SEMS, suggested modifications to SEMS, necessary modifications to plans and procedures, identified training needs, and recovery activities to date.

After Emergency Event

EM – 015 Complete Improvement Plan Matrix

Date Implemented: 1 June 2019

Date Revised: 1 June 2019

- Review response actions
- Review SEMS application
- Suggest local SEMS modifications
- Suggest necessary modifications to plans and procedures
- Identify any procedural and operational gaps
- Identify training gaps and needs

A sample improvement plan matrix table in Microsoft Word format, to be performed during and after the after-action report, is available from <https://www.calhospitalprepare.org/sites/main/files/resources/Improvement%20Plan%20Matrix.DOC>.

Observation	Recommendation	Corrective Action Description	Capability Element	Primary Responsible Party	Responsible Party POC	Start Date	Completion Date
Capability 1: [Capability Name]							
Observation 1.1.1:	1. Recommendation	1. Corrective Action	Element	Facility/Dept	Position	Date	Date
		2. Corrective Action	Element	Facility/Dept	Position	Date	Date
	2. Recommendation	1. Corrective Action	Element	Facility/Dept	Position	Date	Date
		2. Corrective Action	Element	Facility/Dept	Position	Date	Date
Observation 1.1.2:	3. Recommendation	1. Corrective Action	Element	Facility/Dept	Position	Date	Date
		2. Corrective Action	Element	Facility/Dept	Position	Date	Date
Capability 2: [Capability Name]							
Observation 2.1.1:	1. Recommendation	1. Corrective Action	Element	Facility/Dept	Position	Date	Date
		2. Corrective Action	Element	Facility/Dept	Position	Date	Date
	2. Recommendation	1. Corrective Action	Element	Facility/Dept	Position	Date	Date
		2. Corrective Action	Element	Facility/Dept	Position	Date	Date
Observation 2.1.2:	3. Recommendation	1. Corrective Action	Element	Facility/Dept	Position	Date	Date
		2. Corrective Action	Element	Facility/Dept	Position	Date	Date
Capability 3: [Capability Name]							
Observation 3.1.1:	1. Recommendation	1. Corrective Action	Element	Facility/Dept	Position	Date	Date
		2. Corrective Action	Element	Facility/Dept	Position	Date	Date
	2. Recommendation	1. Corrective Action	Element	Facility/Dept	Position	Date	Date
		2. Corrective Action	Element	Facility/Dept	Position	Date	Date
Observation 3.1.2:	3. Recommendation	1. Corrective Action	Element	Facility/Dept	Position	Date	Date
		2. Corrective Action	Element	Facility/Dept	Position	Date	Date

After Emergency Event

EM – 016 Sample Gift Card or Donation Acknowledgment Letter Template for Districts

- Prepare donation acknowledgement templates using the suggested language below.
- Notify districts that these letters are available for them to send to donors
- Remind school districts to monitor and document donations using procedures listed in the FCMAT *Associated Student Body Accounting Manual, Fraud prevention Guide and Desk Reference*.
- The ASB Manual is available at <http://fcmat.org/2015-asb-accounting-manual-fraud-prevention-guide-and-desk-reference/>

_____, Superintendent
_____, Union School District
Address

Date

Dear _____:

Enclosed you will find a packet with \$XXX.XX worth of gift cards intended to be distributed to the child/family in your district who lost their home in the fire. The Gift cards were donated to _____ COE by various organizations who wanted to support children affected by the fire.

Based on your district's report that XX students lost homes in the fire, we are allocating this gift card packet to your district. Our intent is that you give the packets directly to the families of the affected children. However, beyond this, there is no required reporting, nor strings attached.

Thank you for your work to support our schools and students.

Sincerely,

_____, County Superintendent of Schools
On behalf of the _____ County Schools Fire Relief Support Team

After Emergency Event

EM – 017 Sample Letter to Monetary Donors (Fire Relief)

Date

Dear _____:

On behalf of all our schools, we want to say a heartfelt **Thank You!** for your generous monetary donation of \$_____ to the _____ County Schools Fire Relief Fund. The outpouring of support has been heartwarming and inspiring to see. It will help our community and children to heal.

If you did not specify a school district or specific need you'd like your donation to fund, then we will be following a deliberate process of matching the funds with the schools that are serving the most impacted students. We know that some of the funds will be spent on programs that address student and community trauma. We are learning that it will take considerable time for our schools to assess the full extent of the damage and need in their communities, and are reserving other funds for these long-term needs. Please bear with us as we determine how to best distribute your donation to a local school or district. We will stay in touch with future updates.

The _____ County Office of Education is not classified as a non-profit 501(c)3. However, _____ COE **is** a qualified charitable organization under **IRC Section 170(c)** for allowable public purpose charitable contribution deductions. SCOE's tax ID number is XX-XXXXXXX.

Thank you again for your support of our schools and students.

Sincerely,

_____ County Superintendent of Schools

On behalf of the _____ County Schools Fire Relief Support Team

Email:

Website:

After Emergency Event

EM – 018 Form J-13 – California Department of Education (CDE) Information

J-13A Attendance & Instructional Time Accounting

Date Implemented: 1 June 2019

Date Revised: 1 June 2019

- Ascertain whether affected districts can apply for review of attendance accounting. J-13A guidelines are provided below
- Have attendance accounting staff review the following CDE websites:
 - Instructional time and attendance accounting
<https://www.cde.ca.gov/fg/aa/pa/instructionaltime.asp>
 - Instructional time penalty calculation
<https://www.cde.ca.gov/fg/au/ag/statecomp.asp#eaf>
 - Request for Allowance of Attendance Due to Emergency Conditions (Form J-13A)
<https://www.cde.ca.gov/fg/aa/pa/j13a.asp>
 - Education Audit Appeals Panel *Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting* <http://eaap.ca.gov/audit-guide/current-audit-guide-booklet/>

Direct questions to: attendanceaccounting@cde.ca.gov.

After Emergency Event

School Fiscal Services Division
California Department of Education
March 6, 2019

SCHOOL ATTENDANCE & FUNDING DURING EMERGENCIES

INSTRUCTIONAL TIME REQUIREMENTS IN CALIFORNIA

- The majority of a local educational agency's (LEA) funding is based on average daily attendance (ADA). Funding is allocated through the Local Control Funding Formula (LCFF), which is primarily based on ADA.
- California *Education Code (EC)* establishes instructional time requirements that regulate the calculation of ADA for all LEAs and establishes fiscal penalties if these requirements are not met. Statutory requirements for instructional time include annual number of school days and minute requirements as well as minimum minute per day requirements. Each requirement is distinct with its own fiscal consequence. Attendance and instructional time requirements vary by type of LEA, educational setting, and grade span.
- Daily and annual instructional time requirements are not waivable by the California State Board of Education (SBE); however, statute does provide authority to the SBE to waive fiscal penalties for not meeting annual instructional time requirements if the LEA makes up twice the instructional time they failed to offer.

J-13A WAIVER PROCESS

- In the case of emergencies, statute¹ allows the State Superintendent of Public Instruction to approve credit for instructional time losses in the event of school closures as well as ADA credit for material decreases in ADA. This process is known as the J-13A process. ADA credit restores LEAs to the ADA they would have normally earned.
- The intention of the J-13A process is to mitigate the loss of funding that would otherwise occur as a result of the emergency. As depicted in the table below, the number of J-13A approvals has increased over the past few years. This increase is due to a rise in wildfires, threats of school violence, epidemics, and inclement weather.
- When external auditors audit LEAs for compliance with instructional days and minutes, LEAs provide CDE J-13A approval letters to ensure that they are not penalized for approved closure days. LEAs also use CDE approval letters to substantiate ADA reported based on normal as opposed to actual ADA.

ADDITIONAL RESOURCES

- Instructional Time and Attendance Accounting
<https://www.cde.ca.gov/fg/aa/pa/instructionaltime.asp>
- Instructional Time Penalty Calculation
<https://www.cde.ca.gov/fg/au/ag/statecomp.asp#eaf>
- Request for Allowance of Attendance Due to Emergency Conditions (J-13A)
<https://www.cde.ca.gov/fg/aa/pa/j13a.asp>
- Education Audit Appeals Panel Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting
<http://eaap.ca.gov/audit-guide/current-audit-guide-booklet/>

QUESTIONS: ATTENDANCEACCOUNTING@CDE.CA.GOV.

¹ School Closures: *EC 41422*; Material Decrease: *EC 46392* and *California Code of Regulations*, Title 5, Section 428

After Emergency Event

School Fiscal Services Division
California Department of Education
March 6, 2019

COMMON QUESTIONS

Why does California have instructional time requirements?

California values education. Instructional time requirements date back to 1879 when Section 5 of Article 9 was adopted into the California Constitution ensuring a free public education for 6 months out of the year. Instructional time has continued to be a requirement of all public schools in California and the required offering has expanded over the years. Finally, it is known that school is the safest place for children to be and a place where many children receive needed healthy meals. Student attendance and a full offering of instructional days and minutes is an equity issue, a health issue, and a fiscal issue in California.

Will an LEA experience an immediate loss in funding as a result of a school closure or material decrease in attendance due to an emergency?

For a school closure, in most cases a school district or charter school will not experience an immediate loss in funding. Operation of the statutory number of school days is captured through the annual audit, and for charter schools is also monitored through a year-end data report to the CDE. The soonest an adjustment in funding would occur is February in the following fiscal year, if a J-13A has not yet been submitted and approved. Programs or LEAs where ADA is calculated using a fixed divisor, most commonly for county offices of education, may experience a loss in funding that would be restored in the future if a J-13A is approved.

For a material decrease, a drop in attendance typically will result in a loss of funding but it may not be immediate for a couple of reasons. For one, school districts are funded based on the greater of their current year or prior year ADA. Because most school districts are in declining enrollment, most school districts in the state are funded on prior year ADA. Thus a reduction in current year ADA won't impact a district until the subsequent fiscal year. Secondly, LCFF payments are paid through a set statutory schedule so it depends on what month the emergency occurs and where we are in our apportionment cycle. Regardless, the loss of funding would be restored in the future if a J-13A is approved.

Does an LEA have to make-up losses in instructional time?

It depends. If an LEA experiences a loss of instructional time due to an emergency, they can apply for time credit through the J-13A process, which if approved would keep the LEA from having to pay a penalty or make up losses of instructional time. While LEAs are no longer required to make-up time approved through a J-13A request, CDE's guidance to LEAs is to make-up the time if possible in-lieu of submitting a J-13A. If an LEA routinely closes school due to events like weather related closures, the lost time would need to be made up in order to meet instructional time requirements and avoid an audit penalty. This is typically accomplished through "make-up" days that are added to the end of the school year.

When an emergency occurs, does a Form J-13A need to be submitted immediately to the California Department of Education?

No, a Form J-13A should be submitted as soon as possible once the emergency is over. This way the LEA can determine the exact number of school closure days and/or material decrease in attendance for the request. There is no specific deadline for submitting a Form J-13A.

After Emergency Event

EM – 019 Sample Firestorm Recovery Attendance Accounting Memo

Date Implemented: 1 June 2019

Date Revised: 1 June 2019

- COE to compose attendance overview memo.
- Assist and/or direct districts to contact their student information system vendor to obtain the information need to complete an attendance accounting memo for all school offices and classroom teachers in the affected district(s). A sample memo is provided below.

Date: October 25, 2017
To: Chief Business Officials/Business Managers
From: Shelley Stiles, Director External Fiscal Services
Judy Thomson, Director External Fiscal Services
Subject: Firestorm Recovery Attendance Accounting



We continue to offer our support to Districts and Charters throughout this period of recovery from the firestorm disaster. The following guidelines for accurate attendance accounting are outlined below and attached.

Emergency Closures

A day on which school was not held due to an emergency condition should be marked "Emergency Closure" days. To calculate the Average Daily Attendance (ADA) for a school site granted an approved emergency closure through the J-13A waiver, the District/Charter should deduct the number of emergency days from the total number of days in the reporting period. This will cause the divisor in the ADA calculation for that school to be smaller and the resultant product to only reflect attendance on the days school was actually in session. If the closure was not district-wide, the affected school should be totaled and calculated separately. This is done by updating the district/school's attendance calendar.

Please see the attached examples of how to update school calendars for both AERIES and School Wise. For other Student Information System please contact your software provider for support.

Absence days related to fire/air quality after school is open

You should collect attendance for absences after re-opening and record in your student information system per your District/Charter procedures and policies, then clear them as usual. A district/charter may choose to create an absence code to track absences related to the disaster.

- Independent Study:
 - **Student in a district school** must be on independent study a minimum of five consecutive school days in order to receive ADA. If a student's independent study contract drops below the minimum due to the emergency closure days then the contract is void.
 - **Student in a charter school** should refer to the charter's procedures and policies as there is no minimum five day rule per the state.
- Material Decrease occurs when the attendance of a school or program is less than 90% of 'normal' during, or for a reasonable time after, an emergency event. If a district has suffered a material decrease in attendance, it may apply for the material decrease credit. Instructions on calculating the material decreases are included with the J-13 waiver. Contact your SCOE accountant for individualized help.

J-13A Waiver

It is important to remember that districts will need to complete a Form J-13A, Request for Allowance of Attendance Because of Emergency Conditions by **June 30th, 2018**. Waivers will cover instructional minutes and material decreases in addition to closed days. It is suggested that you hold off on filing the J-13 Waiver until the district/charter has an accurate view of the attendance.

If you have questions, please email the SCOE Help Desk at helpdesk@scoe.org or call your SCOE accountant.

Steven D. Herrington, Ph.D. ■ Superintendent of Schools
Board of Education ■ Gina Cuculis, Herman G. Hernandez, Peter Kostas, Andrew Leonard, Lisa Wittke Schaffner

After Emergency Event

EM – 020 Emergency School Closure Attendance Procedures

Date Implemented: 1 June 2019

Date Revised: 1 June 2019

- To ensure that districts correctly account for school closure days, advise school districts to do the following:
 - Have district attendance staff ascertain whether attendance accounting was completed on the first day of the emergency situation.
 - Have district attendance staff ascertain whether independent study students were marked present on the first day of the emergency.
 - Clear student attendance marked present on the first day of the emergency.
 - Designate on the school calendar in the student information system the first and subsequent days of the emergency as “Non-School day.”
 - If school was open but attendance was very low because of the recent emergency, the district must account for that attendance and clear absences as usual.
- Advise school districts to contact their student information system vendor’s technical support to verify the procedures above and any steps involved that are exclusive to the district’s student information system.

After Emergency Event

EM – 021 Payroll Issues FAQ Sample

Date Implemented: 1 June 2019

Date Revised: 1 June 2019

- ☐ COE payroll compiles an emergency payroll memo similar to the example below and distributes it to affected districts.



October 2017 Firestorm Disaster Frequently Asked Questions (FAQ) updated 11/13/2017

The FAQ was developed to provide information to district business personnel and answer questions pertaining to the October 2017 Firestorm Disaster. This information will be posted on the SCOE website at <http://www.scoe.org/pub/htdocs/fiscal-dbug.html>.

A FAQ for Wildfire Recovery has also been compiled by CDE along with emergency agencies and can be found posted at <http://wildfirerecovery.org/wp-content/uploads/2017/10/Schools-FAQ-Sheet-Wildfires-Final.pdf>

1. How do I handle a request by an employee for a Pay advance?

Pay advance instructions were emailed to all CBO's on 10/19/2017 and are posted on the SCOE website under DBUG resources. See link above.

2. I have been contacted by donors that want to make monetary donations to individual families or students. Is this OK for us to accept?

School Districts and Charters are public entities and cannot disburse donations to individuals or families. Donors can specify a general purpose (e.g. school supplies, library books, etc.). Donations for specific individuals or students should be handled through your PTA, Foundation, or Boosters. These entities are non-profit organizations and have their own separate tax ID number.

SCOE's web page has more information about Sonoma County Schools Fire Relief and ways to donate at <http://www.scoe.org/pub/htdocs/scoe-fire-relief.html>

3. How do I get replacement W-2's and paystubs for employees?

If you need to reprint W-2's for employees in your district, directions are posted at <https://scoe.zendesk.com/hc/en-us/articles/115002897594-Reprint-W2-s>.

Replacement paystubs are available from ESCAPE. Most payroll staff can access these documents. If assistance is needed, please send a ticket to helpdesk@scoe.org

4. What codes should I use in my attendance system for closed days? What codes should I use in my attendance system for student absences related to the fire and unhealthy air after school is back open?

Instructions and helpful hints on reporting student attendance for closure days are now available. Detailed directions for Aeries and School Wise will be e-mailed to

After Emergency Event

district/charter attendance staff and CBOs. See question six (6) below, for more information on codes for student absences. Instructions are also posted on the SCOE website under DBUG resources. See link at the top of page one (1).

5. Should I be filing my J-13 waiver for the closure days now?

You will need to file a J-13 waiver for all closure days; however, it is not necessary to do this immediately. It is suggested that you hold off on filing the J-13 Waiver until you have a more accurate view of your actual attendance. Waivers will cover instructional minutes and material decreases in addition to the closed days. Keep detailed documentation of your closure days, days that staff returned, and days that students returned, as well as any minimum days used during the re-opening weeks. Waivers will need to be completed by June 30, 2018. If you need assistance or a second set of eyes prior to the forms going to your board for approval please contact your SCOE Accountant.

11/13/2017 update: Closure day waivers can now be completed and approved by your board. Please send the waiver with original signatures to your SCOE accountant. Your SCOE accountant can also review your waiver prior to board approval. Additional waiver information is included in the CDE/Emergency Agency FAQ (question 7a and 7b) at <http://wildfirerecovery.org/wp-content/uploads/2017/10/Schools-FAQ-Sheet-Wildfires-Final.pdf>

6. How do I calculate the material decreases in ADA to file the J-13? (Recording attendance after re-opening)

After re-opening, recording attendance accurately provides the information needed in order for the material decrease calculations to go smoothly. For absences after re-opening, record in your student information system per your District/Charter procedures and policies, then clear them as usual. You have until June 30, 2018 to have the J-13 waivers board approved and filed with CDE. Instructions on calculating the material decreases are included with the J-13 waiver. The State Superintendent does also have the authority to approve J-13 waivers in subsequent years when there is a natural disaster based on an evaluation of the circumstances and support for the request at that time. Districts/Charters should submit the J-13 based on the circumstances and the need along with supporting documentation. If you need assistance or a second set of eyes prior to the forms going to your board for approval please contact your SCOE Accountant.

11/13/2017 update: Additional waiver information is included in the CDE/Emergency Agency FAQ (question 7a and 7b) at <http://wildfirerecovery.org/wp-content/uploads/2017/10/Schools-FAQ-Sheet-Wildfires-Final.pdf>

7. Is there funding available for crisis and mental health counseling as students return to school?

After Emergency Event

Counseling services are available upon request for Sonoma County Districts and Charters. School mental health and crisis response is being coordinated by SCOE's [System of Support](#) and the [County's Crisis Assessment, Prevention, and Education team](#). Please submit a request by going to <http://www.scoe.org/pub/htdocs/safe-schools.html>. Use the contact link to send information about services needed to Rebekah Pope. Every attempt is made to provide counseling services at no cost to Districts and Charters.

8. I'm concerned about property tax values. What should I use for calculating revenue estimates for 1st Interim?

Complete and accurate ADA and property tax information may not be available for several months and will change over time. In light of these circumstances, please provide SCOE with the most realistic assumptions possible when completing your interim reports. Contact your SCOE accountant for individualized assistance.

9. I am enrolling a fire displaced student at my district/school/charter. How do I get the records from the previous district/school/charter?

A list of enrollment contacts at District and School site level was compiled and emailed to all CalPads contacts county wide at the October 25, 2017. The goal is to have school districts/charters communicate the names of newly enrolled students to the student's previous school district/charter and avoid erroneous ADA/truancy reporting. Please contact Candy Amos (camos@scoe.org) for a copy or link to the list.

10. How do I accurately report in CalPads for the Fall 1 census data?

On Wednesday, October 25, 2017 at 1:00 pm (SCOE Redwood Room C) a meeting was held to communicate how to capture accurate data in CalPads for Fall 1 census with a focus on correctly identify homeless students and other Firestorm Disaster reporting. Examples/optional forms to assist in enrolling new students were made available for use. All forms and documents are posted on the SCOE website under DBUG resources. See link at the top of page one (1). Other information is also available on the SCOE website at <http://scoe.org/pub/htdocs/families-support.html>

11. How do we classify a student as homeless other than the Free/Reduced Meal application?

Homeless status and services guidance and information is posted on the SCOE website at <http://scoe.org/pub/htdocs/families-support.html> and reporting in CalPads information along with sample forms can be found at <http://www.scoe.org/pub/htdocs/fiscal-dbug.html>.

See also question 6a on the FAQ documentation from CDE/Emergency Agencies posted at <http://wildfirerecovery.org/wp-content/uploads/2017/10/Schools-FAQ-Sheet-Wildfires-Final.pdf>

After Emergency Event

12. What do I do if records and CUMS have been burned?

This question is specific to a small handful of schools. Detailed answers are not yet available.

13. Are there funding sources available for meeting the needs of homeless students?

Homeless status and services guidance and information is posted on the SCOE website at <http://scoe.org/pub/htdocs/families-support.html> and reporting in CalPads information along with sample forms can be found at <http://www.scoe.org/pub/htdocs/fiscal-dbug.html>.

See also question 6b on the FAQ documentation from CDE/Emergency Agencies posted at <http://wildfirerecovery.org/wp-content/uploads/2017/10/Schools-FAQ-Sheet-Wildfires-Final.pdf>

14. If enrolling students impacts the 24:1 student teacher ratio what do I do?

See question 9 on the FAQ documentation from CDE/Emergency Agencies posted at <http://wildfirerecovery.org/wp-content/uploads/2017/10/Schools-FAQ-Sheet-Wildfires-Final.pdf>

15. How do we handle attendance and closure days for Non-Public Schools that were closed? (Anova, North Valley, Greenacres, etc.)

This is the information we received from Kristin Wright, from the CDE regarding special education issues due to the fires and school closures:

NPS questions: If your schools are not in session then funding to the NPS continues as if it was. You will get funded for the days lost and that should be forwarded to the NPS. If your schools are in session and you have students at Anova or any other NPS that is closed, you should try to either serve the students in your district or find another NPS that can take them temporarily. If you do find another NPS program **you must create a master contract with that school if you do not currently have one. You must also create the ISA.** You will need to hold an IEP to change placement to the new NPS and then hold another one to return the student to the original NPS when it reopens. **If you send a student to a new NPS the funding will follow that student.** That means that if your Anova student attends another program Anova will not get the funding, the new school will. **Also please mark attendance registers for NPS students to show that the absences are excused due to school closure.**

Please contact Deborah Malone-Larson at Sonoma SELPA if you have questions.

16. If a Special Education program is housed in a different district with different closure days how do I handle?

For questions such as this that are specific to an individual set of circumstances please contact your SCOE accountant directly.

After Emergency Event

EM – 022 Sample Salary Advances for Employees Letter

Date Implemented: 1 June 2019

Date Revised: 1 June 2019

- COE payroll compiles an emergency payroll memo similar to the example below and distributes it to affected districts.
- The COE consults with its business system vendor and/or other COEs that use the same business system to ensure the salary advancement is set up correctly and captured correctly in subsequent payments.

After Emergency Event



5340 Skyline Boulevard
Santa Rosa, CA 95403-8246
(707) 524-2600 ■ www.scoe.org

Date: October 19, 2017
To: Chief Business Officials/Business Managers
From: Mary Downey, Deputy Superintendent, Business Services 
Subject: Salary Advances for Employees

We continue to offer our support to Sonoma County School Districts. Many school employees have lost their homes and are in need of advances from their salaries. Sonoma County School Districts do have options, as outlined below and attached, for issuing Salary Advances to employees hardest hit by this disaster.

The guidelines for issuing a Salary Advance, how much to release, and who qualifies for a Salary Advance are at the discretion of the district and/or district policy. As an example, SCOE will be offering SCOE employees Salary Advances if the:

- SCOE employee lost their home in the fire disaster; and the
- SCOE employee is a full-time or part-time employee, working 4 hours per day or more.

If you choose to use the Salary Advance option, we recommend that the district:

- Meet and discuss the terms of the Salary Advance with the employee.
- Prior to allocating the Salary Advance, the employee must sign an agreement authorizing both the Salary Advance and the repayment of the Salary Advance against their next regular paycheck. Attached is a sample agreement districts can use by inserting the districts specific terms and conditions.

It is important to remember Salary Advances are a liability for the district. As such, SCOE recommends limiting the amount of the Salary Advance to no more than 50% of the employee's next regular monthly salary. The district should also make sure that they have verified their cash balances and/or have a line of credit with the County.

There are three (3) ways to process a Salary Advance to an employee:

1. Issue a Revolving Check for a specified dollar amount.
2. Issue a check through Escape's Accounts Payable process for a specified dollar amount (General Fund/object code 9213-Accounts Receivable-Payroll)
3. Issue a Supplemental Payroll check using both the PAYADV and REPAY Deductions

Please see the attached examples indicating the correct setup in Escape. If you have any questions about Salary Advances, please email the SCOE Help Desk at helpdesk@scoe.org. If you need any other assistance, please feel free to call me at (707) 524-2631 or mdowney@scoe.org or contact your SCOE accountant.

Steven D. Herrington, Ph.D. ■ Superintendent of Schools
Board of Education ■ Gina Cuculis, Herman G. Hernandez, Peter Kostas, Andrew Leonard, Lisa Wittke Schaffner

After Emergency Event

Salary Advance Pay Agreement Template

[District Letterhead]
Payroll Department
Pay Advance Agreement

{Date}
{Recipient Employee Name}
{Street}
{City, State, Zip}

RE: Salary Advance Due to the {name of incident} Disaster

Dear {Employee Name},

First and foremost, we are deeply sorry for your loss. The district is offering a Salary Advance to support you and your family in the recovery process.

You meet {Name of School District} conditions for a salary advance. *{Insert guidelines under which you are offering the Salary Advance, such as "Having lost your home in the disaster, and because you are either a full-time employee or a part-time employee working 4 hours/day or more,"}* the {Name of School District} is allocating you a Salary of your {List month: *November regular paycheck*} in the amount of {List amount of the advance}.

This Salary Advance will be paid to you on {Insert date of paycheck to be reduced: *November 10, 2017*}. The district will deduct in a lump sum the Salary Advance from your {Insert date of paycheck to be reduced: *November 30, 2017*} paycheck reducing it by {insert amount to be reduced}.

By signing below, you understand and agree to the Salary Advance and the lump sum repayment of the Salary Advance from your next regular paycheck.

Signature

Date

After Emergency Event

EM – 023 Sample Forms for Enrollment and Homeless Status

Date Implemented 1 June 2019

Date Revised 1 June 2019

- COE distributes a sample letter to the affected districts for schools to help them discern whether displaced students are eligible for various state and federal services.

STUDENT SERVICES QUESTIONNAIRE

School: _____

Student Name: _____ Birthdate: _____ Grade: _____

1. Did your child receive any special help at his/her last school?

- | | |
|---|---|
| <input type="checkbox"/> Special Education (RSP, Speech, Special Day Class placement) | <input type="checkbox"/> Help to improve attendance |
| <input type="checkbox"/> Bilingual Services | <input type="checkbox"/> Help to improve behavior |
| <input type="checkbox"/> Counseling | <input type="checkbox"/> Homeless Services |
| <input type="checkbox"/> Student Success Team Meeting | <input type="checkbox"/> Tutoring |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> 504 Accommodations |

2. Has your child ever been retained (held back)?

- Yes No **If yes**, what grade? _____

3. Has your child ever been expelled?

- Yes No **If yes**, for what reason? _____

What district? _____

Is the expulsion cleared? Yes No

4. Where is your child/family currently living? (Check **one** box only.)

This information will be used to determine if your child qualifies for any additional assistance under the No Child Left Behind Act of 2001.

- In a single family residence
- With more than one family in a house or apartment due to economic hardship
- In a shelter or transitional housing program
- In a motel, car or campsite
- In a foster care placement
- Other: _____

Parent/Guardian Signature

Date

Thank you for taking the time to fill out this form. We look forward to working with you to help your child be successful in school!

Appendices

Appendix A – Acronyms

Appendix B – Sample Letters and Notifications

Appendix C – Information About Local Emergency Proclamations

Appendix D – Federal Proclamation Process

Appendix E – FEMA and CalOES Forms

Appendix A — Acronyms

AREP — Agency Representative

CalOES — California Office of Emergency Services

CDE — California Department of Education

CCSESA — California County Superintendents' Educational Services Association

CUPCCAA — California Uniform Public Construction Cost Accounting Act

FEMA — Federal Emergency Management Agency

ICS — Incident Command System

SEMS — Standardized Emergency Management System

NIMS — National Incident Management System

Appendices

Appendix B – Sample Letters and Notifications

Sample Emergency Resolution for Public Works Project

GOVERNING BOARD RESOLUTION FOR EMERGENCY WAIVER – PUBLIC PROJECT

_____ School District
Resolution # _____

On Motion of Member _____, seconded by Member _____, the following resolution is adopted by the Governing Board of the _____ School District:

WHEREAS, _____; and

WHEREAS, _____; and

WHEREAS, _____; and
(describe work to be done)

WHEREAS, Public Contract Code Section 20113 (school districts) / 20654 (community college districts), as further defined by Public Contract Code Section 1102, provides that school districts and community college districts may, with the unanimous approval of the governing board and approval of the county superintendent of schools, contract for the performance of labor and purchase of materials without advertising for or inviting bids when such work is necessary in an emergency to permit the continuance of existing school classes or to avoid danger to life or property;

NOW THEREFORE, be it resolved that the Governing Board of the _____ School District has determined that these circumstances constitute an emergency condition and request approval from the _____ County Superintendent of Schools to enter into contracts for _____ without advertising or inviting bids pursuant to Public Contract Code Section 20113 (school districts) / 20654 (community college districts) and Public Contract Code Section 1102.

PASSED AND ADOPTED by unanimous vote of the members of the Governing Board of the _____ School District this ____ day of _____, 20 ____ by the following vote:

AYES:
NAYS:
ABSENT:

STATE OF CALIFORNIA

COUNTY OF [Insert County]

Appendices

I, _____, clerk/secretary of the Governing Board of the
_____ School District, do hereby certify that the foregoing is a full,
true, and correct copy of a resolution adopted by the said board at a regularly called and
conducted meeting held on said date.

Signature

Clerk/Secretary of the Governing Board

Appendices

Sample Emergency Waiver Request Letter to County Office of Education

- Emergency construction resolution Information
- Sample internal steps are the following:

Process for Emergency Public Works Project Over Bid Limit

1. Maintenance & operations (M&O) notifies the director of purchasing and associate superintendent of business services to make them aware of the situation.
2. Business services notifies the superintendent and/or board of the emergency.
3. Superintendent contacts the county superintendent of schools for approval of emergency public works project.
4. Business services identifies the regular meeting date or the special emergency meeting date (public notice required, to include date, time and location of meeting, at least 24 hours prior to the meeting).
5. Business services informs purchasing of the date the board will be approving emergency project(s).
6. Simultaneously with the above board action, M&O contacts licensed contractors certified by the California Department of Industrial Relations (DIR) to obtain proposals and quotes.
7. M&O provides purchasing with proposals, recommendation, a one-paragraph description of the emergency, the scope of work to remedy the problem, and the estimated cost of the repair (proposals sum amount).
8. Purchasing drafts a preliminary approval of emergency waiver letter on district letterhead and forwards it to the chief business official for signature.
9. Business services forwards the signed letter to the COE.
10. Upon preliminary approval by the COE, M&O processes public works contracts over \$1,000.
11. Purchasing processes any service contract(s) less than \$1,000 that do not require prevailing wage.
12. Purchasing assigns a bid number to the project in the database and logs each contractor under that bid number.
13. Purchasing prepares performance and payment bond documents for any contracts over \$25,000.
14. Purchasing forwards payment and/or performance bond documents to M&O to complete the public works contract package(s) going to the contractor(s).
15. Once contracts are fully signed by contractor(s) and the district, and district has accompanying paperwork (bonds, W-9s and/or insurance), the respective contractor(s) is/are authorized to begin work.
16. Purchasing adds item to purchasing agenda as a DISCUSSION/ACTION ITEM:
17. Purchasing prepares an emergency resolution executive summary cover
18. Purchasing prepares an emergency waiver resolution for approval and signature by the clerk of the governing board.
19. Purchasing notifies business services of completed documents in agenda folder.
20. Resolution must be approved by a four-fifths vote of the board
21. Purchasing emails a signed emergency waiver resolution to the COE
22. Once the COE approves the emergency waiver resolution, a letter will be sent to the district.

Appendices

23. A copy of the COE approval letter must be included as audit documentation when the district processes payments to the contractors.
24. M&O forwards to purchasing by email a PDF of the completed contract package(s).

Appendices

RE: EMERGENCY WAIVER REQUEST

Our governing board members have been advised of circumstances that require an emergency waiver and two public works contracts. A board meeting is scheduled for [insert date], at which time the board is expected to approve the emergency resolution related to [describe issue, need for emergency authorization].

The scope of work needed to complete the repairs includes [describe work required]. The work involves two contractors, [contractor names], and the total cost anticipated for both contractors to complete the project is [cost amount here].

Your concurrence is needed for the district to proceed.

Once the formal resolution is acted upon by our governing board on [board meeting date], a copy will be sent to you so formal approval from the county superintendent of schools may be considered and granted.

Sincerely,

[name]

Associate Superintendent, Business Services

Appendix C –Information About Local Emergency Proclamations

- Understand the proclamation process and the various proclamation levels
- Understand how initial damage assessments drive proclamations
- Apprise local school districts of the levels
- Understand the difference between local proclamations and state and federal declarations

Definition of Local Emergency:

[T]he duly proclaimed existence of conditions of emergency or of extreme peril to the safety of persons and property within the territorial limits of a school district, and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat . . .

(California Government Code (GC) 8558 (c)).

Issued by (GC 8630(a)):

- Governing body of a school district and county, or
- An official designated by an ordinance adopted by that governing body (e.g., superintendent, assistant superintendent, facilities/maintenance director).

Purpose (GC 8625 and 8634):

- Authorizes the promulgation of orders and regulations necessary to protect life and property (e.g., special purchasing or emergency contracting).
- Describes the circumstances that exist that may support the need for issuance of a state of emergency proclamation and/or executive order.
- Supports request for a director's concurrence, governor's proclamation of a state of emergency, executive order, California Disaster Assistance Act (CDAA) funding, and/or a presidential declaration of an emergency or major disaster.*

Deadlines:

- Issuance: Within 10 days after the actual occurrence of a disaster if assistance will be requested through CDAA (GC 8685.2).
- Ratification: If issued by an official designated by ordinance, a local emergency proclamation must be ratified by the governing body within seven days (GC 8630(b)).
- Renewal: Reviewed at least once every 30 days by the governing body until terminated (GC 8630(c)).
- Termination: At the earliest possible date that conditions warrant (GC 8630(d)).

Appendices

Notification Process (consistent with the Standardized Emergency Management System (GC 8607):

- Local governments should notify the operational area (OA) and provide a copy of the local emergency proclamation immediately upon issuance of the proclamation.
- The OA shall notify CalOES and provide a copy of the proclamation as soon as possible.
- The CalOES region will ensure notification to the CalOES director and deputy directors, and shall be the primary contact between the CalOES director, the OA and the local jurisdiction for updates on any requests for assistance.
- The CalOES director will respond in writing to the local government concerning the status of any requests for assistance included within the local proclamation or accompanying letter.

***Please note:**

When a local government requests a gubernatorial state of emergency proclamation, director's concurrence, and/or CDAA funding, the local government should describe local response efforts and identify the specific type and extent of state emergency assistance needed, including regulatory waivers needed to facilitate the protection of life and property during response efforts.

A local emergency proclamation and/or governor's proclamation is not a prerequisite for mutual aid assistance, Red Cross assistance, or disaster loan programs designated by the U.S. Small Business Administration or the U.S. Department of Agriculture.

Appendices

Sample Local Emergency Proclamation

WHEREAS, Ordinance No. _____ of the City/County of _____ empowers the director of emergency services* to proclaim the existence or threatened existence of a local emergency when said city/county is affected or likely to be affected by a public calamity and the city council/county board of supervisors is not in session, and;

WHEREAS, the director of emergency services* of the city/county of _____ does hereby find that conditions of extreme peril to the safety of persons and property have arisen within said city/county, caused by _____ [fire, flood, storm, mudslides, torrential rain, wind, earthquake, drought, or other causes], which began on the _____th day of _____, 20____, and;

That these conditions are, or are likely to be, beyond the control of the services, personnel, equipment and facilities of said city/county, and;

That the City Council/County Board of Supervisors of the City/County of _____ is not in session and cannot immediately be called into session;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout said city/county, and;

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions and duties of the emergency organization of this city/county shall be those prescribed by state law, by ordinances, and by resolutions of this city/county, and that this emergency proclamation shall expire 7 days after issuance unless confirmed and ratified by the governing body of the City/County of _____.

Dated: _____ By: _____
Director of Emergency Services*

Print Name _____

Address _____

**Insert appropriate title and governing body*

Note: Local governments should provide a description of the local efforts and identify the specific type and extent of state emergency assistance needed.

Note: It may not be necessary for a city to proclaim a local emergency if the county has already proclaimed an emergency that applies to an entire county area or for a specific area that includes the affected city or cities.

This guide is not intended to be a legal opinion on the emergency proclamation process and related programs under federal, state, and local law. Local governments should consult their own legal counsel when considering proclaiming a local state of emergency.

Appendices

Levels of State Proclamations

California Office of Emergency Services (CalOES) Director's Concurrence:

Purpose: CDAA authorizes the CalOES director, at his or her discretion, to provide financial assistance to repair and restore damaged public facilities and infrastructure.

Deadline: CalOES must receive a request from local government within 10 days after the actual occurrence of a disaster (Government Code Section 8685.2).

Supporting Information: Local emergency proclamation, initial damage estimate (IDE) prepared in CalOES' web-based Emergency Operations Center, CalEOC and a request from the city mayor or administrative officer, or county board of supervisors.

Governor's Proclamation of State of Emergency:

Purpose: Provides the governor with powers authorized by the Emergency Services Act; may authorize the CalOES director to provide financial relief, under the California Disaster Assistance Act, for emergency actions, restoration of public facilities and infrastructure, and hazard mitigation; prerequisite for requesting federal declaration of a major disaster or emergency.

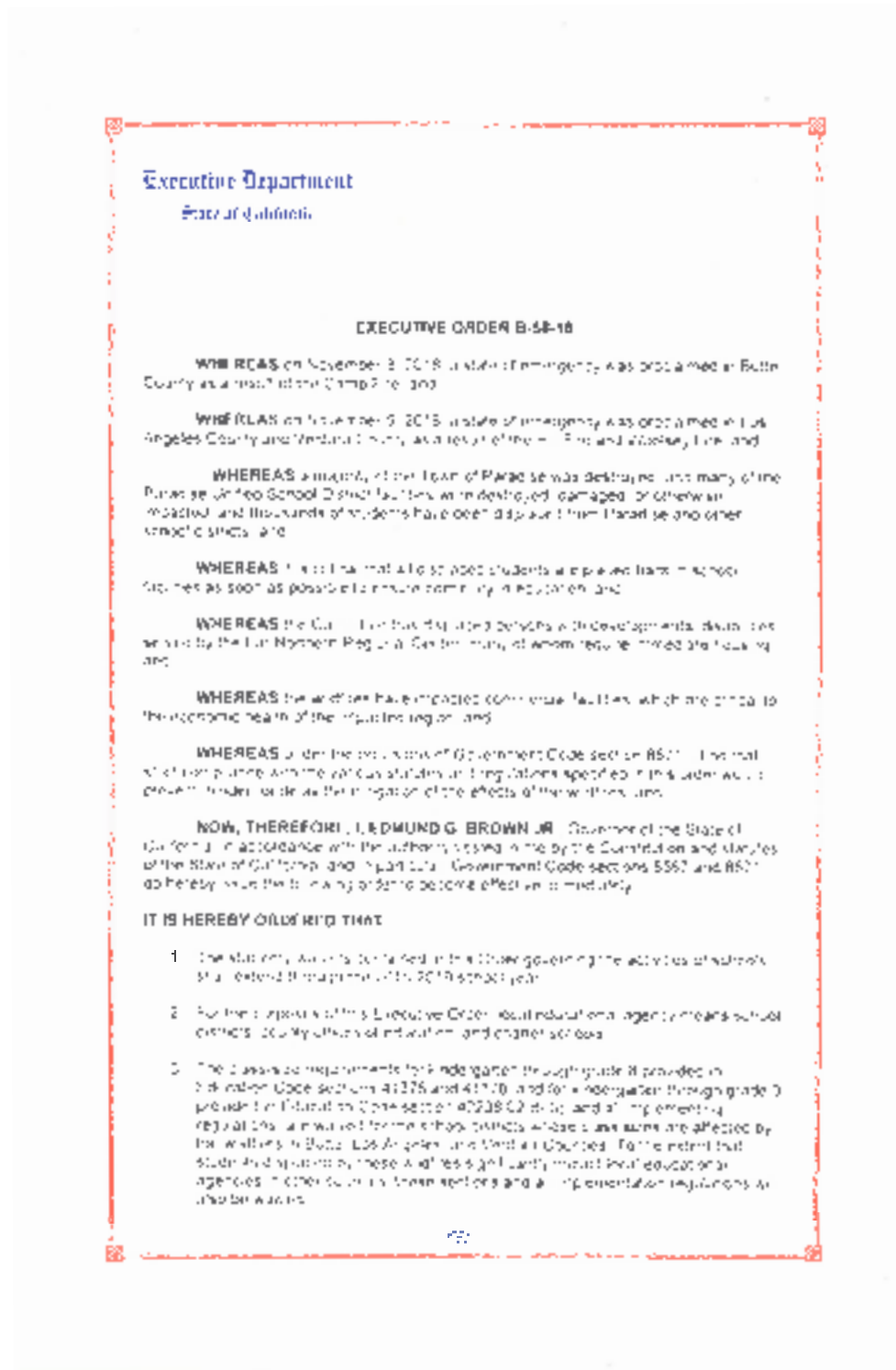
Deadline: CalOES must receive a request from local government within 10 days after the actual occurrence of a disaster (Government Code Section 8685.2).

Supporting Information: Local emergency proclamation, IDE prepared in CalEOC, and a request from the district superintendent, assistant superintendent, or board of education.

Supporting Information: All of the supporting information required above, a governor's proclamation, certification by the governor that the effective response is beyond the capability of the state, confirmation that the governor has executed the state's emergency plan, and identification of the specific type and extent of federal aid

Appendices

Governor's Executive Order — Example



Appendices

20. The Department of Alcoholic Beverage Control shall have the discretion to waive the 502 location and ABC class license period in Business and Professional Code section 24001 for any class licenses that have been issued to individuals as a result of the wildfire. The Department of Alcoholic Beverage Control shall further have the discretion to waive for this time beyond their normal licensure sections in Business and Professional Code sections 24381 and 24987.
21. The requirements of California Code of Regulations Title 17, section 17011 are waived to the extent necessary for the San Northern Regional Center to come fully online, including any suspended licensing services for consumers displaced as a result of the wildfire. Any proposed placement made pursuant to this Order shall be approved by the Director of the Department of Developmental Disabilities.
22. In order to allow out-of-state utility drivers who are traveling to California and to be allowed the same driving privileges as provided in the Federal Motor Carrier Safety Administration's Revised Emergency Declaration, applicable provisions of the Vehicle Code, including but not limited to sections 16011, including, but not limited to, 16071, 16072, 16073, 16074, 16075, 16076, 16077, 16078, 16079, 16080, 16081, 16082, 16083, 16084, 16085, 16086, 16087, 16088, 16089, 16090, 16091, 16092, 16093, 16094, 16095, 16096, 16097, 16098, 16099, 16100, 16101, 16102, 16103, 16104, 16105, 16106, 16107, 16108, 16109, 16110, 16111, 16112, 16113, 16114, 16115, 16116, 16117, 16118, 16119, 16120, 16121, 16122, 16123, 16124, 16125, 16126, 16127, 16128, 16129, 16130, 16131, 16132, 16133, 16134, 16135, 16136, 16137, 16138, 16139, 16140, 16141, 16142, 16143, 16144, 16145, 16146, 16147, 16148, 16149, 16150, 16151, 16152, 16153, 16154, 16155, 16156, 16157, 16158, 16159, 16160, 16161, 16162, 16163, 16164, 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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, contractors, officers, or employees, or any other person.

***FURTHER DIRECTY** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity, and not to be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be hereunto affixed this 18th day of November 2018.


LOUIE G. BROWN, JR.
Governor of California

ATTEST

ALEX PADILLA
Secretary of State

0211

Appendices

Appendix D – Federal Declaration Process

- ❑ Preliminary Damage Assessment (example on page. 34, EM – 011)
- ❑ Presidential Declaration Flow Chart: <https://www.fema.gov/disaster-declaration-process>
- ❑ Presidential Declaration of an Emergency.
- ❑ Presidential Declaration of a Major Disaster

Presidential Declaration Flow Chart



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Presidential Declaration of an Emergency

Purpose: The president can declare an emergency for any occasion or instance for which the president determines federal assistance is needed. Emergency declarations supplement state and local or Indian tribal government efforts to provide emergency services, such as the protection of lives, property, public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States. The total amount of assistance provided for in a single emergency may not exceed \$5 million. The president shall report to Congress if this amount is exceeded.

A presidential declaration supports federal, state and local governments' response activities; authorizes federal agencies to provide "essential" assistance including debris removal, temporary housing and the distribution of medicine, food, and other consumable supplies.

Deadline: The governor must make a request on behalf of local government within five days after the need for federal emergency assistance becomes apparent, but no longer than 30 days after the occurrence of the incident (Title 44 of the Code of Federal Regulations (44 CFR) section 206.35(a)).

Supporting Information: This includes all of the supporting information required above and a governor's proclamation, certification by the governor that the effective response is beyond the capability of the state, confirmation that the governor has executed the state's emergency plan, information describing the state and local efforts, and identification of the specific type and extent of federal emergency assistance needed.

Presidential Declaration of a Major Disaster:

Purpose: The president can declare a major disaster for any natural event, including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, fire, flood, or explosion, that the president determines has caused damage of such severity that it is beyond the combined capabilities of state and local governments to respond. A major disaster declaration provides a wide range of federal assistance programs for individuals and public infrastructure, including funds for both emergency and permanent work.

A presidential declaration supports response and recovery activities of the federal, state, and local government and disaster relief organizations, and authorizes implementation of some or all federal recovery programs including public assistance, individual assistance and hazard mitigation.

Deadline: The governor must request federal declaration of a major disaster within 30 days of the occurrence of the incident (44 CFR section 206.36(a)).

Appendix E – FEMA and CalOES Forms

- FEMA Form ICS 214 – Activity Log
- CalOES Form 126 – Project Application, California Disaster Assistance Program
- CalOES Form 130 – Designation of Applicant’s Agent Resolution for Non-State Agencies
- FEMA Form 90-127 – Force Account Equipment Summary Record
- FEMA Form 90-127 – Force Account Labor Summary Record
- Original fillable form located at <https://www.caloes.ca.gov/cal-oes-divisions/recovery/forms>

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CalOES Form 126 – Project Application, California Disaster Assistance Program

Original fillable form located at <https://www.caloes.ca.gov/cal-oes-divisions/recovery/forms>



For Internal Use Only

Cal OES Application #: _____

Disaster No #: _____

DUNS #: _____

PROJECT APPLICATION CALIFORNIA DISASTER ASSISTANCE ACT PROGRAM

1. APPLICANT'S NAME AND ADDRESS

APPLICANT: _____

ADDRESS: _____

CITY & ZIP: _____

PHONE: _____

2. APPLICANT'S AUTHORIZED AGENT

(Attach Resolution of Designation unless an accurate "universal" resolution is on file.)

NAME: _____

TITLE: _____

ADDRESS: _____

CITY & ZIP: _____

PHONE: _____

FACSIMILE: _____

E-MAIL: _____

3. PROJECT SUMMARY – Attach a List of Projects as defined in Title 19 of the California Code of Regulations, Section 2970(a)(4).

ASSURANCES AND AGREEMENTS

- A. The applicant certifies (to the best of his knowledge and belief) the disaster relief work herein described for which state financial assistance is requested, is eligible in accordance with the criteria contained in the Disaster Assistance Act (Government Code, Section 8680 et seq).
- B. The applicant is the legal entity responsible under law for the performance of the work detailed and accepts such responsibility.
- C. The applicant certifies that the disaster relief work herein described for which state assistance is requested hereunder, does not or will not duplicate benefits received for the same loss from another source.
- D. The applicant certifies that they have undertaken to recover maximum federal participation in funding street and highway project and public facility projects.
- E. The applicant certifies that all information given herein is to the best of its knowledge and belief, true and correct.
- F. The applicant agrees to (1) provide without cost to the state all lands, easements, and rights-of-way necessary for accomplishment of the approved work and

(2) The applicant agrees to hold and save the State of California, its officers, agents and employees free from damages due to the approved work.
- G. (1) The applicant agrees to comply with Section 3700 of the Labor Code, which requires every employee to be insured against liability for Workmen's Compensation, or to undertake self-insurance in accordance with provisions of the code; and will comply with such provisions before commencing the performance of the work.

(2) The applicant agrees to comply with the Fair Practices Act in connection with the performance of work under this agreement wherein it agrees it will not willfully discriminate against any employee or applicant for employment because of race, color, religion, ancestry, sex, age or national origin; and it agrees to take affirmative action to insure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, ancestry, sex, age or national origin, and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement.

Appendices

PROJECT APPLICATION **CALIFORNIA DISASTER ASSISTANCE ACT PROGRAM**

(3) If any real property or structure thereon is provided or improved with the aid of the state financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of such property, any transferee for the period during which the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the applicant for the period during which the state financial assistance is extended to it by the agency.

(4) This assurance is given in consideration of, and for the purpose of obtaining any and all state grants, loans, reimbursement, advances, contracts, property, discount, or other state financial assistance extended after the date hereon to the applicant. The applicant recognizes and agrees that such state financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the state shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees and assignees, and a person or persons whose signatures appear on this form, or is authorized to sign this assurance on behalf of the applicant.

- H. The applicant certifies that all financial assistance received under this application will be, or has been, expended in accordance with applicable laws and regulations. The applicant certifies that any work performed by a state agency at their request shall be agreed upon in writing and be subject to the State Contract Act. The applicant certifies that the work performed, or to be performed, is in accordance with the state and local laws governing the performance of such work.
- I. The applicant certifies compliance with Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447 and 2448.
- J. The applicant certifies that on contracts involving expenditures in excess of \$25,000, it obtained from the contractor a payment bond in accordance with Sections 3247 through 3252 of the Civil Code.
- K. **BY ACCEPTING THESE FUNDS, THE APPLICANT IS NOT FORFEITING ANY RIGHTS WHATSOEVER, INCLUDING THE RIGHT TO A FAIR HEARING.**

4. SIGNATURE OF APPLICANT'S AUTHORIZED AGENT

"I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized by the above named subgrantee to enter into this agreement for and on behalf of the said subgrantee, and by my signature do bind the subgrantee to the terms thereof."

SIGNATURE: _____

DATE: _____

TITLE: _____

5. Cal OES APPROVAL

SIGNATURE: _____

DATE APPROVED: _____

TITLE: _____

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CalOES Form 130 – Designation of Applicant’s Agent Resolution for Non-State Agencies

Original fillable form located at <https://www.caloes.ca.gov/cal-oes-divisions/recovery/forms>

STATE OF CALIFORNIA
GOVERNOR’S OFFICE OF EMERGENCY SERVICES
Cal OES 130

Cal OES ID No: _____

DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES

BE IT RESOLVED BY THE _____ OF THE _____
(Governing Body) (Name of Applicant)

THAT _____, OR
(Title of Authorized Agent)

_____, OR
(Title of Authorized Agent)

(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the _____, a public entity
(Name of Applicant)

established under the laws of the State of California, this application and to file it with the California Governor’s Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the _____, a public entity established under the laws of the State of California,
(Name of Applicant)

hereby authorizes its agent(s) to provide to the Governor’s Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.

This is a disaster specific resolution and is effective for only disaster number(s) _____

Passed and approved this _____ day of _____, 20_____

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

CERTIFICATION

I, _____, duly appointed and _____ of
(Name) (Title)

_____, do hereby certify that the above is a true and correct copy of a
(Name of Applicant)

Resolution passed and approved by the _____ of the _____
(Governing Body) (Name of Applicant)

on the _____ day of _____, 20_____.

(Signature)

(Title)

Appendices

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF EMERGENCY SERVICES
Cal OES 130 - Instructions

Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted Resolution is older than three (3) years from the last date of approval, is invalid or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.

Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California. Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the Applicant. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents would be entered here, not their names. This allows the document to remain valid (for 3 years) if an Authorized Agent leaves the position and is replaced by another individual in the same title. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

Governing Body Representative: These are the names and titles of the approving Board Members.

Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents, and a minimum of two or more approving board members need to be listed.

Certification Section:

Name and Title: This is the individual that was in attendance and recorded the Resolution creation and approval.

Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member (if a person holds two positions such as City Manager and Secretary to the Board and the City Manager is to be listed as an Authorized Agent, then the same person holding the Secretary position would sign the document as Secretary to the Board (not City Manager) to eliminate "Self Certification."

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FEMA Force Account Equipment Summary Record – FF 90-127

Original fillable form located at <https://www.fema.gov/media-library/assets/documents/10608>

PAGE _____ OF _____
 DEPARTMENT OF HOMELAND SECURITY
 Federal Emergency Management Agency
FORCE ACCOUNT EQUIPMENT SUMMARY RECORD
 O.M.B. Control Number: 1660-0017
 Expires: December 31, 2019

PAPERWORK BURDEN DISCLOSURE NOTICE
 Public reporting burden for this data collection is estimated to average .5 hours per response. The burden estimates includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472-3100, Paperwork Reduction Project (1660-0017). **NOTE: Do not send your completed questionnaire to this address.**

APPLICANT		PA ID #	PROJECT #	DISASTER											
LOCATION/SITE		CATEGORY	PERIOD COVERING												
DESCRIPTION OF WORK PERFORMED															
TYPE OF EQUIPMENT <small>INDICATE SIZE, CAPACITY, HORSEPOWER, MAKE AND MODEL AS APPROPRIATE</small>	EQUIPMENT CODE NUMBER	OPERATOR'S NAME	DATES AND HOURS USED EACH DAY							COSTS					
			DATE	HOURS	HOURS	HOURS	HOURS	HOURS	HOURS	HOURS	TOTAL HOURS	EQUIPMENT RATE	TOTAL COST		
GRAND TOTAL															
I CERTIFY THAT THE ABOVE INFORMATION WAS OBTAINED FROM PAYROL RECORDS, INVOICES, OR OTHER DOCUMENTS THAT ARE AVAILABLE FOR AUDIT.															
CERTIFIED												TITLE		DATE	

PREVIOUS EDITION OBSOLETE

FEMA Form 009-0-127

Appendices

FEMA Force Account Labor Summary Record – FF 90-123

Original fillable form located at <https://www.fema.gov/media-library/assets/documents/10588>

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
FORCE ACCOUNT LABOR SUMMARY

PAGE _____ OF _____ O.M.B. Control Number: 1660-0017
Expires: December 31, 2019

PAPERWORK BURDEN DISCLOSURE NOTICE
Public reporting burden for this data collection is estimated to average 5 hours per response. The burden estimates includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472-3100, Paperwork Reduction Project (1660-0017). **NOTE: Do not send your completed questionnaire to this address.**

APPLICANT	PA ID #	PROJECT #	DISASTER	PERIOD COVERING					
LOCATION/SITE		CATEGORY							
DESCRIPTION OF WORK PERFORMED									
NAME		DATES AND HOURS WORKED EACH WEEK			COSTS				
JOB TITLE	DATE				TOTAL HOURS	HOURLY RATE	BENEFIT RATE/HR	TOTAL HOURLY RATE	TOTAL COSTS
NAME	REG.								
JOB TITLE	O.T.								
NAME	REG.								
JOB TITLE	O.T.								
NAME	REG.								
JOB TITLE	O.T.								
NAME	REG.								
JOB TITLE	O.T.								
TOTAL COSTS FOR FORCE ACCOUNT LABOR REGULAR TIME					_____		\$		
TOTAL COST FOR FORCE ACCOUNT LABOR OVERTIME					_____		\$		
I CERTIFY THAT THE INFORMATION ABOVE WAS OBTAINED FROM PAYROLL RECORDS, INVOICES, OR OTHER DOCUMENTS THAT ARE AVAILABLE FOR AUDIT.									
CERTIFIED					TITLE		DATE		

FEMA Form 009-0-123

PREVIOUS EDITION OBSOLETE

Appendix F — Federal Procurement Conducted Under Exigent or Emergency Circumstances: FEMA Fact Sheet

- Become familiar with FEMA Procurement Disaster Assistance Team at <https://www.fema.gov/procurement-disaster-assistance-team>
- Become familiar with FEMA Federal Procurement (below)

Appendices



FEMA

Fact Sheet

Public Assistance: Procurement Conducted Under Exigent or Emergency Circumstances

The Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program provides supplemental assistance to states, territories, tribes, and local governmental entities, as well as certain private non-profit organizations (applicants) following major disasters and emergencies declared by the President. FEMA's *Public Assistance Program and Policy Guide* (<http://www.fema.gov/public-assistance-policy-and-guidance>) provides comprehensive information regarding assistance that FEMA can make available, and the requirements that applicants must follow in order to receive the assistance. This Fact Sheet provides key information that non-state applicants need to consider when utilizing contracted resources under exigent or emergency circumstances.

Federal regulations (2 C.F.R. Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements For Federal Awards) establish requirements for non-state applicants concerning the exigency or emergency exception that permits the use of noncompetitive procurements, frequently referred to as “sole-source contracting.” These exceptions and associated procurement requirements are discussed further below. The information presented within applies to all categories of work under the PA Program. Emergency work funded under Category A (Debris Removal) and Category B (Emergency Protective Measures) is most often associated with a public exigency or emergency. However, there may be instances where exigent or emergency circumstances necessitate the use of noncompetitive procurements for permanent work (Categories C-G). The answers to the frequently asked questions below provide additional guidance on the acceptable use of noncompetitive proposals under exigent or emergency circumstances, which is described in regulation at 2 C.F.R. § 200.320(f)(2).

It is essential that all applicants understand that both FEMA and the U.S. Department of Homeland Security's Office of Inspector General (OIG) closely review applicant procurement actions and contract selections, with a particular emphasis on noncompetitive procurement actions, to evaluate compliance with Federal requirements. ***Failure to follow federal contracting and procurement requirements puts applicants at risk of not receiving reimbursement for otherwise eligible disaster costs.***

What is the exigency or emergency exception?

Non-state applicants must follow the procurement requirements found at 2 C.F.R. §§ 200.317 – 200.326. However, Federal regulations allow for noncompetitive procurements under certain circumstances, including when a non-state applicant determines that immediate actions required to address the public exigency or emergency cannot be delayed by a competitive solicitation. This represents an exception to requirements for full and open competition. FEMA approval is not required for use of noncompetitive procurements under the emergency or exigency exception, however, the use of noncompetitive procurements does not relieve non-state applicants from complying with other procurement requirements or from ensuring that costs are reasonable.

“FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.”

January 19, 2018

Appendices

PA Procurement Conducted Under Exigent or Emergency Circumstances

When referring to procurement activity, FEMA defines both exigency and emergency as situations that demand immediate aid or action. The difference between the two is that:

- In the case of an **exigency**, there is a need to avoid, prevent or alleviate serious harm or injury, financial or otherwise, to the applicant, and use of competitive procurement proposals would prevent the urgent action required to address the situation. Thus, a noncompetitive procurement may be appropriate.
- In the case of an **emergency**, a threat to life, public health or safety, or improved property requires immediate action to alleviate the threat.

While emergency conditions generally are short-lived, exigent circumstances can exist for a period of weeks or months.

Exigency Example: A tornado impacts a city in June and causes widespread and catastrophic damage, including damage to a city school. The city wants to repair the school and have it ready for use by the beginning of the school year in September. The city estimates, based on past experience, that awarding a contract using a sealed bidding process would require at least 90 days, and the city's engineer estimates that the repair work would last another 60 days. This would extend the project beyond the beginning of the school year. Rather than conducting a sealed bidding process, the city—in compliance with State and local law—wants to sole source with a contractor it has contracted with previously. The City can demonstrate that this constitutes an “exigent circumstance” because use of a sealed bidding process would cause an unacceptable delay and thus procurement by non-competitive methods was necessary based on the particular situation.

Emergency Example: Severe weather impacts a city and causes widespread and catastrophic damage, including loss of life, widespread flooding, loss of power, damage to public and private structures, and millions of cubic yards of debris across the city, leaving almost the entire jurisdiction inaccessible. The city needs to begin debris removal activities immediately to restore access to the community, support search and rescue operations, power restoration, and address health and safety concerns. Under these circumstances, the city may find it necessary to award noncompetitive contracts to address threats to life, property and public health.

When does the exigency or emergency exception apply and for how long?

Use of the public exigency or emergency exception *is only permissible during the actual exigent or emergency circumstances*. Exigency or emergency circumstances will vary for each incident, thus it is difficult to determine in advance or assign a particular time frame when noncompetitive procurements may be warranted. Exigent or emergency circumstances may exist for two days, two weeks, two months or even longer in some cases. Non-state applicants must ensure that work performed under the noncompetitively procured contracts is specifically related to the exigent or emergency circumstance in effect at the time of procurement. Importantly, because the exception to competitive procurement is available only while the exigent or emergency circumstances exist, applicants should, upon awarding a noncompetitive contract, immediately begin the process of competitively procuring similar goods and services in order to transition to the competitively procured contracts as soon as the exigent or emergency circumstances cease to exist.

FEMA may review a non-state applicant's justification that exigent or emergency circumstances warrant an exception to competitive procurement. If the agency determines that exigent or emergency

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PA Procurement Conducted Under Exigent or Emergency Circumstances

circumstances did not exist or did not preclude a non-state applicant from adhering to competitive procurement requirements, FEMA may disallow all or part of the non-state applicant's cost related to the contract. (2 C.F.R. 200.338)

What documentation is required to support the use of the exigency or emergency exception?

While FEMA approval is not required to use noncompetitive procurement proposals under the emergency or exigency exception, non-state applicants must document and provide justification for the use of the exigency or emergency exception. A list of elements that applicants may wish to include as part of its written justification can be found at the end of this Fact Sheet. The justification must be included in the non-state applicant's records for each Public Assistance-funded project.

Do any Federal procurement requirements apply if a non-state applicant is sole sourcing a contract under exigent or emergency circumstances?

Yes, non-state applicants must comply with the following requirements, regardless of whether exigent or emergency circumstances exist:

- Contracts must include the required contract clauses (2 C.F.R. 200.326 & Appendix II);
- Contracts must include the Federal bonding requirements if the contract is for construction or facility improvement (2 C.F.R. 200.325);
- Contracts must be awarded to a responsible contractor (2 C.F.R. 200.318(h));
- The non-state applicant must complete a cost or price analysis to determine that the cost or price of the contract is fair and reasonable; (2 C.F.R. 200.323(a) and (b));
- The use of cost-plus-percentage-of-cost contracting is prohibited (2 C.F.R. 200.323(c)).
- Use of time and materials contracts must comply with 2 C.F.R. 200.318(j)

What if the non-state applicant wants to use a pre-awarded or pre-existing contract in an exigency or emergency, and that contract does not comply with the Federal procurement requirements?

If a pre-awarded or pre-existing contract is not in compliance with the Federal procurement requirements (e.g., the contract was not fully and openly competed, or the six affirmative socioeconomic contracting steps were not completed (2 CFR 200.321)), it may still be possible to use the contract for the duration of the exigency or emergency. FEMA recommends that applicants review the list of procurement requirements above and take actions to modify pre-awarded or pre-existing contracts where applicable. In addition, applicants must prepare the appropriate documentation to justify the use of a noncompetitively procured contract.

Can non-state applicants use Time and Materials (T&M) contracts in an exigency or emergency?

Yes, but only under certain circumstances. FEMA advises against the use of T&M contracts and generally limits the use of these contracts to a short time period where the scope or duration of the work is unclear. T&M contracts do not incentivize contractors to control costs or maximize labor efficiency. FEMA may reimburse costs incurred under a T&M contract only if all of the following apply:

- No other contract was suitable;
- The contract has a ceiling price that the contractor exceeds at its own risk; and
- The applicant can demonstrate it provided a high degree of oversight to obtain reasonable assurance that the contractor used efficient methods and effective cost controls.

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Can a non-state applicant award cost-plus-a-percentage-of-cost contracts or contracts with a percentage-of construction-cost method in an exigency or emergency?

No. This prohibition applies to all work, regardless of the circumstances (2 C.F.R. § 200.323(d)).

Can non-state applicants use *piggyback* contracts in an exigency or emergency?

Piggyback contracting occurs when one entity assigns the contractual rights it has in a contract to a non-state applicant. Generally, FEMA discourages piggyback contracts because the original contract pertains to the needs of the original entity, with a specific scope of work for that entity. While there may be circumstances when piggybacking is permissible, in almost all instances, the scope of work would need to be changed to include the needs of a non-state applicant, and changes to the scope of work are generally not permitted as there is not likely to be full and open competition for the expanded scope of work. However, during emergency and exigency circumstances, non-state applicants may be able to piggyback another entity's contract and expand the scope of a contract for the period of the emergency or exigency circumstance.

Note that a non-state applicant may choose to enter into a separate contract with the same contractor as another entity, using the same terms and conditions as in that other entity's contract, with only a change in the scope of work and the associated costs. However, this is sole-source contracting rather than piggyback contracting and it must meet the requirements for noncompetitive procurement under exigency or emergency circumstances as described elsewhere in this Fact Sheet.

If a non-state applicant is contemplating the use of piggyback contracting, they should contact their state or territory liaison to request FEMA assistance with contract review.

Can States use Time and Materials (T&M) or Cost Plus Percentage of Cost contracts in an exigency or emergency?

2 C.F.R. § 200.317 requires state applicants to follow: (1) the same policies and procedures they use for procurements using non-Federal funds; (2) 2 C.F.R. §200.322 (procurement of recovered materials); and (3) 2 C.F.R. §200.326 (required contract provisions). These requirements apply regardless of whether exigency or emergency circumstances exist. For purposes of the federal procurement requirements, states are defined as the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Northern Mariana Islands, and any agency or instrumentality thereof except for local governments. Tribal governments are not considered to be States when applying federal procurement standards required by 2 C.F.R. Part 200.

States must ensure that they are in compliance with the cost principles in 2 C.F.R. §§200.400 – 200.474, including ensuring that costs are reasonable, as defined in 2 C.F.R. § 200.404. While the federal procurement rules do not prohibit the use of T&M contracts and Cost Plus Percentage of Cost contracts by state entities, FEMA discourages states from using these contracts because they generally lack provisions that control costs and maximize efficiency in performing work. FEMA and the OIG closely scrutinize these types of contracts for cost reasonableness.

Although T&M contracts are discouraged, there may be instances where T&M contracts are appropriate in the short term for activities such as debris removal, emergency power restoration, or other immediate actions required to address emergency health and safety threats. States entering into T&M contracts are encouraged to include language in the contract that specifies a ceiling price and limits the duration of the

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contract to a short time period, thus providing the state time to develop a scope of work and transition to the more competitive procurement procedures.

Additional Information and Resources

Non-state applicants should consult as soon as possible after a declared disaster with all appropriate parties, including legal counsel, to review their procurement policies, actions and contracts against federal procurement requirements. Non-state applicants also should contact their State or Territory liaisons to request assistance with any procurement activity concerns.

Detailed procurement and contracting information is available on the FEMA website at www.fema.gov/procurement-disaster-assistance-team. FEMA's *Public Assistance Program and Policy Guide* is available at (<http://www.fema.gov/public-assistance-policy-and-guidance>), and the Code of Federal Regulations referenced in this guidance can be accessed at www.eCFR.gov.

Appendices

Appendix G – Example Emergency Event Fact Sheet

CALIFORNIA GOVERNOR'S
OFFICE OF EMERGENCY SERVICES



Fact Sheet

FEMA-4407-DR-CA: November 2018 California Wildfires

On November 12, 2018, President Donald J. Trump declared a major disaster making federal disaster aid available to Butte, Los Angeles, and Ventura counties for the November 2018 California Wildfires. This Fact Sheet contains information regarding the affected counties, available assistance, and Request for Public Assistance (RPA) application information.

Applicants Eligible for Assistance

The following local government entities and select private non-profit organizations are eligible for disaster assistance under this Presidential Declaration:

- Counties
- Cities
- Special Districts
- School Districts
- Community College Districts
- Tribal Governments
- State Agencies
- Certain Private Non-Profit Organizations

Important Disaster Information

November 2018 California Wildfires
FEMA-4407-DR-CA

The incident period is November 8 to November 25, 2018

November 2018 California Wildfires (FEMA-4407-DR-CA) makes available federal funding for eligible costs in the following counties:

Butte, Los Angeles, and Ventura



Available Assistance – Public Assistance (PA) Program

Under the PA program, FEMA will cost share at 75 percent of the eligible costs of either Emergency Work or Permanent Work as illustrated below:

EMERGENCY WORK	PERMANENT WORK
<ul style="list-style-type: none">• Debris Removal (Category A)• Emergency Response and Protective Measures (Category B)	<ul style="list-style-type: none">• Roads and Bridges (Category C)• Water Control Facilities (Category D)• Buildings and Equipment (Category E)• Utilities (Category F)• Parks, Recreational Facilities, Other Items (Category G)

Important Application Information

The application package must contain the following:

- Request for Public Assistance (FEMA Form 009-0-49)
- Project Assurances for Federal Assistance (Cal OES Form 80)
- Designation of Applicants' Agent Resolution (Cal OES Form 130)
- List of Projects (Cal OES Form 95)
- Project Application- California Disaster Assistance Act (Cal OES Form 126)

Available at www.caloes.ca.gov/cal-ocs-divisions/recovery/forms

RPA application packages must be received by the Public Assistance Division at DisasterRecovery@CalOES.ca.gov or the address below no later than **Monday, December 10, 2018**. Please specify DR-4407 next to your name on your application.

Mr. David Gillings
State Public Assistance Officer
California Governor's Office of Emergency
Services Public Assistance Division
3650 Schriever Avenue
Mather, CA 95655
Attn: FEMA-4407-DR-CA



Recovery Section Public Assistance Division
3650 Schriever Avenue Mather, CA 95655
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