

**SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION**

**Emergency Resolution  
Reduced Days of Operation or Attendance Due to  
Emergency Conditions: December 2018 and January 2019**

**WHEREAS**, during the Woolsey Fire in November 2018, a good portion of Malibu and the mountains above Malibu burned, leaving barren and exposed hillsides vulnerable to flooding and debris flows during heavy rain events; and

**WHEREAS**, with the safety of students and staff as one of the Santa Monica-Malibu Unified School's District's primary concerns, the school district worked closely – and continues to do so – with the City of Malibu to monitor upcoming storms, road conditions, soil stability, etc., in order to determine whether or not school should be in session; and

**WHEREAS**, a heavy rain event occurred in mid-December, causing the district to close all four of its schools in Malibu on December 15-17, 2018, out of an abundance of caution; and

**WHEREAS**, another heavy rain event occurred in mid-January, again causing the district to close all four of its schools in Malibu on January 15-17, 2019; and

**WHEREAS**, the SMMUSD schools in Malibu were closed for a total of six days in December 2018 and January 2019 due to the threat of flooding and debris flows; 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 in December 2018 and January 2019, as explained in detail above, due to:

- 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 21<sup>st</sup> of February 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Dr. Richard Tahvildaran-Jesswein, Board President

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Dr. Ben Drati, Superintendent