

**Santa Monica-Malibu Unified School District
Board of Education
January 18, 2018**

**Emergency Resolution
Reduced Days of Operation or Attendance Due to
Emergency Conditions: December 5-8, 2017**

WHEREAS, in the early hours of Tuesday, December 5, 2017, the Creek Fire started near Sylmar, CA; and

WHEREAS, the northeasterly wind pattern that day drove the smoke from the Creek Fire directly towards Santa Monica Bay, creating unprecedented unhealthy air conditions Santa Monica and nearby neighborhoods;

WHEREAS, the Superintendent activated the Emergency Operations Center (EOC) at 8:30 a.m. at the district office to discuss the unhealthy air conditions; and

WHEREAS, students and staff across Santa Monica and Malibu were reporting various health concerns due to the poor air quality even inside the classrooms and offices; and

WHEREAS, by mid-morning on December 5, the South Coast Air Quality Management District (SCAQMD) issued an alert announcing poor air quality in Santa Monica, and the Los Angeles County Department of Public Health distributed an advisory with steps to take to mitigate the impacts of the poor air quality; and

WHEREAS, by mid-morning, the district EOC made the decision to call for an emergency minimum day at all SMMUSD schools, including the preschool, after-school, and adult education programs, in response to the poor air quality throughout the district; and

WHEREAS, at 4:30 p.m. on December 5, the EOC reconvened to reassess the air quality situation in the district, and determined that, unless circumstances changed, SMMUSD schools would be open on December 6; and

WHEREAS, in the early hours of Wednesday, December 6, 2017, the Skirball Fire started in Bel Air, CA, closing the 405 freeway, a major commute artery for many SMMUSD employees, thereby dramatically affecting staffing levels at all SMMUSD schools; and

WHEREAS, the district EOC reconvened on the morning of December 6 and determined that all SMMUSD schools, including the preschool, after-school, and adult education programs, would be closed on December 6 due to the lack of adequate staffing at the school sites; and

WHEREAS, the district EOC reconvened on the afternoon of December 6 to assess the various fire and weather conditions, listed below, to determine next steps for December 7:

- The 405 freeway had been reopened in both directions;
- Hurricane-force gusts were expected overnight;
- The Skirball Fire was growing in acreage;
- The SCAQMD continued to issue unhealthy air quality alerts; and

WHEREAS, based on the above-mentioned factors, the EOC determined to keep SMMUSD schools, including the preschool, after-school, and adult education programs, closed for Thursday, December 7, 2017, and later learned that several other schools in neighboring school districts were also closed due to similar factors; and

WHEREAS, on the afternoon of December 7, the City of Malibu sent out an alert that record fire conditions were to continue through Saturday, December 9, and that Malibu residents should prepare for possible evacuations in case a brushfire did start; and

WHEREAS, on December 7, the EOC reconvened and determined that based on weather and air quality conditions in the various regions of the district, the schools and programs in Santa Monica would be open, but the schools and programs in Malibu would remain closed; and

WHEREAS, all SMMUSD schools and programs were open starting Monday, December 11, 2017; and

WHEREAS, California Department of Education (CDE) Management Bulletin 10-09, which provides against loss of funds due to circumstances that are beyond control of the contractor, states that when an organization, such as SMMUSD, that contracts with the CDE to provide state-funded child care and development programs is unable to operate due to circumstances beyond the control of the operating agency, including earthquakes, floods, or fires, such programs shall not be penalized for incurred program expenses nor in subsequent annual budget allocations; and

WHEREAS, the CDE also states that whenever a contractor's days of operation are reduced for any of the above reasons, and the reduction in days of operation did not require the contractor to reduce staff through layoffs or unpaid furloughs, the contractor's governing board must adopt a resolution that clearly and fully describes the nature of the emergency condition as well as the specific effect on program operations;

NOW THEREFORE BE IT RESOLVED by the Santa Monica-Malibu Unified School District Board of Education that SMMUSD, a contractor with the CDE for state-funded child care and development programs, should not be penalized for incurred program expenses nor in subsequent annual budget allocations for either partial or complete program closures on December 5-8, 2017, as explained in detail above, due to:

- fires
- the imminence of a major health or safety hazard, as determined by the local health department or law enforcement agency;

BE IT FURTHER RESOLVED that the Santa Monica-Malibu Unified School District Board of Education directs staff to forward this approved resolution to the appropriate Field Services Office Consultant in the Early Education and Support Division (EESD) in the CDE.

PASSED AND ADOPTED by the Santa Monica-Malibu Unified School District Board of Education on this 18th day of January 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dr. Richard Tahvildaran-Jesswein, Board President

Dr. Ben Drati, Superintendent