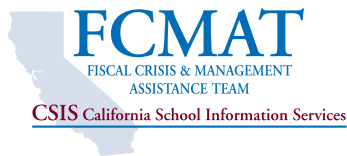


Fiscal Procedural Manual

FOR BUSINESS OFFICIALS IN CALIFORNIA COUNTY OFFICES OF EDUCATION



In Partnership with

CCSESA

California County
Superintendents Educational
Services Association

BASC

Business and Administration
Steering Committee

ESSCO

External Services
Subcommittee

Fiscal Procedural Manual

*For Business Officials in
California County Offices of Education*

Presented by

The Fiscal Crisis and Management Assistance Team

1300 17th Street – CITY CENTRE

Bakersfield, CA 93301

661-636-4611 • www.fcmat.org

Acknowledgments

On behalf of the Kern County Superintendent of Schools and the Fiscal Crisis and Management Assistance Team (FCMAT) Board of Directors, and in conjunction with the California County Superintendents Educational Services Association (CCSESA), Business and Administration Steering Committee (BASC), and External Services Subcommittee (ESSCO), I wish to thank the many people who assisted in the development and revision of the *Fiscal Procedural Manual for Business Officials in California County Offices of Education*.

Thank you to the FCMAT Board of Directors for their support and vision in recognizing the need for consistent procedures and standards for COE business officials to use in reviewing fiscal operations of school districts throughout California. This manual will help all school business officials working in county offices maintain legal and ethical standards of operation.

The steering committee for the development of this manual consisted of leading COE business officials throughout the state. They provided valuable work and expertise in the manual's development. The original lead committee member responsible for the primary development was Sandra Peck, Assistant Superintendent for Business Services, Marin COE. Other steering committee members who played vital roles were the following:

Lou Highlander, Alameda COE	Jessica Schackne, San Mateo COE
Alice Kattner, Marin COE	Deborah L. Simons, LACOE
Lynette Kerr, Humboldt COE	K.T. Yorba, San Joaquin COE
Mike Lenahan, Alameda COE	

CCSESA, BASC and ESSCO are recognized in the review and finalization of the COE Fiscal Procedural Manual. Special thanks to the following ESSCO members, who updated and reviewed this year's selected procedures:

LEADS

Kate Lane	Marin COE
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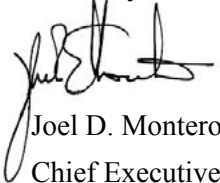
A special thank you to the following BASC members, who met with and assisted FCMAT in the final review of the updated procedures:

Denise Porterfield	San Mateo COE
Josh Schultz	Napa COE
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John VonFlue	Kern COE
Mary Jarvis	San Luis Obispo COE
Sheldon Smith	San Luis Obispo COE
Damon Smith	Imperial COE
Tad Alexander	Butte COE
Mary Hart	Santa Cruz COE

Thanks also to Elizabeth Dearstyne and staff, California Department of Education, for their continued assistance in updating and reviewing various procedures.

And thanks to Kate Lane, Marin COE and FCMAT Chief Management Analyst Michelle Plumbtree for coordinating the update and ensuring it was completed on time and accurately, and to FCMAT Technical Writer John Lotze for final editing and design of this document.

Sincerely,



Joel D. Montero
Chief Executive Officer, FCMAT

Introduction

December 2015

To: Business Officials in California County Offices of Education

Re: Updates to the *Fiscal Procedural Manual for Business Officials in California County Offices of Education*.

The Fiscal Crisis and Management Assistance Team (FCMAT), in conjunction with the CCSESA, BASC and ESSCO, is pleased to present the latest 2015 updates and additions to the County Office of Education Fiscal Procedural Manual. We hope that COE business officials will continue to find the manual useful and beneficial when performing their required duties related to evaluating the operation of school district finances.

Originally published in January 2005, and updated annually so that it remains current and applicable for business officials in California county offices of education, the *Fiscal Procedural Manual* is designed to be user-friendly as it outlines 29 procedures and adopted standards required by California education and government codes. As requested by the FCMAT Board of Directors, the manual can assist COEs in developing consistency and common practices when reviewing and responding to school district and charter school fiscal requirements.

This manual is a guide, not a mandate, and is intended to be an external document for all California county offices of education as they perform their mandated fiscal responsibilities.

The COE Fiscal Procedural Manual continues to be produced by FCMAT and its administrative agent, the Kern County Superintendent of Schools. As indicated on the acknowledgements page, many people assisted in the creation and continued updating of this manual. Detailed and highly professional updates are initiated and provided by ESSCO, while BASC performs the review and final approval of the manual and all annual updates.

Updated items for this late 2015 release include the following:

1. Updated acknowledgements and introduction pages
2. Updated Timeline for Updates
3. Updated Procedure 000 (P-000), *Index*
4. Updated Procedure 001 (P-001), *Calendar*
5. Updated Procedure 004 (P-004), *AB 1200 Overview*
6. Updated Procedure 005 (P-005), *Budget Review*
7. Updated Procedure 006 (P-006), *The Unaudited Actuals*
8. Updated Procedure 007 (P-007), *Interim Report Review*
9. Updated Procedure 008 (P-008), *Audits*
10. Updated Procedure 009 (P-009), *Charter Schools*
11. Updated Procedure 015 (P-015), *Apportionment Posting*
12. Updated Procedure 016 (P-016), *ERAF*
13. Updated Procedure 019 (P-019), *Attendance Accounting*
14. Updated Procedure 021 (P-021), *Special Education*
15. Updated Procedure 022 (P-022), *Services to Districts*

16. Updated Procedure 024 (P-024), *Reimbursements to COEs*
(formerly titled *AB 1200 Reimbursements*)
17. Updated Procedure 026 (P-026), *Working with the County*
18. Updated Procedure 027 (P-027), *Cash Flow Procedures*

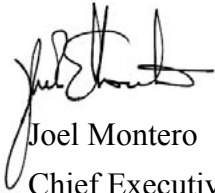
Updated procedures are meant to replace existing sections or pages in the manual. These updates, as well as sample documents and forms for each section, are available for download free of charge from the FCMAT website at www.fcmat.org, as part of the complete downloadable manual.

The index in the electronic version of the manual consists of clickable links that take users directly to that section, and the first page of each section contains a clickable link to return to the index. You will also find numerous forms, letters and spreadsheets that are presented in the manual that you can use in your own county office. Some of these can also be accessed directly from within the document via links.

This manual is a living document, with new procedures developed and updated annually as laws change and best practices are refined. FCMAT is committed to ensuring that all updated materials are available on our website.

If you have any questions or would like more information, please contact the FCMAT office at 661-636-4611.

Sincerely,



Joel Montero

Chief Executive Officer, FCMAT

Timeline for Updating the COE Fiscal Procedural Manual

FCMAT, in partnership with CCSESA, BASC and ESSCO, has developed the following timeline and process for annual updates to the COE Fiscal Procedural Manual.

March - October	ESSCO selects which procedures to update or develop, assigns committees to the selected procedures, and the committees work on the selected procedures to ensure they are up to date and relevant.
October	ESSCO submits the selected procedures to FCMAT, which then formats and edits the materials prior to further review.
November	BASC subcommittee meets and reviews the procedures that ESSCO has updated.
December	FCMAT and ESSCO review BASC subcommittee's recommended changes and finalize selected procedures.
January	BASC reviews and approves the updated procedures.
February	FCMAT inputs final edits that resulted from the BASC review and approval, and does final formatting for selected procedures.
February/March	FCMAT posts updated procedures at http://www.fcmat.org during the BASC Annual Conference, at which time the release of the updated procedures is announced.

User Response Form

As part of FCMAT’s ongoing efforts to help California’s educational agencies improve fiscal accountability, this manual will be updated with new information and added features on a regular basis. To that end, we invite you to give us your input. If there is any way you feel we could improve the *Fiscal Procedural Manual for Business Officials in California County Offices of Education*, please take a moment to complete this form and let us know.

Please provide a description of your requested features or suggested improvements for future revisions.

Please e-mail or fax your response to:

Michelle Plumbtree
Chief Management Analyst
FCMAT
mplumbtree@fcmat.org
707-775-2850 • Fax: 661-636-4647

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User Response Form	vii

If you are viewing the complete electronic version, click on any procedure listed below to go to that section.

Procedures

Procedure Number	Procedure Name	Date Adopted or Revised
P-000	Index	12/2015
P-001	Calendar	12/2015
P-002	Which Entities Are Included	2/2011
P-003	Facility Maintenance Accounts	2/2015
P-004	AB 1200 Overview	12/2015
P-005	Budget Review	12/2015
P-006	The Unaudited Actuals	12/2015
P-007	Interim Report Review	12/2015
P-008	Audits	12/2015
P-009	Charter Schools	12/2015
P-010	Cash	2/2012
P-011	Internal Controls for AB 1200	2/2012
P-012	Approving District Orders	2/2013
P-013	Fiscally Independent and Fiscally Accountable Districts	2/2013
P-014	Bargaining Agreement Disclosure	2/2013
P-015	Apportionment Posting	12/2015

Procedures (cont.)

Procedure Number	Procedure Name	Date Adopted or Revised
P-016	Education Revenue Augmentation Fund (ERAF)	12/2015
P-017	Property Taxes	2/2014
P-018	CalPERS and CalSTRS Reporting	2/2015
P-019	Attendance Accounting	12/2015
P-020	Local Control Funding Formula	2/2015
P-021	Special Education	12/2015
P-022	Services to Districts	12/2015
P-023	Debt	2/2010
P-024	Reimbursements to COEs	12/2015
P-025	District Reorganization	2/2012
P-026	Working with the County	12/2015
P-027	Cash Flow Procedures	12/2015
P-028	Waiver of State Apportionment Deferrals	2/2012
P-029	Current Expense Formula and Reporting—SACS Form CEA	2/2013

Month	Procedure Number	Activity
July	P-003	<i>Facility Maintenance Accounts</i> <ul style="list-style-type: none"> Confirm as disclosed in the district budget criteria and standards that adequate contributions have been budgeted for the ongoing and major maintenance account.
	P-005	<i>Budget Review</i> <ul style="list-style-type: none"> Districts must file the adopted budget and the approved local control accountability plan (LCAP) with the county superintendent no later than 5 days after the first adoption of the budget or July 1, whichever comes first. If a school district does not submit a budget, the county superintendent will, at district expense, develop a budget for that district by September 15 and transmit the budget to the governing board of the school district.
	P-009	<i>Charter Schools</i> <ul style="list-style-type: none"> On or before July 1, the charter school must submit a preliminary budget and the approved local control accountability plan (LCAP) to its chartering authority and the county superintendent of schools, or only the county superintendent of schools if the county board of education is the chartering authority.
	P-019	<i>Attendance Accounting, Local Control Funding Formula</i> <ul style="list-style-type: none"> On or before July 15, county office of education exports annual attendance, necessary small school certifications, and other LCFF-related data to the California Department of Education (CDE) using the CDE's Principal Apportionment Data Collection software.

August

Month	Procedure Number	Activity
	P-005	<i>Budget Review</i> <ul style="list-style-type: none"> On or before August 15 of each year, the county superintendent of schools may seek clarification, in writing, from the governing board of a school district regarding the contents of the LCAP.
	P-009	<i>Charter Schools</i> <ul style="list-style-type: none"> Pupil estimates for new or significantly expanding charters (PENSEC) forms due for charter schools that are new or significantly expanding (adding a grade level or some other qualifying event) no later than August 15.
	P-017	<i>Property Taxes</i> <ul style="list-style-type: none"> County office submits tax information and prior year annual miscellaneous funds data no later than August 15 using the CDE's Principal Apportionment Data Collection software.
	P-021	<i>Special Education</i> <ul style="list-style-type: none"> By August 15, applicable counties submit prior year annual special education tax allocation data using the CDE's Principal Apportionment Data Collection software.

Month	Procedure Number	Activity
September	P-005	<p><i>Budget Review</i></p> <ul style="list-style-type: none"> The county superintendent must examine the budget and determine whether it complies with the standards and criteria adopted by the State Board of Education. The county superintendent must determine whether the budget allows the district to meet its financial obligations (budget and multiyear). On or before September 15, the county superintendent must approve, conditionally approve, or disapprove the budget. In order to approve a district's budget, the county office must ensure compliance with the three criteria for LCAP approval, which are listed in Education Code section 52070(d) and the CCSESA LCAP Approval Manual. The superintendent must provide the conditional approval or the disapproval in writing. For districts with a conditionally approved budget or a disapproved budget, the county superintendent may appoint a committee to examine and comment on the superintendent's review and recommendations. The committee must report its findings to the superintendent no later than September 20. If a school district does not submit a budget, the county superintendent will, at district expense, develop a budget for that district by September 15 and transmit the budget to the governing board of the school district.
	P-009	<p><i>Charter Schools</i></p> <ul style="list-style-type: none"> On or before September 15, the charter school must approve, in a format prescribed by the State Superintendent of Public Instruction (SPI), an annual statement of all receipts and expenditures of the charter school for the preceding fiscal year. The charter school must file the statement with the entity that approved the charter. Certification of the Special Advance Apportionment based on PENSEC data for newly operational charter schools and continuing charter schools adding one or more grade levels.

October

Month	Procedure Number	Activity
	P-005	<i>Budget Review</i> <ul style="list-style-type: none"> On or before October 8, the county superintendent of schools shall approve a district's LCAP if it complies with the three criteria for LCAP approval, which are listed in Education Code section 52070(d) and the CCSESA LCAP Approval Manual. On or before October 8, If the adopted budget of a school district is conditionally approved or disapproved, the governing board of the school district, in conjunction with the county superintendent of schools, shall review and respond to the recommendations of the county superintendent of schools at a regular meeting of the governing board of the school district. On or before October 22, the county superintendent must provide a list to the State Superintendent of Public Instruction (SPI) of the districts for which they may disapprove budgets. <ul style="list-style-type: none"> For districts with a conditionally approved or disapproved budget, the county superintendent must review the revised budget to determine that it: 1) complies with the standards and criteria adopted by the State Board of Education pursuant to Education Code Section 33127; 2) allows the district to meet its financial obligations during the fiscal year; 3) satisfies all conditions established by the county superintendent of schools in the case of a conditionally approved budget; and 4) is consistent with a plan that will enable the district to satisfy its multiyear commitments.
	P-006	<i>Unaudited Actuals</i> <ul style="list-style-type: none"> On or before October 15, the county superintendent must verify the mathematical accuracy of the "Unaudited Actuals" and transmit a copy of the reports to the SPI.
	P-017 P-019 P-020	<i>Property Taxes, Attendance Accounting, Local Control Funding Formula</i> <ul style="list-style-type: none"> By October 1, submit LEA corrections for prior fiscal years using the CDE's Principal Apportionment Data Collection software.
	P-009	<i>Charter Schools</i> <ul style="list-style-type: none"> Twenty-day forms due by October 31 for newly operational charter schools and continuing charter schools adding one or more grade levels.
	P-021	<i>Special Education</i> <ul style="list-style-type: none"> By October 31, submit prior year annual LEA Infant data using the CDE's Principal Apportionment Data Collection software.

November

Month	Procedure Number	Activity
	P-005	<p><i>Budget Review</i></p> <ul style="list-style-type: none"> No later than November 8, the county superintendent must: <ul style="list-style-type: none"> Approve or disapprove the budget for districts whose budgets were conditionally approved or disapproved as of September 15. If the county superintendent disapproves the revised budget, they will call for a budget review committee under Section 42127.1 unless the governing board of the district and the county superintendent agree to waive the requirement for a committee and the California Department of Education (CDE) approves the waiver. Based on the waiver, the county superintendent immediately has the authority and responsibility provided by Education Code Section 42127.3. Submit a report to the SPI identifying all districts with disapproved budgets including a copy of the written response to each district.
	P-017	<p><i>Property Taxes</i></p> <ul style="list-style-type: none"> County office submits tax information no later than November 15 using the CDE's Principal Apportionment Data Collection software.
	P-021	<p><i>Special Education</i></p> <ul style="list-style-type: none"> By November 15, applicable counties submit prior year annual special education local plan area (SELPA) ADA allocation data using the CDE's Principal Apportionment Data Collection software. By November 30, submit prior year annual Nonpublic School (NPS) Extraordinary Cost Pool and Necessary Small SELPA ECP for Mental Health claim data using the CDE's Principal Apportionment Data Collection software. Hard copies of supporting documentation (copies of paid invoices) must also be postmarked by this date.

Month	Procedure Number	Activity
December	P-005	<i>Budget Review</i> <ul style="list-style-type: none"> No later than December 31, the county superintendent, in consultation with the SPI and the governing board of the district, must develop and adopt a fiscal plan and budget for districts with disapproved budgets.
	P-007	<i>Interim Report Review (first interim report)</i> <ul style="list-style-type: none"> School districts provide first interim reports to the county superintendent after they are approved by the governing board (45 days after the close of the period being reported, October 31).
	P-008	<i>Audits</i> <ul style="list-style-type: none"> If the county superintendent does not receive the annual audit report by December 15, the superintendent may investigate the cause of the delay and initiate action to obtain the audit in the most effective manner. County superintendent must file requests for extensions for filing the annual audit report with the California State Controller's Office (SCO) and CDE by December 1. County superintendent is responsible for reviewing the audit exceptions in the report related to: <ul style="list-style-type: none"> Attendance Equipment inventory Internal control Miscellaneous items County superintendent is responsible for determining that the exceptions have been corrected or an acceptable plan of correction has been developed. Responsibility for Audit Exceptions (Education Code Section 41020[i]) <ol style="list-style-type: none"> The county superintendent of schools is responsible for reviewing the audit exceptions and for determining whether each audit exception has been corrected or whether the LEA has developed an acceptable plan of correction in the following areas: <ol style="list-style-type: none"> Attendance Inventory of equipment Internal control Miscellaneous Instructional material program funds Teacher misassignments pursuant to Education Code Section 44258.9 Information reported on the school accountability report card (SARC) pursuant to Education Code Section 33126

Month	Procedure Number	Activity
December	P-009	<i>Charter Schools</i>
		<ul style="list-style-type: none">On or before December 15, the charter school must submit an interim financial report to its chartering authority and the county superintendent of schools, or only to the county superintendent of schools if the county board of education is the chartering authority.Charter schools must submit a copy of their annual audit report to the chartering entity, the SCO, the county superintendent of schools in which the charter school is sited, and the CDE by December 15 of each year.Certification of the 2014-15 Second Special Advance Apportionment based on 20-day data for newly operational charter schools and continuing charter schools adding one or more grade levels.

Month	Procedure Number	Activity
	P-007	<p><i>Interim Report Review (first interim report)</i></p> <ul style="list-style-type: none"> No later than 75 days after October 31, the county office will provide notice of any change in the certification to the district governing board and the SPI. No later than 75 days after October 31, the county superintendent of schools must report to the SCO and the SPI whether each district under their jurisdiction provided the required certification and the type of certification for each district.
	P-008	<p><i>Audits</i></p> <ul style="list-style-type: none"> Update the auditor selection letter. Send letter to LEAs requesting information on the selection of their auditors. Review all audit exceptions related to: <ul style="list-style-type: none"> Attendance Inventory of equipment Internal control Miscellaneous Send letter to LEAs with deficiencies in the plan of correction for audit exceptions.
	P-019	<p><i>Attendance Accounting, Local Control Funding Formula</i></p> <ul style="list-style-type: none"> County office of education exports P-1 attendance data, necessary small school certifications, and other LCFF-related data to the CDE no later than mid-January using the CDE's Principal Apportionment Data Collection software.
	P-021	<p><i>Special Education</i></p> <ul style="list-style-type: none"> By January 15, submit P-1 LEA infant data using the CDE's Principal Apportionment Data Collection software. By January 15, applicable counties submit P-1 SELPA ADA allocation and special education tax allocation data using the CDE's Principal Apportionment Data Collection software.

March

Month	Procedure Number	Activity
	P-007	<i>Interim Report Review (second interim report)</i> <ul style="list-style-type: none"> School districts provide second interim reports to the county superintendent after they are approved by the governing board (45 days after the close of the period being reported, January 31).
	P-008	<i>Audits</i> <ul style="list-style-type: none"> If the description of the correction or the plan of correction for audit exceptions are not in the audit report, the county superintendent will notify the school district and request the governing board to provide this information by March 15.
	P-009	<i>Charter Schools</i> <ul style="list-style-type: none"> On or before March 15, the charter school must submit a second interim financial report to its chartering authority and the county superintendent of schools, or only to the county superintendent of schools if the county board of education is the chartering authority.
	P-017 P-019 P-020	<i>Property Taxes, Attendance Accounting, Local Control Funding Formula</i> <ul style="list-style-type: none"> By March 1, submit LEA corrections for prior fiscal years using the CDE's Principal Apportionment Data Collection software.

April

Month	Procedure Number	Activity
	P-007	<i>Interim Report Review (second interim report)</i> <ul style="list-style-type: none"> No later than 75 days after January 31, the county office will provide notice of any change in the certification to the district governing board and the SPI. No later than 75 days after January 31, the county superintendent of schools must report to the SCO and the SPI whether each district under their jurisdiction has provided the required certification and the type of certification for each district.
	P-008	<i>Audits</i> <ul style="list-style-type: none"> If the district hasn't made arrangements for the annual audit for the next fiscal year by April 1, the county superintendent must make arrangements for the audit by May 1. Direct the LEAs to submit revised reports for those audit exceptions related to attendance that have a fiscal impact.
	P-017	<i>Property Taxes</i> <ul style="list-style-type: none"> County office submits tax information no later than April 15 using the CDE's Principal Apportionment Data Collection software.
	P-020	<i>Local Control Funding Formula</i> <ul style="list-style-type: none"> By April 15, county office submits P-2 certification selection for necessary small schools and COE LCFF adjustments using the CDE's Principal Apportionment Data Collection software.

May

Month	Procedure Number	Activity
	P-008	<i>Audits</i> <ul style="list-style-type: none"> By May 1, the county office of education must make arrangements for the audit of any LEAs that have not made their own arrangements by April 1. County superintendent will notify the SPI and the SCO by May 15 that the county office staff have reviewed the audits, reviewed the audit exceptions, and that all exceptions have been corrected or the district has submitted an acceptable correction plan.
	P-019 P-020	<i>Attendance Accounting, Local Control Funding Formula</i> <ul style="list-style-type: none"> County office of education exports P-2 attendance and other LCFF-related data to the CDE no later than May 1 using the CDE's Principal Apportionment Data Collection software.
	P-021	<i>Special Education</i> <ul style="list-style-type: none"> By May 1, submit P-2 LEA infant data using the CDE's Principal Apportionment Data Collection software. By May 1, applicable counties submit P-2 SELPA ADA allocation and special education tax allocation data using the CDE's Principal Apportionment Data Collection software.

Month	Procedure Number	Activity
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June

P-007

Interim Report Review (third interim report)

- No later than June 1, each school district with a qualified or negative certification for the second interim report must provide financial statement projections of the district's fund and cash balances through June 30 for the period ending April 30 to the county superintendent, the SCO, and the SPI.

Month	Procedure Number	Activity
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P-007

*Interim Report Review**(Districts With Disapproved Budget, Qualified or Negative Interim Certification or Other Fiscal Uncertainty)*

- County superintendent must present a report to the school district board and the SPI regarding the fiscal solvency of any district with a disapproved budget, qualified or negative interim certification, or that has been determined to be in a position of fiscal uncertainty.
- For districts with qualified or negative certifications, the county superintendent must also approve the issuance of any non-voter-approved debt. The county superintendent must determine that repayment is probable.

Annually
(No Dates Specified, or As Needed)

Fiscal calendars, including apportionments, budget, interim and year-end financial reporting calendars, are available online from the CDE at <http://www.cde.ca.gov/re/ca/fc/>.

Which Entities are Included?

Procedure Number	Procedure Name	Entities Included		
		School Districts	Community Colleges (1)	Joint Powers Authorities
P-003	Facility Maintenance Accounts	Yes	No	No
P-004	AB 1200 Overview	Yes	No	Yes (2)
P-005	Budget Review	Yes	No	Yes (2)
P-006	The Unaudited Actuals	Yes	No	Yes (2)
P-007	Interim Report Review	Yes	No	Yes (2)
P-008	Audits	Yes	No	Yes (3)
P-009	Charter Schools	Yes	No	No
P-010	Cash	Yes	No	No
P-011	Internal Controls for AB 1200	Yes	No	Yes
P-012	Approving District Orders	Yes	No	No
P-013	Fiscally Accountable and Fiscally Independent Districts	Yes	No	No
P-014	Disclosures for Negotiations	Yes	No	No
P-015	Apportionment Posting	Yes	No	No
P-016	ERAF	Yes	Yes	No
P-017	Property Taxes	Yes	Yes	No
P-018	PERS and STRS Reporting	Yes	Yes	Yes
P-019	Attendance	Yes	No	No
P-020	Local Control Funding Formula	Yes	No	No
P-021	Special Education	Yes	No	Yes
P-022	Direct Service Districts	Yes	No	No
P-023	Tax Override and Bond Interest and Redemption Funds	Yes	No	No
P-024	AB 1200 Reimbursements	N/A	N/A	N/A
P-025	Territory Transfers	Yes	Yes	No
P-026	Working with the County	Yes	Yes	Yes
P-027	Cash Flow Procedures	Yes	No	No

- (1) Education Code Section 1240 (l)(4) states that the county superintendent of schools is not responsible for the fiscal oversight of community colleges in the county, although the county may perform financial services on behalf of the colleges.
- (2) Education Code Sections 41023 requires JPAs (consisting solely of school districts and county offices of education and excluding health and welfare JPAs) to follow the legal provisions in Education Code Sections 42100, 35010, and 42600.
- (3) Regional occupational centers and programs (ROCP) are also subject to the provisions of Education Code Section 41020.

Facility Maintenance Accounts

I. OVERVIEW

Local educational agencies (LEAs) are required to establish a restricted ongoing and major maintenance account in the general fund if they participate in the state school building programs. The requirements for establishing a restricted maintenance account for facilities are based on an LEA's participation in the old Leroy Greene Lease-Purchase Program or the School Facility Grant Program. County offices are required to verify that restricted amounts have been set aside within the LEA's general fund budget, in either resource 8100 (Leroy Green Lease-Purchase Program) or resource 8150 (School Facility Grant Program).

II. RESTRICTED MAINTENANCE ACCOUNTS

- A. Education Code 17014 (b)(2): LEAs participating in only the Leroy Greene Lease-Purchase Program Law of 1976 are required to establish a restricted (account within the district's general fund for the exclusive purpose of providing moneys for regular maintenance and routine repair of school buildings) routine repair and regular maintenance fund (RRRMF) account (SACS Resource 8100).
 - 1. The LEA must annually deposit a minimum of at least 2% of the LEA's total general fund adopted budget for the term of the lease agreement.
 - a. Under this program, participating school districts entered into a 40-year lease-purchase agreement with the state.
 - 2. A contribution to the RMA may be provided in lieu of meeting the ongoing requirements for the RRRMF, per EC 17070.75(b)(2)(c).
- B. Education Code 17070.75: LEAs in the 1998 School Facility Grant Program (SFP) must annually deposit at least 3% of the LEA's total general fund adopted budget expenditures and other financing uses into an ongoing and major maintenance account called the RMA (SACS Resource 8150).
 - 1. The RMA must be set up for the fiscal budget year following the fiscal year any SFP project(s) receives full grant funding.
 - 2. The district must make the first deposit that fiscal year and make additional deposits each fiscal year for 20 years.
 - 3. County offices are allowed to calculate the 3% based on the total general fund unrestricted expenditures. This exemption does not apply to the Lease-Purchase program.
 - 4. Districts that are the administrative unit for a special education local plan area (SELPA) are allowed to exclude the pass-through funds from the expenditures when making the calculation.

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5. Education Code 17070.766 reduced the required deposit to the routine restricted maintenance account from 3% to 1% for the 2008-09 through 2014-15 fiscal years for most LEAs, and to 0% for LEAs with facilities maintained in good repair pursuant to the Williams settlement and as defined in Education Code section 17002.
6. The state budget software's *criteria and standards* will validate that the minimum required percentage of the LEA's adopted budget has been set aside in the RRMA account.

III. EXCEPTIONS

A. There are exceptions to both of the restricted maintenance programs.

1. Small school districts are exempt from the annual minimum contribution requirement; that is, elementary districts with less than 901 ADA, high school districts with less than 301 ADA, and unified school districts with less than 1,201 ADA (Education Code section 17070.75). These districts still need to establish the fund and certify that they can adequately maintain their facilities, but the dollar amount the district is required to transfer is based on the district's needs rather than the percentage established in the Education Code.
 - a. Every school district, regardless of size, must establish and maintain an RRMA upon receipt of funds from the State Allocation Board.
 - b. However, small exempt school districts can base the amount of the transfer into the account on the district's needs by doing the following annually:
 - Developing a maintenance plan and budget that identifies how the district will meet its facility needs.
 - Designate the amount less than 3% that is to be transferred into the RRMA.
 - Certify in an open board meeting that the amount to be transferred into the RRMA is sufficient to meet the district's facility needs.

IV. ROUTINE MAINTENANCE ACCOUNT EXPENDITURES ACTIVITIES

- A. Funds may be used for maintenance and upkeep of any district facilities; their use is not restricted to facilities constructed or modernized under the State School Building Lease-Purchase Program.
- B. Education Code 17014(c) under the Leroy Green Lease-Purchase programs states:

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For purposes of this subdivision, the term “major maintenance, repair and replacement” means roofing, siding, painting, floor and window coverings, fixtures, cabinets, heating and cooling systems, landscaping, fences, and other items designated by the governing board of the school district.

- C. Education Code 17070.75(b)(1) for the most current School Facility Grant Program states:

[The district shall] establish a restricted account within the General Fund of a school district for the exclusive purpose of providing moneys for ongoing and major maintenance of school buildings . . .

- D. For additional direction in determining appropriate expenditures, LEAs may want to refer to the California School Accounting Manual (CSAM) for the definition of what is considered maintenance.

V. COUNTY OFFICE OF EDUCATION RESPONSIBILITIES

- A. Confirm that, as disclosed in the district’s budget criteria and standards, the annual contribution for facilities maintenance funding is not less than the amount required by Education Code Section 17070.75.

VI. LEGAL CITATIONS

- A. Education Code

- Sections 17002(d)(1) and 17014(1) through 17014(7)(d)
- Sections 17070.75 through 17070.77

I. OVERVIEW

- A. AB 1200 took effect on January 1, 1992. AB 1200 redefined and expanded the county superintendents' financial oversight responsibilities.
- B. In subsequent years, additional laws have amended and expanded the original enacting legislation. Most noteworthy of these are AB 2756, approved June 2004; and the Budget Act of 2014, which implemented the Local Control Funding Formula (LCFF) and the Local Control Accountability Plan (LCAP).
- C. The term AB 1200 has come to include the review of the school district budgets, the review of the unaudited actual financial statements, the county office's financial oversight at the first and second interim reporting periods, intervention on behalf of financially troubled districts, and responsibility for follow-up on certain audit exceptions.

II. LEGAL REQUIREMENTS

A. The Budget

- 1. Education Code Sections 1240, 42103 and 42122 – 42129 establish the legal standards for the budget.
- 2. The following are the key elements of these code sections:

Education Code Section	Key Elements of the Code Section
1240	Requires the county superintendent to annually present a report to the school district board and the Superintendent of Public Instruction (SPI) regarding the fiscal solvency of any district with a disapproved budget, qualified or negative interim certification, or that has been determined to be in a position of fiscal uncertainty. <i>Note: This is often referred to as the AB 139 letter.</i>
42103	Requires the governing board to hold a public hearing for the budget in a district facility or some other public place. The hearing must be not less than three working days following the availability of the proposed budget for public inspection. Requires the county superintendent to publish the notification of the dates and locations at which the proposed budget may be inspected in a newspaper of general circulation at least three days prior to when the budget is ready for inspection, but no earlier than 45 days and not less than 10 days before the public hearing.
42122	Requires the budget to show a complete plan and itemized statement of all estimated revenues and expenditures for the next fiscal year as well as a comparison of revenue and expenditures for the current year.
42123	Requires the budget to be on forms prescribed by the SPI.

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42124	Allows the budget to include a general reserve to meet cash requirements.
42125	Allows the budget to include designations of fund balance. The designated funds are available for appropriation by a majority vote of the governing board.
42126	Requires the SPI to prepare the forms used for the budget and the comparison of revenue and expenditures.
42127	<p>Requires the governing board of each district to do the following:</p> <ul style="list-style-type: none"> • By July 1, hold a public hearing on the budget, and post the agenda for the public hearing at least 72 hours in advance. Based on requirements of the Local Control Accountability Plan (LCAP) a hearing on the specific actions and expenditures proposed to be included in the LCAP or annual update to the LCAP shall be held before the budget hearing although both the budget and LCAP public hearings can be held at the same meeting. (Education Code Section 52062(b)(1)). • By July 1, adopt a budget. The budget cannot be adopted before the school district adopts an LCAP or an update to the LCAP. The budget must include expenditures necessary to implement the LCAP. (The LCAP and the budget cannot be adopted at the same meeting as the public hearing). • Beginning with the 2015-16 fiscal year, if ending fund balances that include an assigned and unassigned balance exceed the minimum recommended reserve for economic uncertainty, the district must present the following at the budget adoption public hearing: (i) The minimum recommended reserve for economic uncertainties for each fiscal year identified in the budget. (ii) The combined assigned and unassigned ending fund balances that are in excess of the minimum recommended reserve for economic uncertainties for each fiscal year identified in the budget. (iii) A statement of reasons that substantiate the need for an assigned and unassigned ending fund balance that is in excess of the minimum recommended reserve for economic uncertainties. The school district shall provide this information each time it files an adopted or revised budget (43 day revised budget as noted below; not at interim reporting periods) with the county superintendent of schools. • File the adopted budget with the county superintendent of schools no later than 5 days after the adoption or July 1, whichever comes first. • No later than 45 days after the governor signs the Budget Act, the district must make available to the public any budget revisions made to reflect the funding made available by that Budget Act. <p>Requires the county superintendent to do all of the following:</p> <ul style="list-style-type: none"> • Examine the budget and determine whether it complies with the standards and criteria adopted by the State Board of Education (Education Code Section 33127). • Determine whether the budget allows the district to meet its financial obligations (budget year and multiyear), including the expenditures needed to implement the LCAP. • Determine whether the adopted budget includes the expenditures necessary to implement the local control and accountability plan or annual update to the local control and accountability plan approved by the county superintendent of schools.

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- Determine whether the budget includes ending fund balances that exceed the minimum recommended reserve for economic uncertainties and, if so, verify that the school district complied with the requirements for a public hearing and disclosure.
- Review and consider studies, reports, evaluations, or audits that were commissioned by the district, the county superintendent, the SPI, and state control agencies if these documents contain evidence of fiscal distress. Fiscal distress is determined by the standards and criteria adopted in Education Code Section 33127 or findings by an external reviewer that more than 3 of the 15 most common predictors of a school district needing intervention, as determined by the County Office Fiscal Crisis and Management Assistance Team (FCMAT), are present.
- Either conditionally approve or disapprove a budget that does not provide adequate assurance that the district will meet its current and future obligations and resolve any problems identified in studies, reports, evaluations or audits.
- On or before September 15, approve, conditionally approve, or disapprove the adopted budget.
 - The county superintendent must provide the conditional approval or disapproval in writing no later than September 15 and provide recommendations for budget revisions and the reasons for those recommendations, including, but not limited to, the amounts of any budget adjustments needed before they can approve the budget.
 - The budget shall not be adopted or approved by the county superintendent before an LCAP or an update to an LCAP is approved.
 - The county superintendent may assign a fiscal advisor to assist the district to develop a budget in compliance with those revisions.
 - In addition, the county superintendent may appoint a committee to examine and comment on the county superintendent's review and recommendations, subject to the requirement that the committee report its findings to the superintendent no later than September 20.
- On or before October 8, the governing board of the school district will: 1) revise the adopted budget to reflect the changes in projected revenue and expenditures subsequent to July 1, and to include any responses to the recommendations of the county superintendent; 2) adopt the budget; and 3) file the revised budget with the county superintendent of schools.
 - Prior to revising the budget, the governing board will hold a public hearing regarding the proposed revisions, to be conducted in accordance with Education Code Section 42103. The board will make the revised budget and supporting data available for public review.
- On or before October 22, provide a list to the SPI of districts for which budgets may be disapproved.
- Review the revised budget to determine that it: 1) complies with the standards and criteria adopted by the State Board of Education pursuant to Education Code Section 33127; 2) allows the district to meet its financial obligations during the fiscal year; 3) satisfies all conditions established by the county superintendent of schools in the case of a conditionally approved budget; and 4) is consistent with a financial plan that will enable the district to satisfy its multiyear financial commitments.

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- No later than November 8, approve or disapprove the revised budget.
- If the county superintendent disapproves the revised budget, they will call for a budget review committee under Section 42127.1 unless the governing board of the district and the county superintendent agree to waive the requirement for a committee and the California Department of Education (CDE) approves the waiver.
- If the county superintendent disapproves the budget solely because the county superintendent has not approved an LCAP, the county superintendent shall not call for the formation of a budget review committee.
- Based on the waiver, the county superintendent immediately has the authority and responsibility provided by Section 42127.3.
- Upon approving the waiver of the budget review committee, the CDE must ensure that a balanced budget is adopted for the school district by December 31.
 - If no budget is adopted by December 31, the SPI may adopt a budget for the district.
 - The SPI must report to the Legislature and the Director of Finance by January 10 if any district does not have an adopted budget by December 31. The report must include the reasons why a budget has not been adopted by the deadline, the steps being taken to finalize budget adoption, the date the adopted budget is anticipated, and whether the SPI has or will exercise their authority to adopt a budget for the district.
- No later than November 8, submit a report to the SPI identifying all districts with disapproved budgets including a copy of the written response to each district.
- If a school district does not submit a budget, the county superintendent will, at district expense, develop a budget for that district by September 15 and transmit that budget to the governing board of the school district.
- The budget prepared by the county superintendent will be deemed adopted, unless the county superintendent approves any modifications made by the governing board of the school district.
- The approved budget will be used as a guide for the district's priorities.
- The SPI will review and certify the budget approved by the county office.

If the county board of education also serves as the governing board of the school district, the district is subject to Education Code Section 1622.

42127.1

Establishes standards for the budget review committee and the waiver process.

42127.2

School district must select budget review committee five working days after receipt of candidate list from SPI.

SPI convenes the budget review committee no later than five working days after selection.

The county superintendent may request the Controller's office to conduct an audit or review of the fiscal condition of the school district to assist the budget review committee.

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42127.3	<p>Establishes guidelines for the county superintendent of schools and the district based on the work of the budget review committee.</p> <p>If the budget committee disapproves the budget, the SPI may either approve or disapprove the budget. If it is disapproved, no later than December 31, county superintendent must develop and adopt a fiscal plan and budget for the district.</p> <p>Provides authority to county superintendent to implement and monitor the plan and budget.</p>
42127.4	Provides guidelines to school district on which budget to use for operations until its budget is approved.
42127.5	Requires school district to provide with the budget, annual audit and interim certifications a statement identifying the reasons for a negative unrestricted fund balance or cash balance and the steps that have been taken to ensure that negative balance will not occur.
42127.6	<p>Requires school districts to provide to the county superintendent copies of studies, reports, evaluations, or audits that were commissioned by the district, the county superintendent, the SPI, and the state control agencies that contain evidence that the school district is showing fiscal distress. Fiscal distress is determined based on the standards and criteria adopted in Education Code section 33127, or a report on the school district by FCMAT or any regional team. Fiscal distress is also determined if any of these reports or studies contain a finding by an external reviewer that more than 3 of the 15 most common predictors of a school district needing intervention (as established by FCMAT) are present.</p> <p>The county superintendent must review and consider these studies. The county superintendent must investigate the financial condition of the school district and determine if the district may be unable to meet its financial obligations for the current or two subsequent fiscal years, or should receive a qualified or negative interim financial certification pursuant to Education Code section 42131.</p> <p>Outlines actions required by the county superintendent if county office determines that the school district may not be able to meet its financial obligations for current or two subsequent fiscal years or if the district has qualified certification (on interim report).</p> <p><i>Note: This section is often referred to as a “going concern”.</i></p> <p>Provides guidelines for an appeal by the school district.</p>
42127.9	Provides the criteria for an appeal by the school district of a disapproved budget.
42128	If the school district neglects to make a budget or to file interim reports, authorizes the county superintendent of schools to withhold funds to the district and to notify the appropriate county official to refuse to issue warrants of the district.
42129	Authorizes the SPI to direct the county auditor to withhold payment to district superintendents, county superintendents, and governing board members for failure to file reports on time (14 days after the submission date in the statute).

B. Unaudited Actual Financial Reports

1. Education Code Section 42100 establishes legal standards for the unaudited actual financial reports.
2. The following are the key elements of this code section:

Education Code Section	Key Elements of the Code Section
42100	<p>On or before September 15, the governing board of each district must approve, on a form prescribed by the SPI, a statement of all receipts and expenditures of the district for the preceding fiscal year.</p> <p>On or before October 15, the county superintendent must verify the mathematical accuracy of the statement and transmit a copy to the SPI.</p>

C. Interim Reports

1. Education Code Sections 1240 and 42127.6 – 42133.5 establish legal standards for interim reports.
2. The following are the key elements of these code sections:

Education Code Section	Key Elements of the Code Section
1240	<p>Requires the county superintendent to annually present a report to the school district board and the SPI regarding the fiscal solvency of any district with a disapproved budget, qualified or negative interim certification, or that has been determined to be in a position of fiscal uncertainty.</p> <p><i>Note: This is often referred to as the AB 139 letter.</i></p>
42127.6	<p>If at any time during the fiscal year the county superintendent of schools determines that a school district may be unable to meet its financial obligations for the current or two subsequent fiscal years or if a school district has a qualified or negative certification pursuant to Section 42131, they will notify the governing board of the school district and the SPI in writing of that determination and the basis for the determination. The notification will include the assumptions used in making the determination and will be available to the public.</p> <p>The county superintendent will report to the SPI on the financial condition of the school district and their proposed remedial actions. The county superintendent will do at least one of the following and all actions that are necessary, to ensure that the district meets its financial obligations:</p> <ul style="list-style-type: none"> • Assign a fiscal expert, paid for by the county superintendent. • Conduct a study of the financial and budgetary conditions of the district that includes, but is not limited to, a review of internal controls. • Direct the school district to submit a financial projection of all fund and cash balances of the district as of June 30 of the current year and subsequent fiscal years as he or she requires. • Require the district to encumber all contracts and other obligations, to prepare appropriate cash flow analyses and monthly or quarterly budget revisions, and to appropriately record all receivables and payables. • Direct the district to submit a proposal for addressing the fiscal conditions that resulted in the determination that the district may not be able to meet its financial obligations. • Withhold compensation of the members of the governing board and the district superintendent for failure to provide requested financial information. This action may be appealed to the SPI.

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<p>42127.6 (continued)</p>	<p>If after taking the actions identified above, the county superintendent determines that a district will be unable to meet its financial obligations for the current or subsequent fiscal year, they will notify the school district governing board and the SPI in writing of that determination and the basis for that determination. The notification will include the assumptions used in making the determination and will be provided to the superintendent of the school district and parent and teacher organizations of the district.</p> <ul style="list-style-type: none"> • Within 5 days of the county superintendent making this determination, a school district may appeal the determination to the SPI. The SPI will sustain or deny the appeal within 10 days. • If the appeal is denied or not filed, or if the district has a negative certification, the county superintendent, in consultation with the SPI, will take at least one of the following actions: <ul style="list-style-type: none"> • Develop and impose, in consultation with the SPI and the school district governing board, a budget revision that will enable the district to meet its financial obligations in the current fiscal year. • Stay or rescind any action that is determined to be inconsistent with the school district's ability to meet its obligations for the current or subsequent fiscal years. • Assist in developing, in consultation with the governing board of the school district, a budget for the subsequent fiscal year. • Appoint a fiscal advisor. • The school district is required to pay 75% and the county office of education 25% of the expenses incurred in improving the district's financial management. 						
<p>42130</p>	<p>Requires school districts to submit two interim reports to the governing board:</p> <p>First Interim - For the period ending October 31</p> <p>Second Interim – For the period ending January 31</p> <p>The governing board must approve the reports no later than 45 days after the close of the period being reported.</p> <p>The district must prepare the reports in a format or on forms prescribed by the SPI and ensure that they are based on standards and criteria for fiscal stability adopted by the State Board of Education pursuant to Section 33127.</p>						
<p>42131</p>	<p>Requires the governing board of each school district to certify, in writing, within 45 days after the close of the period being reported, whether or not the district is able to meet its financial obligations for the remainder of the fiscal year and for the subsequent fiscal year. The certifications are classified as:</p> <table> <tr> <td data-bbox="407 1682 586 1707">Positive</td><td data-bbox="602 1682 1367 1738">The district will be able to meet its financial obligations for the current fiscal year and subsequent two fiscal years.</td></tr> <tr> <td data-bbox="407 1770 586 1795">Qualified</td><td data-bbox="602 1770 1367 1827">The district may not be able to meet its financial obligations for the current fiscal year or subsequent two fiscal years.</td></tr> <tr> <td data-bbox="407 1858 586 1883">Negative</td><td data-bbox="602 1858 1367 1915">The district will be unable to meet its financial obligations for the remainder of the year and the subsequent fiscal year.</td></tr> </table>	Positive	The district will be able to meet its financial obligations for the current fiscal year and subsequent two fiscal years.	Qualified	The district may not be able to meet its financial obligations for the current fiscal year or subsequent two fiscal years.	Negative	The district will be unable to meet its financial obligations for the remainder of the year and the subsequent fiscal year.
Positive	The district will be able to meet its financial obligations for the current fiscal year and subsequent two fiscal years.						
Qualified	The district may not be able to meet its financial obligations for the current fiscal year or subsequent two fiscal years.						
Negative	The district will be unable to meet its financial obligations for the remainder of the year and the subsequent fiscal year.						

	<p>Requires the governing board to file a copy of each certification and a copy of the report with the county superintendent of schools.</p> <p>If the county office of education receives a positive certification when it determines that a qualified or negative should have been issued, the county office is authorized to change the certification to qualified or negative as appropriate.</p> <p>No later than 75 days after the close of the reporting period, the county office will provide notice of the change in the certification to the district governing board and the SPI.</p> <p>Provides guidance for an appeal process.</p> <p>For districts with a qualified or negative certification, the county superintendent has authority under Education Code Section 42127.6.</p> <p>Within 75 days of the close of each reporting period, the county superintendent of schools must report to the Controller and the SPI whether each district under their jurisdiction has provided the required certification and the type of certification for each district.</p> <p>Requires each school district filing a qualified or negative certification for the second interim report to provide financial statement projections of the district's fund and cash balances through June 30. This report is for the period ending April 30 and is due to the county superintendent, the SPI and the Office of the State Controller by June 1.</p> <p>The Controller's office may conduct an audit or review of the fiscal condition of any district having a negative or qualified certification.</p>
42133	<p>A school district that has a qualified or negative certification in any fiscal year may not issue, in that fiscal year, or the next succeeding fiscal year, certificates of participation, tax anticipation notes, revenue bonds, or any other debt instruments that do not require voter approval unless the county superintendent determines that the repayment on the debt is probable.</p>
42133.5	<p>Regardless of the certification of the budgetary status of the district, no proceeds obtained by a school district from the sale of a saleback or leaseback agreement, or interests therein, or certificates of participation, or debt instruments that are secured by real property and do not require the approval of the voters of the school district, shall be used for general operating purposes of the school district.</p>

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D. Audit Reports

1. Education Code Section 41020 et.al. establishes the legal requirements for the annual audit.
2. Education Code Section 14504 authorizes the county superintendent to report auditors to the California Board of Accountancy.
3. The following are the key elements of these code sections:

Education Code Section	Key Elements of the Code Section
14504	<p>Authorizes the county superintendent or the county board of education to refer an independent auditor of a local educational agency to the California Board of Accountancy for action if an audit of a local education agency was conducted in a manner that may constitute unprofessional conduct as defined by Section 5100 of the Business and Professions Code, including, but not limited to gross negligence resulting in a material misstatement in the audit.</p>
41020	<p>A contract to perform the audit of a local educational agency that has a disapproved budget or has received a negative certification on any budget or interim report during the current fiscal year or either of the two preceding fiscal years, or for which the county superintendent has otherwise determined that a lack of going concern exists, is not valid unless approved by the county superintendent of schools and the governing board.</p> <p>If a district has not made arrangements for an audit by April 1, the county superintendent will make arrangements for the school district audit.</p> <p>The auditors are required to file a copy of the audit report with the county superintendent, the California Department of Education, and the Office of the State Controller no later than December 15.</p> <p>The county superintendent is responsible for reviewing the audit exceptions in the annual audit reports related to:</p> <ul style="list-style-type: none"> • Attendance (e.g., Local Control Funding Formula pursuant to Education Code section 42238.02; independent study) • Equipment inventory • Internal control <ul style="list-style-type: none"> • Miscellaneous items • Instructional material program funds • Teacher misassignments pursuant to Education Code Section 44258.9 • Information reported on the school accountability report card (SARC) pursuant to Education Code Section 33126 <p>The county superintendent is responsible for determining that the exceptions have either been corrected or an acceptable plan of correction has been developed.</p>

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41020 (continued)	<p>If the description of the correction or the plan of correction are not included in the audit report, the county superintendent will notify the school district and request the governing board to provide this information by March 15.</p> <p>Each county superintendent of schools will certify to the SPI and the Controller by May 15 that the county office staff have reviewed the audits, reviewed the audit exceptions, and that all exceptions that the county superintendent was required to review were reviewed, and that all of those exceptions, except as noted in the certification, have been corrected or the district has submitted an acceptable correction plan.</p> <p>The county superintendent will adjust the future local property tax requirements to correct audit exceptions relating to school district tax rates and tax revenues.</p> <p>Audits of regional occupational centers and programs are also subject to the provisions of this section.</p> <p>In the audit of the local educational agencies in the subsequent year, the auditors must review the correction or plan of corrections to determine if the audit exceptions have been resolved. If not, the auditor will notify the county office of education and the California Department of Education.</p>
41020.2	<p>If the annual audit report is not filed with the county superintendent on or before December 15, the county superintendent may investigate the causes of the delay and initiate action to obtain the annual audit report in the most effective manner. These actions include:</p> <ul style="list-style-type: none">• Granting an extension.• Contracting with another audit firm to complete the work.• Requesting the Controller's office to investigate and initiate action.
41020.5	<p>County superintendent is required to notify in writing the certified public accountant or public accountant and the California Board of Accountancy if the audits conducted of school districts in the county were not performed in substantial conformity with the audit guide.</p> <p>Provides guidelines for an appeal by the accountant.</p> <p>If the determination by the county superintendent becomes final, the certified public accountant or the public accountant will be ineligible to perform school district audits for a period of 3 years.</p>
41020.8	<p>Provides authority to the county superintendent to request information from the district's auditors if the county superintendent has determined that the district may not be able to meet its obligations for the current or subsequent fiscal year.</p>

III. IMPLEMENTING THE LEGAL REQUIREMENTS

- A. The county office of education is required by law to review and examine the budget and interim reports prepared by the district in order to determine the financial solvency of the district.
- B. The law doesn't provide guidance on the procedures to use in making a determination of the solvency of the district.
- C. This manual provide samples of procedures used in other counties for reviewing a district's key financial documents and determining the district's solvency.
- D. These additional procedures are:
 - 1. P-005 – Budget Review
 - 2. P-006 – The Unaudited Actuals
 - 3. P-007 – Interim Report Review
 - 4. P-008 – Audits

Budget Review

I. OVERVIEW

- A. Procedure P-004 – AB 1200 Overview provides the legal requirements for the review of the budgets by county offices of education.
- B. This procedure provides guidance and sample documents for county offices to use in meeting the legal requirements.

II. CALENDAR

Month	Activity
Prior to July	<ul style="list-style-type: none">Districts must hold a public hearing on the budget to be adopted for the subsequent fiscal year. The agenda for that hearing shall be posted at least 72 hours before the public hearing and shall include the location where the budget will be available for public inspection. [EC 42127 (a) (1), EC 42103, EC 42126]
July	<ul style="list-style-type: none">Districts must file the adopted budget with the county superintendent of schools no later than five days after the adoption of the budget or July 1, whichever comes first. [EC 42127]The governing board shall not adopt a budget before the governing board adopts a local control and accountability plan, if an existing local control and accountability plan or annual update to a local control and accountability plan is not effective for the budget year. The governing board of a school district shall not adopt a budget that does not include the expenditures necessary to implement the local control and accountability plan that is effective during the subsequent fiscal year. [EC 42127(a)(2), EC 42103, EC 42126]Commencing with budgets adopted for the 2015-16 fiscal year, the governing board of a school district that proposes to adopt a budget that includes a combined assigned and unassigned ending fund balance in excess of the minimum recommended reserve for the economic uncertainties (adopted by the state board of education pursuant to subdivision (a) of EC 33128) shall provide all of the following for public review:<ul style="list-style-type: none">(i) The minimum recommended reserve for economic uncertainties for each fiscal year identified in the budget.(ii) The combined assigned and unassigned ending fund balances that are in excess of the minimum recommended reserve for economic uncertainties for each fiscal year identified in the budget.(iii) A statement of reasons that shall substantiate the need for an assigned and unassigned ending fund balance that is in excess of the minimum recommended reserve for economic uncertainties for each fiscal year for which the school district identifies such a balance.

Budget Review

Month	Activity
July (cont.)	<ul style="list-style-type: none"> If a school district does not submit a budget, the county superintendent will, at district expense, develop a budget for that district by September 15 and transmit the budget to the governing board of the school district. [EC 42127] Note: The county superintendent shall withhold apportionments of state or county money for any school district that neglects or refuses to make a school district budget (or neglects to file interim reports). The county superintendent is also authorized not to approve warrants for these districts. [EC 42128] Note: The State Superintendent of Public Instruction (SPI) may direct the county auditor to withhold payment of stipends, expenses, or salaries to district superintendents, county superintendents, and governing board members for failure to file financial reports on time (14 days after the submission date in the statute). [EC 42129]
August	<ul style="list-style-type: none"> On or before August 15 of each year, the county superintendent of schools may seek clarification, in writing, from the governing board of a school district regarding the contents of the LCAP.
September	<ul style="list-style-type: none"> On or before September 15, the county superintendent of schools must approve, conditionally approve, or disapprove the adopted budget. For the 2014-15 fiscal year and each fiscal year thereafter, the county superintendent shall disapprove a budget if the county superintendent of schools determines that the budget does not include the expenditures necessary to implement a local control and accountability plan or an annual update to the local control and accountability plan approved by the county superintendent of schools. The county superintendent must provide the conditional approval or the disapproval in writing to the governing board of the school district. [EC 42127] For districts with a conditionally approved budget or a disapproved budget, the county superintendent may appoint a committee to examine and comment on the county superintendent's review and recommendations. The committee must report its findings to the county superintendent no later than September 20. [EC 42127] On or before September 15 each year, the county superintendent must present a report to the school district board and the SPI regarding the fiscal solvency of any district with a disapproved budget, qualified or negative interim certification, or that has been determined to be in a position of fiscal uncertainty. [EC 1240]

Budget Review

Month	Activity
October	<ul style="list-style-type: none"> On or before October 22, the county superintendent must provide a list to the SPI of the districts for which the county superintendent may disapprove budgets. [EC 42127.3(e)] On or before October 8, The county superintendent of schools shall approve a district's LCAP if it complies with the three criteria for LCAP approval, which are listed in Education Code section 52070(d) and the CCSESA LCAP Approval Manual. On or before October 8, if the adopted budget of a school district is conditionally approved or disapproved, the governing board of the school district, in conjunction with the county superintendent of schools, shall review and respond to the recommendations of the county superintendent of schools at a regular meeting of the governing board of the school district. For districts with a conditionally approved or disapproved budget, the county superintendent of schools must review the revised budget to determine whether it: 1) complies with the standards and criteria adopted by the State Board of Education pursuant to Education Code Section 33127; 2) allows the district to meet its financial obligations during the fiscal year; 3) satisfies all conditions established by the county superintendent of schools in the case of a conditionally approved budget; and 4) is consistent with a financial plan that will enable the district to satisfy its multiyear commitments. [EC 42127]
November	<ul style="list-style-type: none"> No later than November 8, the county superintendent must: Approve or disapprove the revised budget for districts whose budgets were conditionally approved or disapproved as of September 15. [EC 42127.3(f)(1)] If the county superintendent disapproves the revised budget, they will call for a budget review committee under Education Code Section 42127.1 unless the governing board of the district and the county superintendent agree to waive the requirement for a committee and the California Department of Education approves the waiver. <ul style="list-style-type: none"> Based on the waiver, the county superintendent immediately has the authority and responsibility provided by Education Code Section 42127.3. Submit a report to the SPI that identifies all districts with disapproved budgets and includes a copy of the written response to each district. [EC 42127]
December	<ul style="list-style-type: none"> No later than December 31, the county superintendent, in consultation with the SPI and the governing board of the district, must develop and adopt a fiscal plan and budget for districts with disapproved budgets. [EC 42127.3(f)(1)]

Budget Review

III. DETAILED PROCEDURES

A. The following are some recommended procedures for the budget review and documentation:

1. Establish a permanent file.
2. Document the statewide budget assumptions.
3. Obtain the district's budget assumptions.
4. Prepare the budget review checklist.
5. Perform additional financial analysis.
6. Provide a technical correction letter to each district or meet with the district financial officer to discuss the budget review.
7. Provide each district with a budget review letter documenting the approval or disapproval of the budget.

B. The Permanent File

1. The determination of the district's solvency is in some measure based on the county staff's knowledge of the district's history. For example:
 - a. Does the district have a history of submitting a balanced budget that was later determined to have deficiencies?
 - b. Has the district been able to adequately project average daily attendance (ADA) in recent years?
 - c. Does the district have a history of underestimating certain categories of expenditures?
 - d. Does the district usually make a significant number of errors in preparing the budget?
 - e. Does the district have an adequate position control system?
 - f. Do the district staff have an understanding of the internal controls that affect the district's budget development?
2. To allow county staff reviewing the budgets to easily review historical information and other pertinent information, it is a good idea to set up a permanent file for each district.

Budget Review

3. The permanent file contains an ongoing financial history of the district.
4. The permanent file should include the following types of information:
 - a. Information on the number and type of charter schools the district has sponsored.
 - i. The list should include the name of each charter school.
 - ii. Whether the charter school is legally a part of the district or has established separate legal status as a nonprofit public benefit corporation.
 - iii. If the charter school is a nonprofit public benefit corporation, include documentation of the school's legal status. This is important because the district will not include the financial data for these charter schools in its budget, year-end statements, or interim reports.
 - iv. A copy of the memorandum of understanding between the charter school and the sponsoring district.
 - b. Newspaper articles that provide information relevant to the district's financial situation.

For example: articles on the closure of a school, the opening of a closed school, the purchase of land, administration or governing board unexpected resignations, fraud, possible bond issues, or other indebtedness.
 - c. Documentation of significant phone calls.

For example, phone calls regarding significant accounting problems or software problems.
 - d. Information on audits performed by outside agencies.
 - i. For example, an audit performed by the Office of the State Controller on the building funds.
 - ii. If any audits resulted in an audit disallowance, obtain a copy of the repayment schedule for the debt.
 - e. Information on debt issued by the district.

It may also be useful to obtain copies of the amortization schedules.
 - f. Copies of relevant correspondence between the district and the county related to financial issues.

Budget Review

- g. Information on whether the district has capped its health benefits to employees and retirees.
- h. Information on any outside groups that provide significant benefit to the district (e.g., an education foundation).
- i. Information on the district's internal controls that affect the budget development and financial reporting.
- j. A review of the district's status using FCMAT's Indicators of Risk or Potential Insolvency (i.e. leadership stability, level of reserves, cashflows, borrowing, negotiations volatility).
- k. Annual audits for the two prior fiscal years.

C. Statewide Assumptions

1. Beginning in January, the legislature begins work on the state budget for the next fiscal year.
2. As work on the budget progresses, school districts will have preliminary information on what may be included in the state budget for the next fiscal year.
3. Many of the assumptions that school district staff make in preparing their budget are based on assumptions about what the state will include in its budget.
4. School districts will use information from the Governor's May Budget Revise to develop their budgets. If the state budget is passed before June 30, districts may also have time to incorporate in their budgets information from the state's adopted budget. School districts must use May Revise Department of Finance gap percentage when completing their minimum proportionality percentage (MPP).
5. When county office staff review the budgets of the school districts, it is important to ensure that all staff are using the same assumptions about the most recent information in the state budget.
6. To ensure there is no misunderstanding about the state budget assumptions, it is helpful to document the information in a statewide assumptions document that all county staff refer to when reviewing the budget.
 - This document is also a useful historical reference.

D. District Budget Assumptions

1. The governing board of each school district is required to present the adopted budget on the state's Standardized Account Code Structure (SACS) forms.

Budget Review

2. In addition to the SACS forms, many districts provide information designed for the board and the public that is easier for laypersons to understand.
 - a. This additional information may be comprehensive and include information presented in ways that are not possible on the SACS forms. For example, it may include detailed information on the district's programs, detailed information on full-time equivalents, and other similar items.
 - b. Many districts include detailed information about the assumptions used in developing the district's budget.
 - c. The information about the budget assumptions is critical to a complete understanding of the budget and for a comprehensive review by county office of education staff.
 - d. Sometimes these budget assumptions are included at the beginning of a more detailed budget document presented to the board, and sometimes they are dispersed throughout a comprehensive document.
3. It is helpful to have each district submit a budget assumptions worksheet or narrative when they send the SACS forms to the county. This worksheet ensures that the county staff have easy access to the district's budget assumptions and information on the budget assumptions that are significant to an understanding of the district's solvency.
4. Sample budget assumption worksheets that are required in two different counties at first interim are included in P-007.

E. The Budget Review Checklist

1. To ensure a methodical, comprehensive, and standardized review of each district's budget by county staff, it is helpful to use a budget review checklist.
2. Sample checklists are shown at the end of this section.
3. These checklists build on the analysis the state software performs automatically.

F. Using Other Studies, Reports, and Documents

1. The Education Code requires county offices of education to review and consider studies, reports, evaluations, or audits commissioned by the district, the county superintendent, the SPI, and state control agencies if these documents contain evidence of fiscal distress. The county superintendent must review this information in addition to the county office's own analysis of the budget of each school district. [EC 42127 and EC 42127.6]

Budget Review

2. Fiscal distress is determined by finding that a local educational agency (LEA) has more than one of the Indicators of Risk or Potential Insolvency as determined by FCMAT. Although the existence of any one of these indicators increases risk, the more indicators an LEA has, the greater the risk of collapse or failure.
3. To ensure districts provide the information to the county office of education, county offices should consider annually sending districts a notice of this legal requirement or including a paragraph in the budget approval letter that reminds district staff of the legal requirement.

G. Additional Financial Analysis

1. In addition to using a budget review checklist to evaluate the adequacy of the budget, many counties also maintain spreadsheets showing a three- to five-year history of the district's general fund and average daily attendance (ADA).
2. These additional spreadsheets are used to perform additional analysis in determining the district's solvency.

H. The Technical Corrections Letter

1. Once the county office staff have completed the budget review, it is important to communicate the results of the review to the district staff.
2. Some county offices meet with the district staff and discuss the problems noted in the budget review.
3. In other counties, the county office sends a letter to the district that identifies the problems noted during the review and asks the district to respond in writing.

I. The Budget Review Letter

Included in this section are samples of letters one county office sent to its districts as a result of the review of the districts' budgets.

J. Scenarios

1. The members of the FCMAT committee that worked on the manual developed some scenarios related to solvency and discussed how each situation was handled in their county.
 - a. These scenarios and the discussion are shown at the end of this section.

Sample Documents

Click on the name of any sample item below to view and download the document

[District Budget Checklist \(pdf\)](#)

[2014-15 Second Interim Checklist \(pdf\)](#)

[2015-16 Budget Adoption Checklist \(pdf\)](#)

[2015-16 Adopted Budget and LCAP Letter \(pdf\)](#)

[Adopted Budget and LCAP Letter \(pdf\)](#)

[LCAP and Adopted Budget Letter \(pdf\)](#)

[Annual Report Regarding Fiscal Solvency Letter EC 1240\(e\) \(pdf\)](#)

[Budget Review Scenarios \(pdf\)](#)

[End-of-Year Report Letter \(pdf\)](#)

The Unaudited Actuals

I. OVERVIEW

Background Information

- A. Each school district is required to prepare year-end financial statements on forms that are prescribed by the State Superintendent of Public Instruction (SPI).
 - 1. The forms prescribed by the SPI are the unaudited actuals.
 - 2. With the implementation of the standardized account code structure (SACS), the unaudited actuals are extracted by state software directly from the district's general ledger.
- B. The unaudited actuals are enhanced periodically to allow the California Department of Education (CDE) to obtain more financial information.

For example, for the 2014-15 fiscal year, the CDE provided an additional software module to assist in the preparation of the entries required to convert the fund financial statements to the districtwide financial statements to comply with GASB 68

- C. The unaudited actuals are used as the basis for the financial statements prepared as part of the district's annual audit report; these forms are the trial balance used to prepare the district's audited financial statements.

II. COUNTY OFFICE RESPONSIBILITIES

A. Responsibilities of the County Office

- 1. Education Code Section 42100 requires the county superintendent to verify the mathematical accuracy of the unaudited actuals and submit the forms to the SPI.
- 2. In the early 2000s, school districts converted to the SACS. This allowed the districts to use the software provided by the CDE to extract the financial data directly from their financial software into the forms for the unaudited actuals.
 - a. This automated process and the technical checks built into the CDE software eliminated the mathematical errors that were common when the forms were prepared manually.
 - b. This automation has eliminated county offices' need to verify the mathematical accuracy.
- 3. Assembly Bill (AB) 1200 created new responsibilities for county offices of education. AB 1200 requires the county office to periodically monitor the financial position of the districts in the county.

The Unaudited Actuals

- a. This requirement also creates the need for counties to review the districts' unaudited actuals to determine whether any district's financial position has deteriorated since the new year's budget was approved.
 - b. If the unaudited actuals show deterioration in a district's financial position that adversely affects the budget that was approved, the county office may need to take action before the first interim reporting period.
4. AB 1994 added the requirement for charter school financial reporting, effective beginning in fiscal year 2003-04. Charter schools may choose to submit their financial data either in the SACS format or in the alternative form prescribed in regulations. Each charter school is required to submit its financial data to its authorizing local educational agency (LEA) on or before September 15. The reports are then reviewed for mathematical accuracy by the county office and then submitted to the CDE.

B. Calendar

Month	Activity
October	<ul style="list-style-type: none">On or before October 15, the county superintendent must verify the mathematical accuracy of the "Unaudited Actuals" and transmit a copy of the reports to the SPI. The county office will coordinate the district and county information and send it to the CDE (via the unaudited actual software data submission). [EC 42100, EC 1628, GC 7906 (f)]

III. DETAILED PROCEDURES

- A. County offices of education will exercise their authority to monitor the solvency of the districts in the county in different ways.
- B. The review of the unaudited actuals is not an audit. The review should focus on:
 1. Ensuring that the ending fund balance in all funds has not deteriorated from the beginning fund balance that was used in the review of the adopted budget.
 2. Determining if there are any significant changes between the unaudited actuals and the projected unaudited actuals (on which the review of the budget was based). This may indicate a problem in the adopted budget.
 3. Determining if any action is needed before the first interim reporting period, including those specified under Education Code 42127.6 where fiscal health is identified to be at risk (i.e., in instances where the fund balance of one or more funds has deteriorated significantly or the unaudited actuals indicate problems in the adopted budget).

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4. Ensuring that the county has data that it can upload to the CDE.

C. Included in this section are three sample forms (checklists) that county offices of education use to review the unaudited actuals.

IV. LEGAL CITATIONS

Education Code

- Section 42100

**Click here to view or download the checklists
and sample documents on the following pages
in Microsoft Word format**

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Unaudited Actuals Checklist #1

Name of the District:

	Initials	Date	Comments
Reviewer			
Date Review Began			
Date Review Completed			
Correspondence:			
Letter to district with technical corrections.			
Approval letter sent to district.			
Items to Complete Review:			
Unaudited actuals and electronic file			
Prior year unaudited actuals			
Prior year audit report			
June 30 cash reconciliation			
Local Control Funding Formula prepared by county office			
Online P-2 and annual attendance reports			
Online property tax report - annual			
Budget for the current fiscal year			
Form CA			
Verify that the form contains original signature.			
Verify that the date of the board meeting is after the date printed on the submitted forms.			
TRC - Technical Review Checklist			
Re-extract the TRC and compare to printed copy.			
Determine that there are no Fatal (F) exceptions.			
Determine that all (W) and (WC) exceptions are adequately explained.			

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How to use this form:

Put a check mark in each box confirming that you have performed the step.

The easiest way to use the form is to eliminate all lines (form numbers) that you won't need prior to starting your review.

Notes:

(1) This step is only performed if the review is done from the hard copy reports submitted by the district.

If the review is done from reports printed from the SACS dat file, this step is N/A.

Complete		Comments
	Schedule for Categoricals Subject to Unearned revenue (State and Federal)	
	Compare the grants on the schedule to the grants on the schedule from the prior year to determine whether all grants are included on the schedule.	
	Determine whether any new state grants are included on the schedule.	
	Determine whether the prior year carryover (line 1) agrees with the carryover on line 15 from the prior year's schedule.	
	Determine whether the Unearned revenue on line 5 agrees with the Unearned revenue on line 13(a) of the prior year's schedule.	
	Determine whether the schedule has been prepared correctly.	
	Determine whether the total of line 13(a) agrees with the Unearned revenue reported in account 9650 of the restricted general fund. Note: some of the Unearned revenue may also be included in other funds.	
	Schedule for Categoricals Subject to Restricted Ending Balance (State and Federal)	
	Compare the grants on the schedule to the grants on the schedule from the prior year to determine whether all grants are included on the schedule.	
	Determine whether any new state grants are included on the schedule.	
	Compare the prior year's restricted ending balance (line 13) to line 1 on the current year's schedule to determine whether they agree with one another.	
	Determine whether the schedule has been prepared correctly.	
	Determine whether the total of the restricted ending balance on the schedule agrees with the ending fund balance in the restricted general fund (unless some of the grants are accounted for in other funds).	

The Unaudited Actuals

**County Office of
Education Business
& Advisory Services
Unaudited Actuals Review**

**Fiscal Year
2014-15**

District:

ABC Unified School District

CDS Code: 00-00000 Reviewed by:

SUMMARY OF REVIEW AND RECOMMENDATIONS

COMMENTS - NOTES

Unaudited actuals verified.
Returned to district for corrections.
Ready for submission to CDE.

Technical Review Checks

Completed and exceptions annotated.
Verify accuracy and appropriateness of
explanations.

Form SIAA - Summary of Interfund Activities

Do all transfers in equal transfers out?
Verify appropriateness of interfund
transfers.

Form A - Average Daily Attendance

Compare first column against current year's
annual P-2 attendance report.
Compare second column against current year's
annual attendance report.
Verify that the third column agrees with either
the current year's P-2 attendance report or the
prior year's attendance report, whichever is
greater.

Form 51 - Bond Interest and Redemption Fund

Obtain and insert Form 51 into binder.
Ensure that districts have printed copies.
Enter data into district electronic file or
imported file.
Rerun technical review checks and put printed
copy into binder.

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Add updated 51, TC and TR files to district electronic file or imported file prior to exporting to CDE.

Form ASSET - Schedule of Capital Assets

Compare to latest audit report.

Verify the reasonableness of the Increases column with the 6000 accounts for all appropriate funds.

Determine the reasonableness of the Accumulated Depreciation section and Decreases column.

Form DEBT - Schedule of Long-Term Liabilities

Compare to latest audit report and multiyear commitments on criteria and standards (C&S).

Determine reasonableness of the Increases, Decreases and Amounts Due Within One Year columns. Verify that long-term debt of all funds is included.

Form CEA - Current Expense Formula / Minimum Classroom Compensation

Verify that percentage meets requirement of Education Code. Compare percentage to prior year for reasonableness.

Form CAT - Categorical Programs Subject to Unearned revenues / Restricted Ending Balances

If district is not using state software, determine if the schedule has been prepared correctly.

FormCATGrants

Compare line 5 to audited prior year Unearned revenue for each program. Compare total of line 13a for all programs to object 9650 (Def Rev) in Form 01.

Compare line 16 for all programs in each revenue object to Form 01R revenues.

Form CATEntitlements

Compare line 1 to audited prior year restricted balance for each program.

Compare line 9 for all programs in each revenue object to Form 01R revenues.

Determine whether total of line 13 for all

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programs is included in the Form 01 legally restricted balances in the fund balance.

Form ICR, PCR, PCRAF (Indirect Costs)

Determine whether total expenditures and other uses in Form 01 equal general fund expenditures in col. 6, Form PCR.

Compare indirect cost rate to prior year for reasonableness.

Charter School Financial Reporting Status Form

Verify that the form is completed.

Determine that the reporting status indicated in the form agrees with SACS financial information.

NOTES AND COMMENTS:

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Unaudited Actuals Checklist #2

Unaudited Actuals Review, Fiscal Year 2014-15

District:

CDS Code:

Reviewed By:

Date:

Description	Form Number	General Fund	Charter Schools Fund	Adult Education Fund	Child Development Fund	Cafeteria Fund	Deferred Maint. Fund	Spec. Rsv.-Other than Cap.	Building Fund	Capital Facilities Fund	State Sch. Bldg. Lease Purch.	Spec. Rsv.-Capital Outlay	Spec. Rsv.-Capital Outlay	Bond Interest & Redemption	Tax Override Fund	Debt Service Fund	Foundation Fund	Enterprise Fund	Self-Insurance Fund	Retiree Benefit Fund	Article XIII-B Fund	Student Body Fund
		1	9	11	12	13	14	17	21	25	30	35	40	51	53	56	57	61	67	71	72	95
Compare hard copy of reports to SACS dat file.																						
Compare amounts to district financial statements																						
Verify proper posting of beginning balances and all audit adjustments.																						
Check for negative fund balance or negative unapropriated fund balance.																						
Determine any adverse impact of the unaudited actuals ending fund balance on the adopted budget.																						
Determine reasonableness of the components of ending fund balance.																						
Compare account 9110 to the 6/30 cash reconciliation and note any negative cash balance																						
Determine reasonableness of revenue and expenditure accounts in the current year budget based on comparison with unaudited actuals.																						
Check findings and actions pending from review of budget , prior year actuals and interim reports.																						
Comments																						

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Comments

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Unaudited Actuals Checklist #3

**DIVISION OF BUSINESS ADVISORY
SERVICES Financial Management Services
Solvency Evaluation Work
Program**

**20XX-20XX UNAUDITED ACTUAL
REVIEW Executive Summary and Approvals**

DISTRICT NAME:

BAS REVIEW RESULTS:

☐ **Approved**

☐ **Letter Completed**

Evaluation Summary _____

Review and Certification
Consultant

Signature

Date

Concurrent Review
Financial Advisory Services Officer

Signature

Date

Review and Approval
Assistant Director, Financial Management Services

Signature

Date

Approval (if required)
Director, Division of Business Advisory Services

Signature

Date

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20XX-20XX UNAUDITED ACTUAL WORK PROGRAM FOR REVIEWING THE SACS REPORT SERIES

DISTRICT NAME:

LEA Contact Person:

District CDS No.

Telephone No.

CHECK-IN PROCESS

The login process begins in September. The following individuals will be responsible for doing initial check-ins:

Person Completing Check-in: _____

1. Date Unaudited Actual received _____

RECEIVED

2. Validate each of the following items:

a. Two hardcopies received ☐ YES ☐ NO

b. One electronic file received accompanied by all of the following:

- Full district name - not initials for district's name - spell out ☐ YES ☐ NO
- The report title, i.e., **SACS 2014–15 Unaudited Actuals**. ☐ YES ☐ NO
- The district's CDS code _____ ☐ YES ☐ NO
- date electronic file was received should be stamped ☐ YES ☐ NO
- if any of above information is not with the electronic file, add as needed ☐ YES ☐ NO

• Verify official export ☐ YES ☐ NO

3. Verify for proper original signature, date received, and

contact person listed on **SACS** Form CA ☐ YES ☐ NO

A. The unaudited actuals with original signature from the clerk/secretary of the district's board with adoption date, is then:

- date stamped ☐ YES ☐ NO
- numbered the same as its jacket ☐ YES ☐ NO
- logged in on the master record ☐ YES ☐ NO
- stamped "UNAUDITED ACTUALS" and either "COPY" or "ORIGINAL" as appropriate. ☐ YES ☐ NO
- **Checked to see that "used/not used" is marked for all proper funds on SACS TC (see BLUE Notebook fund lists)** ☐ YES ☐ NO

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- Checked for complete contents as shown on SACS TC ☐ YES ☐ NO
(Corrections must be marked in red on the budget jacket sheet)

- Validate that the following forms were received:

- ☐ Form SIAA
- ☐ Form CEA
- ☐ Form CAT

- **Call immediately on any missing forms. Note in red on the jacket.**

- List all missing forms for any appropriate funds not received: _____

- **Date missing items are received, (note on the jacket)** _____

- Technical Review Checklist (TRC) is received and complete. ☐ YES ☐ NO

- B. All funds are checked for **negative beginning/ending balance**. ☐ YES ☐ NO
(Validate against the TRC comments.) List any funds with negative balances and report immediately to the director and to the consultant for discussion with District/LEA.

Negative Funds:

- C. Validate that the SACS dat file and hard copy agree. Numbers, totals, etc., must match. ☐ YES ☐ NO

- D. TRAN report review) ☐ YES ☐ NO

- E. Check-in person calls district for any missing documents:

- Date(s) called _____
- District contact person: _____
- Items Requested: _____

District's/LEA's Response: _____

Date check-in completed _____

Accounting/Operational Technician initial _____

Place this form with the unaudited actuals and give to the consultant assigned to the district.

The Unaudited Actuals

UNAUDITED ACTUAL REVIEW

All unaudited actual reviews are to be completed no later than **October 15, 2015**. Discuss problems/concerns with district business officials. It is important to DISCUSS POTENTIAL MAJOR PROBLEMS WITH THE DIRECTOR OF EXTERNAL BUSINESS SERVICES PRIOR TO CALLING THE DISTRICT.

Business and Advisory Services (BAS) Staff Completing the Budget Review: _____

PHASE 1

Perform the following tests:

1. Review the results of the initial check-in. ☐ YES
2. Call the district if any items are still missing and verify that they are coming in ASAP. ☐ YES
(NOTE: The responsibility of getting missing documents or information ultimately rests with the consultant.)
3. Confirm if there are any negative balances. If so, notify the director immediately. ☐ YES
4. Review cover letters and/or narratives ☐ YES
5. Review the **Technical Review Checklist (TRC)** for exceptions ☐ YES

NOTES

- I. When School Fiscal Services (SFS) staffer begins review, they will call BAS so both are working on same district.
- II. Any corrections made by the consultant should be **noted in red** on the unaudited actuals and on the jacket, and may require consultation with SFS. The district staff authorizing the changes must be noted along with the date and time of authorization. **A revised disk request must be coordinated with SFS for unaudited actuals; SFS wants only one revised disk.**
- III. **If a correction will result in a change to the fund balance, the district's governing board should be notified.**
- IV. If you have any concerns about the information submitted by the district, request additional information from the district in sufficient time to meet the review deadline.

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PHASE 2

FISCAL SOLVENCY/CRITERIA AND STANDARDS REVIEW

1. Verify each item on the TRC for accuracy and reasonableness. Verify that the official export file does not reflect fatal errors and that warnings are reasonably explained. Comment actions needed.

Notes/Comments _____

Work Paper Reference _____

Consultant Initial _____

2. Verify that the various SACS Form, including CA, SIAA, A, L, CAT, PCRAF, PCR, ICR, DEBT, and ASSET, have been completed as applicable and are technically correct. Comment on any missing or incomplete reports.

Notes/Comments _____

Work Paper Reference _____

Consultant Initial _____

3. If the district has a charter school(s), did it submit the unaudited actuals for the charter school on a separate fund and was this information submitted in the electronic format required by the CDE?
☐ Yes ☐ No

3a. For districts with charter schools that are locally funded, verify that the sum of object codes 8015 plus 8480 equal object code 7299 in the district's general fund.

Object 8015	Object 8480	Sum 8015 & 8480		Object 7299
			=	

- 3b. For the district's charter school(s), compare the amount in object code 7280 against the amount reported in the In Lieu of Property Tax Summary. Any shortage in object code 7280 compared to the amount reported in the In Lieu of Property Tax Summary indicates a district liability to the charter school(s).

Object 7280	—	In Lieu Property Tax		(Shortage)/Excess
	—		=	

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Notes/Comments _____

_____**Work Paper Reference** _____**Consultant Initial** _____

4. Verify that the 2015-16 beginning balances for all funds are the same as the 2014-15 unaudited actuals ending balance reported to the California Department of Education (CDE) (see attached UA-1 Report).

Notes/Comments _____

_____**Work Paper Reference** _____**Consultant Initial** _____

5. For all funds, compare 2014-15 unaudited ending balances to estimated 2015-16 beginning fund balances. Note and comment on significant differences. Refer to the SMART UA-1 Report.

Notes/Comments _____

_____**Work Paper Reference** _____**Consultant Initial** _____

6. Test and verify that available reserves are not less than the required percentages as applied to total expenditures, transfers out and other uses, except as provided for in Education Code Section 33128, and include exceptions in the unaudited actuals letter. Note any negative effects of excessive contributions to restricted programs, unsettled collective bargaining negotiations, adjustments for overstated ADA, and deficit spending on the district's reserve for economic uncertainties (REU). If the district is the special education administrative unit for its special education local plan area (SELPA), factor the pass-through funds into your calculation. If the REU is below what is required for this district, note in unaudited actual letter. Confirm that the district's revenue allocations from its SELPA (as applicable) are shown accurately in the unaudited actuals.

Notes/Comments _____

_____**Work Paper Reference** _____**Consultant Initial** _____

The Unaudited Actuals

7. Review fund balances. Verify that for each fund the ending 2014-15 fund balance was positive. Analyze and note the status of other funds that have negative fund balances at the end of the fiscal year. Verify and confirm that all interfund borrowing was repaid within the required time frame per Education Code Section 42603. Note the effects of any understatement or outstanding repayments on the unrestricted general fund ending balance and reserves.

Notes/Comments _____

Work Paper Reference _____

Consultant Initial _____

8. Verify that the general long-term debt balance as of July 1 reported on the Form DEBT agrees with the general long-term balance as of June 30, 2014. Note any discrepancies.

Notes/Comments _____

Work Paper Reference _____

Consultant Initial _____

9. Review the net increase/(decrease) in each fund balance for reasonableness compared to estimates submitted with the 2015-16 budget. Analyze and determine the cause of major differences.

Notes/Comments _____

Work Paper Reference _____

Consultant Initial _____

10. Review the district's 2013-14 annual audit for outstanding solvency-related findings concerns. Note any audit comments about reserve levels. Verify and confirm that audit adjustments noted in 2013-14 annual audit report were made and are reflected in 2014-15 unaudited actuals. Note any concerns in the unaudited actuals letter.

Notes/Comments _____

Work Paper Reference _____

Consultant Initial _____

The Unaudited Actuals

11. Verify that the district's Standardized Account Code Structure (SACS) Form 51 (Bond Interest and Redemption Fund) ties to the form prepared by the county auditor/controller. If there is a difference, ask the district to submit a corrected copy.

Notes/Comments _____

Work Paper Reference _____
Consultant Initial _____

12. Verify that no entries have been made on improperly designated lines in the SACS Report or improperly added lines. Comment on any discrepancies.

Notes/Comments _____

Work Paper Reference _____
Consultant Initial _____

The Unaudited Actuals

PHASE 3

IF CORRECTIONS ARE NEEDED FROM THE DISTRICT

13. SFS will coordinate with consultants and one call will be made to the district. SFS fills out the correction form.

Notes/Comments _____

Consultant Initial _____

14. SFS will send the form to the district, and a copy to BAS, retaining a copy for the review file.

Notes/Comments _____

Consultant Initial _____

15. SFS will check the response (both on paper and on the disk) when it comes back from the district to make sure it is correct and virus-free, **and will then run a new TRC**. SFS will date stamp disk, mark it "Revised," x-out the old disk, and validate that the name, CDS code and title "2014-15 Unaudited Actuals" are on the disk.

Notes/Comments _____

Consultant Initial _____

16. Receive original unaudited actuals, and certified SACS dat file back from School Fiscal Services (SFS) with SFS certification.

Notes/Comments _____

Consultant Initial _____

The Unaudited Actuals

17. Transfer any notes from BAS copy of the unaudited actuals to the SFS original.

Notes/Comments _____

Consultant Initial _____

18. Once the consultant is sure everything is correct, the consultant runs a final TRC, consolidates exported files on a disk, and gives everything back to _____.

Notes/Comments _____

Consultant Initial _____

The Unaudited Actuals

Unaudited Actuals Checklist #4

Issues	Form 01 - Unrestricted General Fund - (column A)	Comments
	(page 1) - Verify that each amount, by major object classification, agrees with an unrestricted Fiscal 26 ESCAPE Report.	
	(page 2) - Verify that the unrestricted beginning balance on line F.1.a is correct.	
	(page 2) - Verify that the unrestricted ending balance on line F.2. is positive.	
	(page 2) - Verify that any undesignated amount on line F.2.e. is positive or zero.	
	(page 2) - Verify that the amount designated for economic uncertainties in object 9789, plus any amount in object 9790, (F.1.e), together meet the minimum reserve requirement. Include amounts in object 9789 and 9790 in Fund 17.	
	Form 01 - Restricted General Fund - (column B)	
	(page 1) - Verify that each amount, by major object classification, agrees.	
	(page 2) - Verify that the restricted beginning balance on line F.1.a is correct.	
	(page 2) - Verify that the restricted ending balance on line F.2. is positive.	
	(page 2) - Verify that line F.2.e. is zero. All restricted ending fund balances should be reserved under object 9740.	
	Form 01 - Overall General Fund - (column C)	
	(page 2) - Verify that all audit adjustments have been included on line F.1.b.	
	(page 2) - Verify that district has reserved its correct revolving cash amount on line F.2.a., object 9711.	
	(page 3) - Verify that all asset and liability object codes agree with a Fiscal 13 ESCAPE Report.	
	(page 3) - Verify that cash in county treasury on line G.1.a. is positive in column 3.	
	Verify that objects 9200 and 9500 have zero balances, by resource code.	
	Verify that 1% of the original budget's total expenditures have been transferred to the routine restricted maintenance account (RRMA) in resource 8150.	
	Form A - Average Daily Attendance	
	Verify that the first column agrees with the current year's P-2 attendance report.	
	Verify that the second column agrees with the current year's annual attendance report.	
	Verify that the third column agrees with either the current year's P-2 attendance report or the prior year's attendance report, whichever is greater. Note the following exceptions: 1) District nonpublic school (NPS) and community day school are always current year annual average daily attendance (ADA). 2) County office of education (COE) county community schools is always current year P-2 ADA. 3) COE special education (regular year special day class) is always current year P-2 ADA. 4) COE special education (extended year special day class) is always current year annual ADA.	
	Form ASSET - Schedule of Capital Assets	
	Verify that the third column agrees with the district's prior year audit report for capital assets.	

The Unaudited Actuals

	Form CEA - Minimum Classroom Compensation	
	Verify that the minimum percentage has been met in Part III, line I.	
	If exemption is claimed, verify that the district meets the provisions of exemption under Education Code 41374.	
	Form DEBT - Schedule of Long-Term Liabilities	
	Verify that the third column agrees with the district's prior year audit report for long-term liabilities.	
	If the district had expenses in Object 7439, there should be amounts in the "Decreases" column.	
	Amounts in the "Decreases" column should be reasonable compared to the audit report.	
	"Amounts Due Within One Year" should be reasonable compared to the audit report.	
	Form GANN - Gann Limit Appropriations Calculation	
	Verify that the amount on line D.10. (page 3) is zero.	
	If line D.10. is a positive amount, a copy of the letter to the California Department of Finance, requesting an increase to the district's appropriations limit, must be included with the Gann Limit.	
	Form ICR - Indirect Cost Rate Worksheet	
	(Exhibit A) Verify that no rate charged in the curr yr was higher than the district's approved indirect cost rate.	
	Form NCMOE - No Child Left Behind Maintenance of Effort Expenditures	
	Verify that the maintenance of effort has been met in Section III., line E. (page 2).	
	Financial Analysis - General Fund	
	1) <u>Actual</u> current year unrestricted ending fund balance (EFB) on page 2, column A, line F.2. (from unaudited actuals).	
	2) <u>Estimated</u> current year unrestricted EFB on page 2, column A, line F.2. (from estimated actuals on July 1 budget)	
	Difference between the actual EFB from unaudited actuals and the estimated EFB from the July 1 budget	\$0.00
	Verify that <u>budget year</u> unrestricted EFB on line F.2. in column D would not be negative.	
	Verify that minimum reserve requirement is still met when actual beginning fund balance is used.	
	Other Concerns	
	If the district has a charter school that is not accounted for in Fund 09 of the district's unaudited actuals, verify that the charter school has submitted its own independent unaudited actuals report the county office.	
	Document any discussion with the district staff concerning any other financial issues.	

Interim Report Review

I. OVERVIEW

- A. Education Code Section 42130 requires each school district to submit two interim financial reports to the governing board:
 - 1. First Interim Report – For the period ending October 31.
 - 2. Second Interim Report – For the period ending January 31.
- B. The interim reports are prepared on state-approved forms.
- C. The governing board of each school district is required to:
 - 1. Approve the reports no later than 45 days after the close of the period being reported.
 - 2. Certify in writing within 45 days after the close of the period being reported whether the district is able to meet its financial obligations for the remainder of the fiscal year and for the subsequent fiscal years.
 - 3. There are three possible certifications:
 - a. Positive – The district will be able to meet its financial obligations for the current fiscal year and subsequent two fiscal years.
 - b. Qualified – The district may not be able to meet its financial obligations for the current fiscal year or subsequent two years.
 - c. Negative – The district will be unable to meet its financial obligations for the remainder of the year or the subsequent fiscal year.
 - 4. File a copy of the certification page and the interim report with the county superintendent of schools.

II. COUNTY OFFICE RESPONSIBILITIES

A. Responsibilities of the County Office of Education

- 1. Education Code Section 42131 requires the county office of education (COE) to obtain a copy of the interim report and the certification for each district.
 - a. If the COE receives a positive certification when a qualified or negative should have been filed, the COE is authorized to change the certification to qualified or negative.

Interim Report Review

- b. If the COE changes the certification, the COE must notify the district's governing board and the superintendent of public instruction (SPI) no later than 75 days after the period being reported.
 - c. The COE is required to send to the Controller and the SPI copies of the certifications and reports in which the governing board is unable to certify without qualification (positive certification) that the financial obligations will be met. A completed transmittal form provided by the SPI is to be sent with such reports.
- 2. Education Code Section 42131 requires the county superintendent to report to the Controller and the SPI whether each district under their jurisdiction has provided the required certification and the type of certification for each district.
 - a. The web page with the form for reporting to the Controller and the SPI is at <http://www.cde.ca.gov/fg/fi/ft/>. Download the form named Notice of Interim Certifications from County Offices of Education.
 - b. The county superintendent is also required to submit their comments on those certifications and report any action proposed or taken to the Controller and the SPI within 75 days after the close of the reporting period.
- 3. Education Code Section 42131 provides for an appeal process if the district does not agree with the change in the certification.
 - a. The governing board must submit the appeal to the SPI regarding the validity of the change no later than five days after the school district receives the notice from the county superintendent of the change in certification.
 - b. The SPI must determine the certification that will be assigned to the district no later than 10 days after receiving the appeal. The SPI must then notify the district governing board and the county superintendent.
- 4. Education Code Section 42127.6 provides authority to the county superintendent if at any time they determine a district may be unable to meet its financial obligations for the current or two subsequent fiscal years or if a school district has a qualified or negative certification pursuant to Section 42131.
 - a. The county superintendent must notify the governing board of the school district and the SPI in writing of the determination and the basis for the determination.
 - b. The county superintendent will report to the SPI on the financial condition of the school district and their proposed remedial actions.
 - c. The county superintendent shall do at least one of the following and all actions that are necessary to ensure that the district meets its financial obligations:

Interim Report Review

- i. Assign a fiscal expert, paid for by the county superintendent, to advise the district on its financial problems.
 - ii. Conduct a study of the financial and budgetary conditions of the district.
 - iii. Direct the district to submit a financial projection of all fund and cash balances of the district as of June 30 for the current and subsequent fiscal years.
 - iv. Require the district to encumber all contracts and other obligations, to prepare appropriate cash-flow analyses and monthly or quarterly budget revisions, and to appropriately record all receivables and payables.
 - v. Direct the district to submit a proposal for addressing the fiscal conditions that resulted in the determination that the district may not be able to meet its financial obligations.
 - vi. Withhold the compensation of the members of the governing board and the district superintendent for failure to provide the requested financial information. The district may appeal this action to the SPI.
 - vii. Assign the Fiscal Crisis and Management Assistance Team to review teacher hiring practices, teacher retention rate, percentage of provision of highly qualified teachers, and the extent of teacher misassignment in the school district and provide the district with recommendations to streamline and improve the teacher hiring process, teacher retention rate, extent of teacher misassignment, and provision of highly qualified teachers. If a review team is assigned to a school district, the district shall follow the recommendations of the team, unless the district shows good cause for failure to do so. The Fiscal Crisis and Management Assistance Team may not recommend an action that would abrogate a contract that governs employment.
 - viii. The county superintendent of schools must have any contracts entered into pursuant to this subdivision of the Education Code approved by the SPI.
- d. Within 5 days of the county superintendent making the determination to take any of these actions, the school district may appeal to the SPI. The SPI has 10 days to sustain or deny the appeal.
5. If after taking the actions identified in item 4 of this procedure the county superintendent determines that a district will be unable to meet its financial obligations, they will notify the school district governing board and the SPI in writing of that determination and the basis for the determination.

Interim Report Review

- a. The notification will include the assumptions used in making the determination, and the county superintendent will provide the notification to the superintendent of the school district and parent and teacher organizations of the district.
 - Within five days of the county superintendent making the determination, a school district may appeal the determination to the SPI. The SPI will sustain or deny the appeal within 10 days.
 - b. If the appeal is denied or not filed, or if the district has a negative certification, the county superintendent, in consultation with the SPI, shall take at least one of the following actions:
 - i. Develop and impose a budget revision that will enable the district to meet its financial obligations in the current fiscal year. The county must also consult with the district governing board.
 - ii. Stay or rescind any action that is determined to be inconsistent with the school district's ability to meet its obligations for the current or subsequent fiscal year.
 - iii. Assist in developing, in consultation with the district governing board, a financial plan that will enable the district to meet its future obligations.
 - iv. Assist in developing, in consultation with the district governing board, a budget for the subsequent fiscal year.
 - v. Appoint a fiscal advisor.
 - c. The school district is required to pay 75% and the county office of education 25% of the expenses incurred in improving the district's financial management practices.
6. Education Code Section 42131 requires each school district filing a qualified or negative certification for the second interim period to provide financial statement projections of the district's fund and cash balances through June 30. This report is for the period ending April 30 and is due to the county superintendent, the SPI and the State Controller's Office by June 1.
 7. A school district that has a qualified or negative certification in any fiscal year may not issue, in that fiscal year or in the next succeeding fiscal year, certificates of participation, tax anticipation notes, revenue bonds, or any other debt Instruments that do not require the approval of the voters of the district unless the county superintendent of schools determines, pursuant to criteria established by the SPI, that the district's repayment of that indebtedness is probable.

Interim Report Review

8. Education Code Section 1240(e) requires the county superintendent to annually present a report, on or before September 15, to the governing board and the SPI regarding the fiscal solvency of any district with a disapproved budget, qualified or negative interim certification, or that has been determined at any time to be in a position of fiscal uncertainty.
 - a. This is often referred to as the AB 139 letter.
 - b. The Education Code does not specify the information the county superintendent should include.
 - c. A sample AB 139 letter is included at the end of this section.
9. Education Code Section 42128:
 - a. The county superintendent shall not make any apportionment of state or county money if the governing board of any school district neglects or refuses to make a school district budget, or neglects to file interim reports.
 - b. The county superintendent shall notify the appropriate county official that they shall not approve any warrants issued by the school district.

B. Calendar

Month	Activity
December	<ul style="list-style-type: none">• School districts provide first interim reports to the county after they are approved by the governing board (45 days after October 31, the close of the period being reported).
January	<ul style="list-style-type: none">• No later than 75 days after October 31, the county office will provide notice of any change in certification to the district governing board and the SPI.• No later than 75 days after October 31, the county superintendent of schools must report to the Controller and the SPI whether each district under their jurisdiction has provided the required certification and the type of certification for each district.
March	<ul style="list-style-type: none">• School districts provide second interim reports to the county after they are approved by the governing board (45 days after January 31, the close of the period being reported).
April	<ul style="list-style-type: none">• No later than 75 days after January 31, the county office will provide notice of any change in certification to the district governing board and the SPI.• No later than 75 days after January 31, the county superintendent of schools must report to the Controller and the SPI whether each district under their jurisdiction has provided the required certification and the type of certification for each district.

Interim Report Review

Month	Activity
June	<ul style="list-style-type: none">No later than June 1, each school district with a qualified or negative certification for the second interim report must provide financial statement projections of the district's fund and cash balances through June 30 for the period ending April 30 to the county superintendent, the Controller, and the SPI.
September	<ul style="list-style-type: none">County superintendent must present a report, on or before September 15, to the school district board and the SPI regarding the fiscal solvency of any district with a disapproved budget, qualified or negative interim certification, or that has been determined to be in a position of fiscal uncertainty.
Ongoing	<ul style="list-style-type: none">For districts with qualified or negative certifications, the county must also review and either approve or disapprove the issuance of any non-voter-approved debt. The county superintendent must determine whether repayment is probable.

III. DETAILED PROCEDURES

- A. COEs exercise their authority to monitor the solvency of the districts in the county in different ways. The review should focus on:
1. Determining whether the information is reasonable.
 2. Determining whether the financial position has or has not deteriorated since the adopted budget or first interim reporting period.
 3. Determining whether the financial position has improved for districts with qualified or negative certifications at the first interim reporting period.
 4. Determining whether the current operating budget is sustainable through the end of the year.
- B. COEs may require districts to submit additional materials that the county determines it needs to perform the interim reviews.
1. For example, some counties require the districts to complete a form documenting the assumptions used in completing the interim reports and the multiyear projections.
 2. This section includes sample formats from counties that require their districts to complete them to document the district's assumptions.
- C. At the end of this section are checklists used by some counties to perform their interim report reviews.

IV. LEGAL CITATIONS

Education Code

- Section 1240
- Section 42127.6
- Sections 42130 - 42134

Interim Report Review

Sample Documents

Click on the title of any sample item below to view or download that document in the file format indicated.

[Sample AB 139 Letter \(Word\)](#)

[District Budget Assumptions sample 1 \(Word\)](#)

[District Budget Assumptions sample 2 \(pdf\)](#)

[Interim Report Review Checklist sample 1 \(Word\)](#)

[Interim Report Review Checklist sample 2 \(Word\)](#)

[Interim Report Review Checklist sample 3 \(pdf\)](#)

[Interim Report Review Checklist sample 4 \(pdf\)](#)

I. OVERVIEW

A. Audit Requirements

1. Education Code (EC) Section 41020 requires each local educational agency (LEA) to contract for an audit by April 1 of each year. For this requirement, LEAs include K-12 school districts, most joint powers authorities (JPAs), and regional occupational centers/programs (ROC/Ps); community colleges are not included. According to Education Code Section 41023, JPAs established per EC 17567 (for health benefits, workers' compensation, and property insurance) are also not included.
2. If an LEA fails to contract for an audit by April 1, it is the responsibility of the county superintendent of schools to contract with an audit firm on behalf of the LEA by May 1 of each year.
3. For school districts that receive an emergency apportionment from the state:
 - a. EC 41320.1 (d) allows the State Controller's Office (SCO) or its designee to conduct an audit in lieu of the audit required under EC Section 41020.
 - b. At the SCO's discretion, the SCO may conduct the audit or approve the auditor selected by the district.
 - c. These audits are required until the SCO determines, in consultation with the superintendent of public instruction (SPI), that the district is fiscally solvent.

B. Auditor Rotation

1. Education Code Section 41020 (f)(2) states:

Commencing with the 2003-04 fiscal year and except as provided in subdivision (d) of Section 41320.1, it is unlawful for a public accounting firm to provide audit services to a local educational agency if the lead audit partner, or coordinating audit partner, having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for that local agency in each of the six previous fiscal years.
2. The Education Audit Appeal Panel may waive this requirement if the panel finds that no otherwise eligible auditor is available to perform the audit.

C. Filing Audit Reports (Education Code Section 41020 [h])

1. Annual audit reports must be filed electronically no later than December 15 by the certified public accounting (CPA) firm that performed the audit. The firm must file a copy of the report with the following:

- a. The county superintendent of schools of the county in which the LEA is located.
 - b. The California Department of Education (CDE).
 - c. The State Controller's Office (SCO).
2. Education Code Section 47605 (m) requires each nonprofit charter school to submit a copy of its annual audit to the chartering entity, the SCO, the county superintendent of schools of the county in which the charter school is located, and the CDE, by December 15 of each year.
3. Delays (Education Code Section 41020.2)
 - a. The county superintendent of schools may investigate the causes of the delay and take action if the auditors do not file the audit report with the county superintendent by December 15. The CDE and SCO may also contact the county office if the audit reports are not received by December 15.
 - b. The county superintendent is responsible to initiate one of the following actions:
 - i. The county superintendent may grant an extension for the audit, after consultation with the district governing board and the auditors, and with the consent of the SCO and the SPI.
 - ii. The Department of Education's guidelines state that extensions will be granted only under extraordinary circumstances. The request must be received by both the SCO and the CDE no later than December 1. Prior to December 15, the SCO and CDE will review the request and accompanying justification and provide notification as to whether the extension is granted or denied.
 - iii. The county superintendent may contract with another audit firm to complete the audit, after consultation with the district governing board, the auditors, and the SCO. If the county superintendent contracts with another firm, the county superintendent should help the district initiate action to avoid payment to the original contracted audit firm.
 - iv. The county superintendent may ask the SCO to investigate the situation and initiate action.
 - c. Note: There is no provision in the law for an extension of a charter school audit. [EC 47605(m)]

D. Quality of School District Audits

1. Education Code Section 14504.2 authorizes the county superintendent or the county board of education to refer an independent auditor of a local educational agency to the California Board of Accountancy for action if an audit of an LEA was conducted in a manner that may constitute unprofessional conduct as defined by Section 5100 of the Business and Professions Code, including but not limited to gross negligence resulting in a material misstatement in the audit.
2. Education Code Section 41020.5 requires the county superintendent to notify in writing the certified public accountant (CPA) or public accountant and the California Board of Accountancy if the audits of school districts in the county were not performed in substantial conformity with the provisions of the Guide for Annual Audits of K-12 LEAs and Compliance Reporting (Audit Guide), or that the audit reports for two consecutive years do not conform to the Audit Guide.
 - a. This section provides for an appeal process.
 - b. If the determination by the SCO or county superintendent becomes final, the CPA or the public accountant will be ineligible to perform school audits for three years.

E. Responsibility for Audit Exceptions (Education Code Section 41020[i])

1. The county superintendent of schools is responsible for reviewing the audit exceptions and for determining whether each audit exception has been corrected or whether the LEA has developed an acceptable plan of correction in the following areas:
 - a. Attendance
 - b. Inventory of equipment
 - c. Internal control
 - d. Miscellaneous
 - e. Instructional material program funds
 - f. Teacher misassignments pursuant to Education Code Section 44258.9
 - g. Information reported on the school accountability report card (SARC) pursuant to Education Code Section 33126
2. The CDE is responsible for reviewing the audit exceptions related to federal and state compliance.

3. The auditor is required to review the correction or plan of correction to determine if the exceptions have been resolved in the subsequent year audit.
 - a. If not, the auditor immediately notifies the county office of education and the CDE.
 - b. After receiving the notification, the CDE either consults with the LEA to resolve the exception or requires the county superintendent to follow up with the LEA.
- F. Education Code Section 41020.8 authorizes the district's auditor to release information to the county superintendent if the county has determined the district may not be able to meet its financial obligations for the current or subsequent fiscal year (Education Code Section 42127.6).

II. COUNTY OFFICE RESPONSIBILITIES

1. Auditor Selection

- a. Education Code Section 41020 (b)(3) requires the county superintendent to determine, by April 1 of each year, whether each LEA has made arrangements for an annual audit of its financial statements.
 - i. If the governing board of the LEA has not made arrangements for the audit by April 1, the county superintendent must provide for the audit.
 - ii. The county superintendent must provide for the audit by May 1.
- b. Education Code Section 41020 (b)(2) requires the county superintendent of schools (and the LEA's governing board) to approve the contract for audit services for any LEA in the following situations:
 - i. The LEA has had a disapproved budget or a negative certification on its interim financial reports during the current year or either of the two preceding fiscal years.
 - ii. The county office has determined that a lack of going concern exists.

2. Review of the Audit Exceptions (Education Code Section 41020)

The county superintendent of schools is required to do the following:

- a. Review the audit exceptions related to the following:
 - i. Attendance

- ii. Inventory of equipment
 - iii. Internal control
 - iv. Miscellaneous
 - v. Classroom teacher salaries
 - vi. Instructional material program funds
 - vii. Teacher misassignments pursuant to Education Code Section 44258.9
 - viii. Information reported on the school accountability report card (SARC) pursuant to Education Code Section 33126
- b. Identify any audit exceptions for which a description of the correction or plan of correction is not provided in the audit report, notify the LEA of these, and request that a description of the correction or plan of correction be provided by March 15.
- i. Education Code Section 41020 (g)(2) states:

To the extent possible, a description of correction or plan of correction shall be incorporated in the audit report, describing the specific actions that are planned to be taken, or that have been taken, to correct the problem identified by the auditor. The descriptions of specific actions to be taken or that have been taken shall not solely consist of general comments such as “will implement”, “accepted the recommendation”, or “will discuss at a later date”.
- c. Review the description of correction or plan of correction for each audit exception and determine if it is adequate.
- i. For any description that is found to be inadequate, require the LEA to submit a response to the county office that adequately resolves the audit exception.
- d. Certify to the SPI and the SCO not later than May 15 that:
- i. All of the annual audits and all of the audit exceptions required to be reviewed by the county office have been reviewed.
 - ii. Except as otherwise noted in the certification, the LEAs have adequately corrected, or developed an acceptable plan of correction for, the audit exceptions reviewed by the county office.

- e. Direct all LEAs with attendance-related exceptions or other exceptions that involve state funds to submit the appropriate forms to resolve the exception. For example, if the auditors determine that average daily attendance (ADA) was incorrectly reported, the county office staff will request a revised report of attendance (P-2 or Annual).
 - f. Adjust the future local property tax requirements (tax rates or tax revenues) if there are audit exceptions that have a fiscal impact on local property taxes.
3. Delays in Filing Audit Reports (Education Code Section 41020.2)
- a. Investigate causes of the delay and take action if the auditors do not file the audit report with the county superintendent by December 15.
 - b. Initiate one of the following actions:
 - i. Grant an extension for the audit (after consultation with the district governing board and the auditors, and with the consent of the SCO and the SPI).
 - ii. Contract with another audit firm to complete the audit (after consultation with the district governing board, the auditors, and the SCO).
 - iii. Request that the SCO investigate the situation and initiate action.

CALENDAR

Month	Activity
December	<ul style="list-style-type: none"> The county superintendent must file requests for extensions for filing the annual audit report with the SCO and CDE by December 1. Annual audit reports are due by December 15 <ul style="list-style-type: none"> If not received by the deadline, the county superintendent may investigate the cause of the delay and initiate action to obtain the audit in the most effective manner.
January	<ul style="list-style-type: none"> Update and send the auditor selection letter to LEAs, requesting information on the selection of their auditors by April 1.
January - February	<ul style="list-style-type: none"> Audit Exceptions <ul style="list-style-type: none"> Review all audit exceptions that require review by the county office. Notify LEAs of deficiencies in their plans of correction and request additional documentation. If the description of the correction or plan of correction is not in the audit report, notify the LEA and request that the governing board provide this information by March 15. Direct LEAs to submit revised reports for attendance-related exceptions or other audit exceptions that involve state funds.
April	<ul style="list-style-type: none"> Assess LEAs' corrective actions for audit exceptions for which the plan of correction was previously determined to have deficiencies. Assess LEAs' corrective actions for audit exceptions that previously lacked a description of the correction. Begin making arrangements for the annual audit of the next fiscal year for any LEAs that did not make such arrangements by April 1.
May	<ul style="list-style-type: none"> By May 1, arrangements must be made for the audit of any LEAs that did not make their own arrangements by April 1. Notify the SPI and the SCO by May 15 that the county staff have reviewed the audits, reviewed the audit exceptions, and that all exceptions have been corrected or the LEA has submitted an acceptable plan of correction.

III. DETAILED PROCEDURES

Note: The forms in this section are provided for illustration and are not required by law or by the CDE.

A. Selection of the Auditor

1. In January, update the auditor selection letter and send it to the LEAs. See samples at the end of this section.
2. By April 1, determine whether all districts have selected an auditor.
3. For those LEAs that have not selected an auditor by April 1, the county must make arrangements for an audit by May 1.

Education Code Section 41020 (e)(1):

The cost of the audits provided by the county superintendent of schools shall be paid from the county school service fund and the county superintendent of schools shall transfer the pro rata share of the cost chargeable to each district from the district funds.

B. Review of the Audit Exceptions

1. The auditors are required to code all findings to allow the CDE and county offices to properly evaluate and resolve audit findings.

These codes are:

Five-Digit Code	Finding Type	COE Review
10000	Attendance	X
20000	Inventory of Equipment	X
30000	Internal Control	X
40000	State Compliance	
50000	Federal Compliance	
60000	Miscellaneous	X
61000	Classroom Teacher Salaries	X
70000	Instructional Materials	X
71000	Teacher Misassignments	X
72000	School Accountability Report Card	X

2. In January, the county staff should begin reviewing the audit exceptions in the audit reports to determine whether each LEA's responses to the audit exceptions in the audit report represent a sufficient corrective action plan.

If the county staff determine that the response from the LEA in the audit report is not adequate, they should notify the LEA in January/February. Sample forms for requesting the LEA's corrective action plan are at the end of this section.

If the county staff determine that the LEA did not provide a response in the audit report, they should notify the LEA in January/February requesting the LEA's governing board provide the response by March 15.

3. There are no standards for what is an acceptable corrective action plan; each county office determines whether the action plan is acceptable and the level of documentation needed to assess whether the action plan is acceptable.
4. Not later than May 15, the county office must notify the SPI and the SCO that the county office staff have reviewed the audits, reviewed the audit exceptions, and that all exceptions have been corrected or the LEA has submitted an acceptable plan of correction.

C. Quality of School District Audits

1. Education Code sections 14504 and 41020.5 authorize the county superintendent to notify the California Board of Accountancy if he or she determines that the audit was conducted in an unprofessional manner or that the audit was not conducted in accordance with the audit guide.
 - a. Once the California Board of Accountancy is notified of potential problems, the board will determine whether an investigation is warranted, and, if so, will conduct the investigation.
 - b. Based on the results of the investigation, the California Board of Accountancy may sanction the CPA or accountant.
2. Several counties have asked the CPA or accountant conducting school district audits to prepare and sign a representation letter stating that the firm conducted the audit in accordance with the audit guide. This is usually done at the completion of the audit and submitted with the audit report.
3. A sample audit activity calendar is available at the end of this section.

IV. LEGAL CITATIONS

Education Code Sections 14502-14504, 41020 et.al, 47605(m)

Sample Documents

For each sample item below, click on the format name (docx or pdf) to view and download the document in that format.

Audit Exceptions Resolution Letter • pdf • docx

2013-14 Audit Findings/Corrective Action • pdf • docx

Independent Auditor Selection Letter • pdf • docx

Independent Auditor Selection Certification • pdf • docx

Sample Audit Timeline and Responsibilities • pdf • docx

I. OVERVIEW

A. The Charter Schools Act of 1992 authorized charter schools to operate in California.

B. Charter School Petitions

1. To operate a charter school, applicants must prepare a petition for sponsorship by a school district, county office of education, or the State Board of Education.
2. School districts may approve a charter school to operate independently from the existing school district structure. However, the charter school shall operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district, as long as each location is included in the charter school petition. Exceptions apply (EC 47605).
3. Upon approval of the petition by the governing board of the school district, the petitioners must provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the California Department of Education, and the State Board of Education.
4. If the school district governing board denies the petition for the establishment of a charter school, the petitioner may submit the petition to the county board of education. After the petitioner has appealed to the county board of education, and if the county has denied the petition, the petitioner may submit the petition to the State Board of Education.
5. Education Code Section 47605.5 allows petitioners to submit charter school petitions directly to a county board of education for a charter school that will serve pupils for whom the county office of education would otherwise be responsible for providing direct education and services.
6. Education Code Section 47605.6 authorizes the county board of education to approve a petition for the operation of a charter school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by a county office of education.

A county board of education may only approve a countywide charter if it finds, in addition to the other requirements of this section, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county.

Charter Schools

7. Education Code Section 47605.8 allows petitioners to submit petitions directly to the State Board of Education. The board is authorized to approve a petition for a charter school that would operate at multiple sites throughout the state. The petition must meet the stated “statewide benefit” criteria.
 8. Some of the items that the petitioners must include in the petition (Education Code 47605):
 - a. The educational program of the proposed charter school and the facilities the school will use.
 - b. The measurable pupil outcomes identified for use by the charter school.
 - c. The governance structure of the school.
 - d. The qualifications that persons employed by the school must meet.
 - e. The procedures that the school will follow to ensure the health and safety of pupils and staff.
 9. On or after January 1, 2003, each petition for the establishment of a charter school that is submitted to a chartering agency, or for which a renewal is sought, must identify a single charter school and specify the geographic and site requirements for the school. Charter school facilities must be within the geographic boundaries of the authorizing district unless specifically exempted (Education Code Section 47605.1).
 10. Attachments to this procedure include charter petition review documents that may be used to review appeals coming to the county superintendent of schools office or requests for establishment of countywide benefit charters:
 - a. Charter Petition Review on Appeal following the denial by a school district
 - b. Charter School Denial Appeal submission packet
 - c. Application packet for the request of a Countywide Benefit Charter School
- C. The authority that granted the charter may inspect or observe any part of the charter school at any time.**
- D. Restrictions (Education Code Section 47605)**
- Beginning January 1, 2003, no entity is authorized to approve a charter school to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

E. Petition Process (Education Code Section 47605)

1. No later than 30 days after receiving a petition, the governing board of the school district must hold a public hearing on the provisions of the charter.
2. Following review of the petition and the public hearing, the governing board of the school district must grant or deny the charter within 60 days of receipt of the petition.
3. Both parties may agree to an additional extension of 30 days.

F. Types of Charter Schools

1. Charter schools are operated as a part of the school district/county office of education or as nonprofit public benefit corporations.
2. Charter schools that are operated as a part of the school district, although exempt from many laws that apply to school districts, are still legally a part of the district, and:
 - a. Are included in the district's budget.
 - b. Are included in the district's financial reports to the state.
 - c. Are included in the district's annual audit report.
 - d. These charter schools are reported in the general fund (district), county school service fund (county), a special revenue fund 09, or an enterprise fund 62.
3. Education Code Section 47604:
 - a. Authorizes charter schools to operate as, or be operated by, a nonprofit public benefit corporation, formed and organized pursuant to the Nonprofit Public Benefit Corporation Law of the Corporations Code.
 - b. Authorizes the governing board of the school district that grants the charter to have one representative on the board of directors of the nonprofit public benefit corporation.
 - c. This section states:

An authority that grants a charter to a charter school, to be operated by, or as, a nonprofit public benefit corporation is not liable for the debts or obligations of the charter school, or for claims arising from the performance of acts, errors, or omissions by the charter school, if the authority has complied with all oversight responsibilities required by law, including, but not limited to, those required by Section 47604.32 and subdivision (m) of Section 47605.

Charter Schools

- d. Charter schools that are operated as nonprofit public benefit corporations:
 - i. Are not included in the district's budget.
 - ii. File separate financial reports to the state (using the Standardized Account Code Structure (SACS) or Charter Alternative Form).
 - iii. Are not included in the district's annual audit; although they may be reported as a component unit of the district, these entities have a separate audit.

(If the charter school is operating as a part of the authorizing school district or county office of education rather than as a nonprofit public benefit corporation, the charter school is included in the annual audit of the school district or county office of education.)

G. Direct Funded Charter Schools (Education Code Section 47651)

- 1. Education Code Section 47651 authorizes a charter school to receive its state aid portion of the charter school's total Local Control Funding Formula (LCFF) entitlement either directly or through the local educational agency (LEA) that grants its charter or that was designated by the State Board of Education.
- 2. When the charter school chooses to receive its funding directly, the warrant is drawn in favor of the superintendent of schools of the county.
- 3. The county superintendent of schools is authorized to establish appropriate funds or accounts in the county treasury for each charter school.

H. Inquiries (Education Code Section 47604.3)

Requires charter schools to respond promptly to all reasonable inquiries, including, but not limited to, inquiries regarding its financial records, from its chartering authority, the county office of education that has jurisdiction over the school's chartering authority, or from the SPI. Charter schools are required to consult with the chartering authority, the county office of education, or the SPI regarding those inquiries.

I. Responsibilities of Chartering Authority (Education Code Section 47604.32)

Requires each chartering authority to:

- 1. Identify at least one staff member as a contact person for the charter school.
- 2. Visit each charter school at least annually.
- 3. Ensure that each charter school under its authority complies with all reports required of charter schools by law.

4. Monitor the fiscal condition of each charter school under its authority.
5. Provide timely notification to the department [of education] if any of the following circumstances occur or will occur with regard to a charter school for which it is the chartering authority:
 - a. A renewal of the charter is granted or denied.
 - b. The charter is revoked.
 - c. The charter school will cease operation for any reason.
6. The cost of performing these duties will be funded with the supervisorial oversight fees collected pursuant to Section 47613.

J. Financial Reports (Education Code Section 47604.33)

1. Requires each charter school to annually prepare and submit financial reports to its chartering authority and the county superintendent of schools, or only to the county superintendent of schools if the county board of education is the chartering authority. County offices of education may encourage chartering authorities to use standard reporting formats. The charter memorandum of understanding can detail mutually agreed upon reporting forms. Many agreements request the submission of reports similar to those required by SACS or the SACS alternative object-driven format. The following reports are required:
 - a. On or before July 1, a preliminary budget. For a charter school in its first year of operation, the information submitted pursuant to subdivision (g) of Section 47605 satisfies this requirement.
 - b. On or before July 1, an annual update (LCAP) required pursuant to Section 47606.5.
 - c. On or before December 15, an interim financial report. This report shall reflect changes through October 31.
 - d. On or before March 15, a second interim financial report. This report shall reflect changes through January 31.
2. On or before September 15, a final unaudited report for the full prior year must be submitted to the chartering authority and to the county superintendent of schools, or only to the county superintendent of schools if the county board of education is the chartering authority, and to the California Department of Education (CDE).

Charter Schools

- a. Pursuant to Education Code Section 42100, the charter school shall approve its annual statement of all receipts and expenditures of the charter school for the preceding fiscal year (unaudited actuals) in the format prescribed by the superintendent of public instruction (SPI).
 - b. These reports must be submitted to the chartering authority for signature, then forwarded to the county superintendent of schools, or submitted only to the county superintendent of schools if the county board of education is the chartering authority. The county superintendent of schools must verify the mathematical accuracy of the form and submit the report to the CDE in the manner prescribed by the CDE, on or before October 15.
3. The chartering authority shall use any financial information it obtains from the charter school including, but not limited to, the reports required by this section, to assess the fiscal condition of the charter school
 4. The cost of performing these duties shall be funded with the supervisorial oversight fees collected pursuant to Section 47613.

K. County Office Authority (Education Code Section 47604.4 and 1241.5c)

1. Authorizes the county superintendent of schools to monitor the operations of a charter school within the county and conduct an investigation into the operations of that charter school, based on parental complaints or other information.
2. Limits the county office of education's liability to the cost of the investigation when it conducts monitoring or investigation activities.
3. Requires charter schools to notify the county superintendent of schools of the county in which it is located of the location of the charter school, including the location of each site, if applicable, before it begins operating.
4. At any time, the county superintendent may review or audit the expenditures and internal controls of any charter school if he or she has reason to believe that fraud, misappropriation of funds, or other illegal fiscal practices have occurred (this is known as an extraordinary audit).
 - a. The review or audit shall be conducted in a timely and efficient manner.
 - b. Within 45 days of the completed review, audit, or examination, the county superintendent must report the findings and recommendations to the governing board of the charter at a regularly scheduled meeting and provide a copy of the information to the chartering authority.

- c. No later than 15 calendar days after receipt of the report, the charter school governing board must notify the county superintendent and its chartering authority of its proposed response to the recommendations.
- d. If the county superintendent determines that there is evidence that fraud or misappropriation of funds has occurred, the county superintendent should notify the governing board of the charter school, the chartering authority, the state controller, the superintendent of public instruction, and the local district attorney (Education Code 42638).

L. Annual Audits

- 1. Each charter school must undergo an annual audit. [Education Code 47605(b)(5)(I)]
- 2. If the charter school is operating as a part of the authorizing school district or county office of education, the charter school is included in the annual audit of the school district or county office of education.
- 3. Education Code Section 47605:

Charter schools must submit a copy of their annual audit report to the chartering entity, the state controller, the county superintendent of schools in which the charter school is located, and the CDE, by December 15 of each year. This applies only if the charter school is a nonprofit corporation.

- 4. On or before May 31 of each year, the state controller asks county offices to confirm that all school districts, certain joint powers entities, and charter schools have arranged for their annual audit. The chartering authority should be asked to provide information regarding the audit engagement for each charter under its authority to the county superintendent by April 1. The following information is requested:
 - a. The name, the charter number, and the county-district-school (CDS) number of the charter.
 - b. The name and address of the contracted certified public accounting (CPA) firm.
 - c. The fiscal years(s) covered by the audit contract.
 - d. The audit fee for each fiscal year.

M. Duration of the Charter (Education Code Section 47607)

- 1. Authorizes a charter for no more than five years.
- 2. Authorizes one or more five-year renewals.

3. Charter schools may make material revisions of their charter petition only with the approval of the authority that granted the charter.

N. Revocation of the Charter (Education Code Section 47607)

1. The authority that granted the charter may revoke the charter if the authority finds that the charter school did any of the following:
 - a. Committed a material violation of any of the conditions, standards, or procedures in the charter.
 - b. Failed to meet or pursue any of the pupil outcomes identified in the charter.
 - c. Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
 - d. Violated any provision of law.
2. Prior to the revocation, the authority that granted the charter must notify the charter school of any violations and give the school a reasonable opportunity to remedy the violation, unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.
3. Education Code Section 47604.5 also authorizes the State Board of Education, whether or not it is the authority that granted the charter, to revoke the charter when the board finds any of the following:
 - a. Gross financial mismanagement that jeopardizes the financial stability of the charter school.
 - b. Illegal or substantially improper use of charter school funds for the personal benefit of any officer, director, or fiduciary of the charter school.
 - c. Substantial and sustained departure from measurably successful practices such that continued departure would jeopardize the educational development of the school's pupils.

O. Charter Closures

1. Dissolution of charter assets should be detailed in the petition and/or memorandum of understanding between the chartering authority and the charter (Education Code Section 47605). Because of the timing of state funding apportionments, the county superintendent or county treasury often still has state aid dollars after the closure of a charter. Unearned dollars (apportionments for any closed charter school without average daily attendance) should be communicated to the CDE for retrieval, usually at the next apportionment certification cycle. The status of all other funds needs to be communicated to the chartering authority to determine the process for the retrieval of funds.
2. If the county superintendent is the chartering authority of the closing charter, the county should send a notice of the school closure to the Charter Schools Unit at the CDE (Education Code Section 47604.32). The notification should include the following:
 - a. The charter school name, number and CDS code.
 - b. The date of closure action, and effective date of the closure if different.
 - c. The reason for the closure and whether the charter was revoked, not renewed, or whether the charter school was closed for other reasons.
3. The chartering authority should ensure that student and school records are secured and that the student records are transferred to the district(s) in which students are eligible to enroll.
4. The charter school and/or the chartering authority should complete the financial close-out of the charter school within six months after closure.
5. Recommended Charter school closure guidelines are available on the CDE's website at:
<http://www.cde.ca.gov/sp/cs/lr/csclosurerules.asp>

P. Funding

1. **Funding equal to similar school district:** The Legislature's intent is to provide each charter school with funding equal to funding that would be available to a similar school district serving a similar population, except charter schools are not funded as necessary small schools. Also, charter schools have the option of local or direct allocation of their funding. (Education Code Section 47630).

Charter Schools

2. **Local Control Funding Formula (LCFF):** LCFF funding for charter schools is largely identical to district LCFF funding, except in certain circumstances charter funding will be constrained by factors related to the district in which the charter school is physically located. See Procedure 020, LCFF Funding, for more detail. Until LCFF funding for all school districts and charter schools equals or exceeds the LCFF target levels, funding for newly operational charter schools is determined using the calculations described in Education Code Section 42238.03. The FCMAT LCFF Calculator includes tools to help estimate the funding for new charter schools.
3. **Local Aid portion of LCFF funding:** Charter schools will receive a portion of their LCFF funding from local funds that are transferred from the sponsoring LEA in lieu of local property taxes.

- a. **Definition of Sponsoring LEA**

The sponsoring LEA is defined as:

- i. The district that granted the charter.
 - ii. In the case of a charter that was denied by a district and subsequently approved by a county office, the district that initially denied the charter.
 - iii. In the case of a charter approved by the State Board of Education, any LEA that agrees to be the sponsor, or the LEA that denied the charter if no other LEA has been designated as the sponsor.
 - iv. In a county-approved county community school charter, for students who are referred by parental request pursuant to Education Code Section 1981(b), the sponsoring LEA is the district of residence of each pupil in the school.
- b. **Calculation of the Local Aid Portion:** The annual amount to transfer in lieu of local property taxes from the sponsoring LEA to the charter school is the lesser of:
 - i. The average amount of property taxes per unit of average daily attendance (ADA) (including ADA attributable to charter schools) received by the LEA, multiplied by the charter school's ADA.
 - ii. The charter school's LCFF base entitlement. During transition to full LCFF implementation, the LCFF base entitlement is calculated by multiplying the ratio of the LCFF base grant to the LCFF target entitlement by the LCFF transition entitlement. This can cause a charter school's total funding between in-lieu taxes and minimum state aid to exceed its LCFF transition entitlement. In this case, the charter school's minimum state aid will be reduced by the excess amount.

Charter Schools

- iii. A county-approved county community school charter will need to collect the local in-lieu property taxes from the district of residence based on this calculation. The CDE provides an excel worksheet on the principal apportionment web page that shows the principal apportionment certified calculation of charter property tax amounts per ADA at P-1, P-2, and annual certifications.
- c. **Exception for transfers from Basic Aid district to non-Basic Aid district:**
When the transfer in lieu of property taxes is from a sponsoring LEA that is a Basic Aid district to a charter in a non-basic aid district, there is an exemption from the normal calculation for pupils who reside in, and are otherwise eligible to attend a school in, the basic aid school district, but who attend a charter school in a non-basic aid school district. This exemption limits the transfer to the charter's LCFF calculation as long as it does not exceed the property tax per unit of ADA (Education Code Section 47635(b)(5)). This section has not been implemented.
- d. **Schedule of Transfers in Lieu of Property Taxes:** The transfers in lieu of property taxes to charter schools are to be monthly. Each monthly amount represents a specified percent of the estimated annual in lieu of property tax amount (Education Code Section 47635).
 - i. The monthly installments of funding in lieu of property taxes are to be transferred to the charter school no later than the 15th of each month.
 - ii. For August through February, the estimated annual amount to transfer is calculated based on property taxes received by the sponsoring LEA during the preceding fiscal year and ADA certified in the prior year's P-2 principal apportionment, and the following percentages are applied:
 - a) Six percent in August
 - b) Twelve percent in September
 - c) Eight percent each month in October, November, December, January and February
 - iii. For March through June, the estimated annual amount to transfer is calculated based on property taxes estimated to be received by the sponsoring LEA during the fiscal year and ADA certified in the current year's P-1 principal apportionment. The amount to transfer in March through June is the difference between the estimated annual amount and the amount already transferred in August through February, at the following fractions:
 - a) Two-sixths in March
 - b) One-sixth each month in April, May, and June

The final one-sixth amount due for the fiscal year is recalculated based on P-2 certification and paid in July, per item iv below.

- iv. For July, the estimated annual amount to transfer is calculated based on property taxes estimated to be received by the sponsoring local educational agency during the prior fiscal year and ADA certified in the prior year's P-2 principal apportionment. The amount to transfer in July is the difference between the estimated annual amount and the amount already transferred in August through June.
- v. Final adjustments to the amount of funding in lieu of property taxes allocated to a charter school are made in February of the subsequent year, in conjunction with the final reconciliation of annual apportionments to schools.
- vi. A countywide charter school's LCFF funding amount is determined without deduction of any property tax calculation. The CDE provides the total per-ADA funding unless the student's district of residence is a basic aid district, in which case the countywide charter school must contact that basic aid district to receive funding.
- e. **Adjustment for Sponsoring LEA:** For purposes of the LCFF calculation for the sponsoring LEA, the property taxes received by the sponsoring LEA are reduced by the amount of funding in lieu of property taxes allocated to charter schools (Education Code 47662).
- f. Sample downloadable files listed at the end of this section include a sample calculation of transfers to charter schools in lieu of taxes. LEAs can also use the FCMAT LCFF Calculator to calculate in-lieu of property tax transfers.

Q. Certification of Attendance Reports (Education Code 1245).

The county superintendent must sign several reports that are filed by a charter school. Upon review of the information, the county superintendent or the chartering authority may determine that they cannot certify the information and choose to use the noncertification block with written detail of the reason attached. The attendance software forms provide a comment section to allow the county superintendent or a chartering authority to state that they are not certifying the data and the reasons for the noncertification.

1. Charter Annual Information Survey – Online
See <http://www.cde.ca.gov/sp/cs/ac/csinfosvy1516.asp>. New and existing charter schools must complete the annual survey to provide the CDE with pertinent information regarding funding, location, contact information, facilities, and other items. This survey used to be submitted through the local county office of education but is now submitted online directly to CDE by an authorized representative of the charter school. The completed survey is usually due to the CDE by May 31. If the deadline is missed, the charter school should contact the CDE's Charter School Division.
2. Pupil Estimates for New or Significantly Expanding Charters (PENSEC) – Online
See <http://www.cde.ca.gov/fg/aa/pa/charter20dayinstr14.asp>. Charter schools in their first year of operation and continuing charters that are significantly expanding (adding a grade level or enrollment increasing by 25% or more) may receive a special advance apportionment by submitting this report. The report collects data needed to estimate LCFF funding, such as ADA, pupil demographic data, and charter physical location. Charter schools with PENSEC reports that include ADA must also submit certification with the signatures of the authorizing district and county superintendents for the data to be processed. The report is usually due to the CDE by July 31 to mid-August.
3. Charter School 20 Day Attendance Report – Online
See <http://www.cde.ca.gov/fg/aa/pa/charter20dayinstr14.asp>. Based on information collected previously in the PENSEC report, the 20-Day report will automatically provide data screens based on whether the charter is new or expanding. Actual attendance numbers for the first 20 days of instruction are reported, and the 20-Day report is used to adjust a second advance apportionment distribution for actual attendance values. A certification page with signatures of the charter, sponsoring district, and county superintendent is also required. The report is usually due to the CDE by October 31.
4. P-1, P-2, and annual attendance reports are due at the same reporting period deadlines as K-12 school district attendance reports. Reports are filed using state software, with signed certifications provided by the charter to the chartering authority and the county superintendent. Reports may be revised using the same process and regulations as K-12 revisions.
5. Instructions for the CDE's Charter 20-Day Attendance Report are available on the CDE website at <http://www.cde.ca.gov/fg/aa/pa/charter20dayinstr15.asp>.

II. COUNTY OFFICE PROCEDURES

A. At a minimum, the county office of education needs:

1. A list of all charter schools in the county.

2. The legal status of each charter school.

B. County offices of education have certain legal responsibilities for charter schools as outlined in this procedure.

1. At a minimum, the county office must comply with all legal requirements.
2. County offices of education may choose to provide more services or oversight at their discretion.

C. Approving Charter School Petitions

Attachments to this section include sample matrices that county offices may use to evaluate a charter school petition submitted to them.

D. Direct Funded Charter Schools

When a charter school is direct funded, county offices may establish a fund or funds to account for these funds in the county treasury.

E. Oversight of Charter Schools

1. Although Education Code Section 47604.33 requires charter schools to submit a preliminary budget, an annual update (LCAP), two interim reports, and a final unaudited report to the county office of education, the law does not indicate that the county office is responsible for any specific level of fiscal oversight. Therefore, once the county office of education receives these reports, it is up to the county office to decide what level of review it will perform.
2. Education Code Section 47604.32 requires each chartering authority to monitor the fiscal condition of each charter school under its authority. If the county office of education is not the chartering authority, it may still provide additional fiscal oversight as a service to the school districts in the county.
3. One county office has chosen to provide oversight to all charter schools in the county, consistent with its oversight for all other school districts in the county.
4. Attachments to this section include a sample legal opinion obtained by a county office that supports the manner in which the county office is providing oversight of the charter schools in the county.

III. LEGAL CITATIONS

Education Code

A. Section 1241.5(c)

County superintendent may review or audit the expenditures and internal controls if there is reason to believe that fraud, misappropriation of fund, or other illegal fiscal practices have occurred.

B. Section 1245

Requires the county office of education to submit reports required by the SPI.

C. Section 1628

Requires the county office of education to file financial statements for those charter schools approved by the county.

D. Sections 17078.52 – 17078.64

Charter school facilities funded with the proceeds of state bonds authorized after January 1, 2002.

E. Sections 41365 – 41367

Charter School Revolving Loan Fund

F. Section 42100

Requires charter schools to approve, on or before September 15, an annual statement of all receipts and expenditures in a format prescribed by the SPI. The charter school must file the statement with the sponsoring agency.

G. Sections 42238.51 – 42238.52

Computing the average daily attendance.

H. Sections 47600 – 47604.5

The Charter Schools Act of 1992. Authority for charter schools to elect to operate as, or be operated by, a nonprofit public benefit corporation.

I. Sections 47605 – 47608

Charter school petitions.

J. Section 47610

Exemption of charter schools from the laws governing school districts.

K. Section 47611

Charter schools choosing to make the State Teacher's Retirement System (STRS) or the Public Employees' Retirement System (PERS) available to employees.

L. Section 47611.3

Authorization for the chartering authority to create STRS and PERS reports.

M. Section 47611.5

Authority of the Public Employment Relations Board.

N. Sections 47612 – 47612.1

Age and residency requirements for charter school pupils.

O. Section 47612.5

The conditions of apportionment.

Instructional minutes.

Maintaining attendance documentation.

State testing program certification.

Independent study requirements.

Non-classroom-based instruction.

P. Section 47613

Authority for a chartering agency to charge for its oversight of the charter school an amount not to exceed 1% of the revenue of the charter school. The chartering agency may charge 3% if the charter school receives rent-free facilities.

Q. Section 47613.1

Charter schools in school districts in which all schools have been converted to charters.

R. Section 47614

Availability of public school facilities for charter schools.

S. Section 47614.5

Establishes the Charter School Facility Grant Program.

T. Section 47615

Establishes that charter schools are part of the public school system.

U. Sections 47620 – 47625

Elementary school that has been operated by the University of California at the Los Angeles campus.

V. Sections 47630 – 47632 and 42238.02

Funding for charter schools.

W. Section 47634.2

Funds for non-classroom-based instruction.

X. Section 47635

Transfer of in-lieu taxes to charter schools.

Y. Sections 47636 – 47638

Eligibility to receive lottery funding and negotiate with district to receive a fair share of other funding sources.

Z. Section 47640

Defines a charter school as a local educational agency.

AA. Sections 47641 – 47647

Participation in a special education local plan area (SELPA).

BB. Sections 47650 – 47651

Direct funding versus funding through the local educational agency.

CC. Section 47652

Funding in the first year of operation.

DD. Sections 47660 – 47663

Funding for the sponsoring agency.

EE. Sections 51745 – 51749.3

Independent study.

Sample Documents and Online Resources

Click on the title of any item below to view or download it.

[Charter Petition Review Checklist \(pdf\)](#)

[Charter Appeal Following District Denial \(pdf\)](#)

[Application Packet for Countywide Charter \(pdf\)](#)

[Charter School Closure Process \(CDE website\)](#)

[Sample in-lieu Schedule \(Excel\)](#)

[Sample in-lieu Alternative Schedule \(Excel\)](#)

[Charter 20 Day Report \(CDE website\)](#)

[Charter School Matrix \(Word\)](#)

[Charter School Matrix Part 2 \(Word\)](#)

[Charter Legal Opinion \(pdf\)](#)

I. OVERVIEW

A. Background Information

1. School districts maintain cash in various accounts including:
 - a. Cash in the county treasury
 - b. Cash in local banks
 - c. Cash held by various fiscal agents on behalf of the school district.
 - d. Cash in the Local Agency Investment Fund (LAIF)
2. Education Code Section 41001 requires districts to deposit all funds in the county treasury.
3. Education Code Section 41002.5 allows school districts to deposit certain funds into federally insured banks or financial institutions. These other funds are:
 - a. Funds received for making loans, scholarships, or grants to students.
 - b. Funds received for the sale of food or other services performed by the cafeterias.
 - c. Funds received from the sale of produce, livestock, and products of school farms.
 - d. Clearing accounts established pursuant to Education Code Section 41017.
 - e. Funds of a student body organization.
 - f. Funds in a revolving cash fund established pursuant to Education Code Section 42820.
 - g. Funds for community recreation programs.
 - h. Funds that, pursuant to any other law or provision of the *California School Accounting Manual*, may be deposited in a bank or other federally insured financial institution in lieu of the county treasury.
4. For certain types of transactions (e.g., the issuance of certificates of participation), school districts are required to establish a financing corporation. In these instances, the cash proceeds of the transaction may be deposited in a bank and held on behalf of the financing corporation.

B. Cash in the County Treasury

1. Education Code Section 41000 prohibits assessors, tax collectors, city, city and county, or county treasurers from charging or receiving fees or compensation for assessing, collecting, receiving, keeping, or disbursing any school moneys, but they must pay the “whole moneys collected” to the city, city and county, or county treasurer.
2. Education Code Section 41001 requires the governing board of every school district to pay all moneys received or collected from any source and all moneys apportioned to it from taxes levied, and collected under the authority of city councils for school purposes, into the county treasury to be placed to the credit of the proper fund of its districts.
 - Districts are required to deposit the money daily, unless the county superintendent of schools authorizes the deposits to be made weekly or otherwise, but in no event less frequently than monthly.
3. Government Code Section 53684 (b) requires the county treasurer to apportion interest at least quarterly on the funds invested in the county treasury.
 - a. The county treasurer is required to apportion interest in an amount proportionate to the average daily balance of the amounts deposited by the local agency.
 - b. Prior to distributing the interest, the county treasurer may deduct the actual costs incurred by the county in administering this section of the Government Code.
4. Some county treasurers maintain all of the money for a school district in a single fund while other counties maintain separate funds that correspond to the funds maintained by the districts.

C. Borrowing Options

1. Internal borrowing between district funds

- a. Education Code Section 42603 authorizes a school district to temporarily transfer moneys held in any fund to another fund of the district for payment of obligations.
- b. The borrowing fund must earn sufficient income, during the current fiscal year, to repay the amount transferred.
- c. These temporary transfers may not exceed 75% of the maximum amount of moneys held in any fund during the current fiscal year.
- d. Amounts transferred must be repaid in the same fiscal year or in the following fiscal year if the transfer takes place within the final 120 days of the fiscal year.

2. Borrowing from the county treasurer

- a. Education Code Section 42620 authorizes the board of supervisors of the county or city and county to authorize the auditor and treasurer to make a temporary transfer from any funds not immediately needed to pay claims against them to any school district or county school service fund that does not have sufficient funds to its credit in the county treasury to meet current expenses.
- b. Article XVI, Section 6 of the California Constitution provides that the county treasurer cannot loan districts money after the last Monday in April of the current fiscal year.
- c. This type of borrowing requires the approval of the governing board of the county or city and county by resolution.
- d. These temporary transfers may not exceed 85% of the money that will accrue to the school district or county school service fund during the fiscal year.
- e. The auditor and treasurer are required to repay the funds to the county or city and county fund from which they were taken from the first moneys accruing to the school district or county school service fund and before any other obligation of the school district or county office is paid.

3. Borrowing from the county office of education.

- a. Education Code Section 42621 authorizes the county superintendent of schools, with the approval of the county board of education, to make temporary transfers to any school district that does not have sufficient money to its credit to meet current operating expenses.
 - i. The county superintendent will make these transfers from the county school service fund.
 - ii. The transfers may not exceed 85% of the amount accruing to the school district at the time of the transfer.
 - iii. The district must repay the county school service fund prior to June 30 of the current fiscal year.
- b. Education Code Section 42622 authorizes the county superintendent of schools, with the approval of the county board of education, to make an apportionment to a school district
 - i. The apportionment is made from the county school service fund.

- ii. The apportionment is conditional upon repayment in the next fiscal year from the district's general fund.

4. Tax and revenue anticipation notes (TRANS)

a. Definition and purpose

- i. Government Code Section 53852 authorizes the issuance of tax revenue anticipation notes (TRANS), which are short-term loans that school districts can use to finance cash flow deficits that are created when expenditures are incurred before revenues are received.
- ii. The notes are retired from revenues of the fiscal year to which the TRANS are related.

b. Basic types of TRANS

- i. Traditional 12-Month (July to June) (also known as regular TRANS)
 - a) Covers beginning of fiscal year deficit
 - b) Only one issuance cost
 - c) Does not cover end of year deficit
 - d) May be issued as a tax-exempt TRAN
 - e) Projected maximum deficit must occur within six months of issuance
- ii. Fall 12-Month Cross Fiscal Year TRAN (October to October)
 - a) Covers the fall deficit and the fiscal year-end deficit
 - b) Portion of TRANS that can be used to fund fiscal year-end deficit is dictated by the amount of deferred revenues
 - c) Requires analysis of debt service coverage at maturity from deferred revenues
 - d) Only one issuance cost
 - e) Typically has higher interest cost than a regular TRAN due to deferred revenues being part of the security
 - f) Projected maximum deficit must occur within six months

- g) Credit analysis focuses on ability to repay from deferred revenues; repayment from a future TRANs is a red flag
 - h) May be issued as a tax-exempt TRAN
- iii. 15-Month TRAN (July to October)
 - a) Covers beginning of the fiscal year, fall and end-of-year deficits
 - b) Portion of TRANs that can be used to fund fiscal year end deficit is dictated by the amount of deferred revenues
 - c) Requires analysis of debt service coverage at maturity from deferred revenues
 - d) One issuance cost
 - e) Government Code Section 53854 allows TRANs to be payable up to 15 months after date of issuance; however, the IRS has issued a revenue ruling that it is not comfortable with a maturity date beyond 13 months; thus, issuers of 15 month notes should expect to be audited and questioned about the business reason for the 15 month maturity; districts with significant deferred revenues may be able to defend issuance
 - f) Higher interest rate due to weaker security from deferred revenues
 - g) Potential for higher interest rates due to investor concern over tax-exempt status of TRANs as described above and inability of money market funds to directly purchase notes due to term.
 - h) Credit analysis focuses on ability to repay from deferred revenues; repayment from a future TRANs is a red flag
 - i) 15-month TRAN can be issued as a tax-exempt TRAN
- iv. Multiple TRANs (July to March or June and February to October)
 - a) Two issuance costs
 - b) Able to cover various deficits throughout the year
 - c) Cross-fiscal-year component requires analysis of debt service coverage at maturity from deferred revenues
 - d) May be issued as tax-exempt TRANs

c. TRAN sizing guidelines and limitations

- i. The principal and interest cannot exceed 85% of uncollected revenues at time of TRAN issuance.
- ii. Maximum tax-exempt TRAN amount equal to projected negative cash balance that occurs within six months from the date of TRAN issuance plus a working capital reserve and
 - (a) For cross-fiscal-year TRANs, use of the TRANs beyond fiscal year end is further limited by the amount of deferred revenues
- iii. Under federal law, the working capital reserve is equal to the lesser of 5% of the prior year's expenditures or the prior year's average cash balance.
- iv. TRAN issuance precludes districts from constitutional borrowing from the County Treasurer.
- v. Only revenue received or accrued during the fiscal year in which a TRAN is issued may be pledged for TRAN repayment. Revenue deferred by the State into the following fiscal year may be available to be pledged and used to repay a cross-fiscal-year TRAN.
- vi. IRS arbitrage rebate compliance
 - (a) TRAN issuers are subject to rebate payments to the IRS on arbitrage interest earnings on TRAN proceeds unless one of the following rebate exemptions is met;
 - 1) Small Issuer Exemption: Borrower issues less than \$5 million in TRANs and other non-construction tax-exempt debt and less than \$15 million in total tax-exempt debt in the calendar year of TRAN issuance with a reasonable projection of a cash flow deficit; or,
 - 2) Large Issuer (Safe Harbor) Exemption: A borrower that issues more than \$5 million in TRANs or other non-construction tax-exempt debt or more than \$15 million in total tax-exempt debt in the calendar year of TRAN issuance must actually experience the reasonably projected cash flow deficit used to size the TRAN within six months of the date of issuance of the TRAN.
 - b) In an audit, IRS may call into question the reasonableness of the deficit projections of a small issuer that continually fails to meet prior deficit projections.

- c) Failure to make required rebate payment as a large issuer may result in additional penalty payments to the IRS.

d. TRAN issuance steps

- i. Adopt resolution to authorize TRAN issuance and establish parameters for financing.
- ii. Collect historical financial data, i.e., audit reports, budget and interim reports, current and prior year cash flows, to assess financial standing and cash needs.
- iii. Provide revenue and expenditure projections for TRAN issuance year.
- iv. Provide cash flow projections for TRAN issuance year.

e. Required action

- i. The county board of education, school district, or community college district adopts a resolution to authorize the TRAN issuance.
- ii. For a county board of education, school district, or community college district that has not been accorded fiscal accountability status, the adopted resolution is sent to the board of supervisors, with a copy to the county superintendent of schools and the county treasurer.
 - a) Explanation for borrowing is provided to county treasurer (recommended).
 - b) The board of supervisors authorizes, by resolution, the issuance of a note.
 - c) If the board of supervisors doesn't (or notifies that they won't) adopt a resolution to issue the note within 45 days, then the county board of education, school district or community college district may issue the note on its own.
- iii. Under Education Code Section 42133(a), if a district has a qualified or negative interim report certification in any year, the district may not issue non-voter-approved debt instruments in that year or the next, unless the county superintendent of schools, using the Superintendent of Public Instruction's criteria, determines repayment is probable.
- iv. TRAN proceeds, set-asides and repayments
 - a) The resolution authorizing the issuance of the note will specify what taxes, income, revenue, cash receipts or other moneys are pledged for the payment of the note and interest.

- 1) The note and interest is payable from the first moneys received from these pledged moneys.
- 2) “Revenue” includes, but is not limited to, revenue from the state and federal governments.
- b) If a district will issue a TRAN in addition to borrowing from the county office of education, the order of repayment should be addressed in the memorandum of understanding between the county office of education and the district.
- c) The note is a general obligation of the local agency, and, to the extent it is not paid from the pledged moneys, it will be paid with interest from any other moneys of the local agency that are lawfully available.
- d) TRAN proceeds may be deposited with a fiscal agent outside the county treasury.
 - 1) A draw of cash from the fiscal agent to the county treasury is processed as needed to meet cash needs.
 - 2) Repayments are made from the county treasury to the fiscal agent.
 - 3) The fiscal agent holds amounts in a repayment reserve account according to the repayment schedule defined in the note issuance and processes the repayments.
- e) TRAN proceeds may be deposited in the county treasury.
 - 1) Funds are available to meet cash flow needs.
 - 2) Interest earned should be accounted for separately from interest earned on other funds of the district.
 - 3) A schedule of pledged revenues to be set aside to meet repayment obligations is defined in the authorizing resolution.
 - a. The repayment set aside deposits are held in a separate restricted account for the benefit of the owner of the note and the district does not have any right to requisition or otherwise access such moneys.
 - b. The set-aside amounts may be deposited into an agency fund.

- c. The county auditor-controller or the county office of education may coordinate the transfer of set-aside amounts and repayments according to the schedule and as authorized by the district.
- d. Consideration should be given to initiating the transfers for set-asides and repayments with sufficient time to ensure timely processing, such as at least a day before the required date.

f. Fiscal Impact

- i. Cost of issuance may be high
- ii. Qualification status (qualified or negative) may also impact the ability to issue a TRANs as well as the cost to borrow.
- iii. Interest earned may partially or completely offset issuance costs.
- iv. The IRS conducts routine audits of TRANs; such audits may incur significant costs, including retention of qualified tax counsel to assist in negotiations as well as potential loss of arbitrage earnings, if any, should the district fail to satisfy IRS requirements.

g. Potential structures for TRANs.

- i. A TRAN may be issued independently, which is often economical for large issuers.
- ii. A TRAN may be issued through an established pool, which is often economical for small issuers and minimizes costs, time and effort of participating school districts.
- iii. A TRAN may be issued through the local county office of education, which has the benefits of a pool, is consistent with the county office's fiscal oversight duties, and can be structured such that the county office is or is not liable for any repayment shortfalls by participating districts.

D. Payments from the Funds of the School District

- 1. Education Code Section 42631 requires that all payments from the funds of school districts will be made by written order of the governing board of the district.
 - a. The county superintendent will prescribe the forms that districts will use as the written order for the payment of funds.

- b. A majority of the members of the governing board, or a person or persons authorized by the governing board to sign orders in its name, must sign the orders drawn on the funds of the school district. Education Code sections 42632 and 35164.
 - c. The governing board of each school district must file the verified signature of persons authorized to sign orders in its name with the county superintendent. Education Code Section 42633
 - Except for districts that are fiscally accountable pursuant to Section 42650, the county superintendent must not approve any orders on the funds of school districts unless the signatures are on file in their office.
 2. Education Code Section 42634 requires that each order drawn against the funds of a school district must be numbered and state:
 - a. The particular fund or funds of the district against which the order is drawn.
 - b. The amount of the payment from each fund.
 - c. The rate of salary and the period of service of any employee of the district for whom an order is issued for the payment of salary or wages.
 - d. If the payment is for any purpose other than salaries or wages of school district employees, the order must be accompanied by an itemized bill showing the separate items and the price of each.
 - If the county superintendent determines that including an itemized bill with each order is impractical, the county superintendent may allow the district to retain the information and make it available for audit.
 3. Each order drawn against the funds of the district that is transmitted to the county superintendent and approved is a requisition on the county auditor. Education Code Section 42635
 - The county superintendent may prescribe alternative procedures for districts that are fiscally accountable under Section 42650.
 4. Under Education Code Section 42636, the county superintendent may examine each order on school district funds transmitted to them. If it appears that the order is properly drawn for the payment of legally authorized expenses against the proper funds of the district, and there are sufficient moneys in the fund(s) against which the order is drawn, the county superintendent will:
 - a. Endorse upon it “examined and approved”

- b. Affix their signature and number and date the requisition and transmit it to the county auditor in the order in which it was received in their office.
 - c. The county superintendent may prescribe alternative methods for fiscally accountable districts under Education Code Section 42650.
 - d. The county superintendent may, upon approval of the county auditor, allow electronic transfers.
5. If the order is disapproved by the county superintendent, they will return it to the district governing board with a statement of the reason(s) for disapproving the order. Education Code Section 42638
 - If the county superintendent determines that there is evidence that fraud or misappropriation of funds has occurred, the county superintendent will notify the governing board of the school district, the State Controller, the Superintendent of Public Instruction, and the local district attorney.
6. Once the county auditor examines the order and requisition, they will return the order, requisitions, and the warrants to the county superintendent who transmits it to the governing board of the school district for issuance. Education Code Section 42639
7. The county superintendent of schools must keep, open to the inspection of the public, a register of warrants, showing the fund upon which the requisitions have been drawn, the number, in whose favor, and for what purpose they were drawn. Education Code Section 42643
 - The county superintendent must prescribe rules for school districts that are fiscally accountable under Section 42650 that retain copies of warrants and supporting documents in the district's files.
8. Education Code Sections 42641– 42642 and 42644 – 42646 provide information on the legal requirements for payroll orders.
9. Education Code Section 42647 authorizes unified school districts or districts with over 10,000 average daily attendance, with approval of the Superintendent of Public Instruction, to draw warrants on the county treasury.
 - Districts issuing warrants under this section are usually referred to as “fiscally independent.”

E. Procedures for Registering Orders and Warrants

1. Overview

- a. Education code (E.C.) sections 42670 through 42678 and 42690 through 42694 grant county offices of education and school districts the authority to issue registered warrants if they are unable to meet current obligations because of cash flow difficulties. These registered warrants function as IOUs, with an annual interest rate of 5% to creditors when cash is not available to make payments.
- b. The education code provides two possible procedures to be followed when funds are not available to pay orders presented by school districts or county offices.
- c. Because registered warrants will adversely affect other entities and individuals who will receive them, local educational agencies (LEAs) should consider issuing registered warrants only after considering all of the options listed below.
 - a. E.C. section 42620: Loan from the county treasurer
This cannot exceed 85% of the amount of money which will accrue to the school district or county school service fund during the fiscal year. Repayment must be made from the first monies received by the LEA before any other obligation is paid, and no loans can be made after the last Monday in April.
 - b. E.C. section 42621: Loans from the county office
Most county offices will experience the same cash shortage as local school districts and may not be able to accommodate the request.
 - c. E.C. section 42603: Temporary borrowing from other district funds
No more than 75% of the money held in any fund during the current fiscal year may be transferred, and there are strict guidelines regarding when the funds must be repaid.
 - d. Short term debt such as tax revenue anticipation notes (TRANs), if the school district or county office is able to obtain them.

2. Legal Requirements

- a. The legal authority for school districts and county offices to register orders and warrants is provided by education code sections 42670 through 42678 and 42690 through 42694.

The education code provides LEAs with two possible alternatives as follows:

- i. Alternative 1: Registering Orders

Education code sections 42670 through 42674 outline the procedure for a county superintendent of schools to follow when they receive an order against a school district's funds but the monies are not available to pay the order. In this event, the county superintendent should do the following:

1. Record the order, endorse on the order the words "Not approved for want of funds," and register it (E.C. section 42670).
2. Register the order in the county superintendent of school's records, and number and date the registered order (E.C. section 42671).
3. Return the registered order to the school district's governing board (E.C. section 42671).

The affected school district then delivers the registered order to the payee. The order earns 5% interest from the date of registration until notice is given that the order can be paid (E.C. section 42671).

When money is available to pay the registered order(s), the county superintendent of schools must then publish, in a newspaper of general circulation, a notice that the order can be approved. The notice may name the districts and list in order of registration the registered orders for which money is now available (section 42672).

At the time of giving notice, the county superintendent of schools must set aside funds to cover the warrants for a period of 60 days. If the registered order is not presented for payment within 60 days of publication, or if money is not available when the order is presented, the order cannot be approved until money again becomes available and notice is again given (E.C. section 42673).

The county superintendent of schools approves each district's registered orders and signs them as requisitions on the county auditor, in order of presentation. The total amount due, including interest, is entered on each (E.C. section 42674).

As an alternative to the warrant approval procedure in Education Code section 42674, whenever two or more orders registered on the same date and issued against the funds of the same district are presented for payment at the same time, the county superintendent of schools has the option to issue separately a special requisition for the total amount of interest. The special requisition shall be numbered by the county superintendent of schools and shall state, "In full payment of interest due on warrants numbered ____ to ____, inclusive, of the _____ School District." (E.C. sections 42675-42677).

The county superintendent of schools shall report to the county treasurer and auditor the amount of interest paid. The county superintendent of schools shall also send to the governing boards of each school district the registered orders which have been approved and paid, and report to the clerk or secretary of the district the amount of interest paid and the numbers of the registered orders on which interest is to be paid (section 42678).

- ii. Alternative 2: Registering Warrants with the approval of the County Board of Supervisors (includes coordination with the county auditor's and county treasurer's offices)

This second alternative for registering warrants is provided in Education Code sections 42690-42694. The difference is that when there is insufficient money against which the order from a district is drawn to pay the order in full, the county superintendent of schools can endorse on the order "to be registered for lack of sufficient funds."

To follow the below procedure for this alternative, the county board of supervisors must adopt a resolution as specified in Government Code section 29822 (E.C. section 42690)

When the county superintendent of schools receives an order for which there are insufficient funds to make the payment, they shall endorse the order "to be registered for lack of sufficient funds," sign, date and number the order as a requisition on the county auditor, and forward the requisition to the county auditor (E.C. section 42691).

The county auditor shall then endorse on the order the phrase "examined and allowed," sign, date and number the order as a warrant on the county treasurer, and return the warrant to the county superintendent of schools. The county superintendent will then forward the warrant to the governing board of the school district for issuance to the payee (E.C. section 42691).

When the warrant is presented to the county treasurer for payment, the county treasurer will follow the procedures outlined in Government Code sections 29821 to 29824 and 29826 to 29827, and endorse, register, advertise and pay it, along with 5% annual interest (E.C. section 42692). Much of the process the county treasurer follows is the same as that provided for county warrants in Education Code sections 42671 to 42674.

If the warrants are not presented for payment within 60 days of the notice, the treasurer may use the funds to pay the next unpaid warrants in line (E.C. section 42693).

Within 10 days after the end of the month, the county auditor must report to the county superintendent of schools the amount of interest added to the registered warrants and the amount paid during the proceeding month, by district. This information shall then be forwarded to the clerk or secretary of each district for which interest was paid (E.C. section 42694).

3. Things to Consider Before Issuing Registered Warrants

- a. Although legal, registered warrants entail a process that needs advance preparation because it is cumbersome and adversely affects many agencies, companies and individuals. Therefore LEAs should ensure at least the following before issuing registered warrants:
 - i. The county office should verify that districts have done the following:
 - Used all other means of meeting cash needs, including transfers between funds and issuing TRANS.
 - Developed and verified a complete, detailed cash flow statement
 - Lengthened purchasing cycles
 - Followed up on any outstanding receivables
 - Ensured that all cash balances have been reviewed for possible temporary interfund transfers
 - Reviewed anticipated schedule of apportionments so cash flow infusions are known
 - ii. The county office should verify the following with its information technology department:
 - The ability to print “registered school order” and “not approved for want of funds” if using registered orders
 - The paper stock to be used and whether it is different than that normally used for warrants
 - How a register will be created
 - How accounting entries will be handled and whether existing processes need any adjustments.
 - iii. The county office should do the following with regard to the county treasurer and county auditor

- Communicate well in advance regarding potential need
- If using registered warrants, seek the required resolution from the county board of supervisors
- iv. The county office should do the following regarding and in coordination with all agencies and departments:
 - Determine whether registered orders or registered warrants will be used.
 - Determine which agencies and departments involved, including the county office and its information technology department, the district or districts, the county auditor and the county treasurer.
 - Develop written procedures.
 - Ensure that all parties clearly understand what the process will be and the roles and responsibilities of each agency and department.
- v. Additional actions and considerations include the following (responsible parties depending on the particular situation):
 - Communication with employees who will be affected.
 - Communication with vendors that will be affected.
 - Consider seeking legal counsel.
 - Consider seeking IRS input.
 - Communication with voluntary deduction vendors.
 - Communication with local banks and credit unions. Will they honor registered orders/warrants made payable to their members or customers. If so, is there a special process for this, such as a special teller or manager approval?
 - Creation and distribution of press releases.
 - Determine who will be responsible to publish notice in the newspaper once funds are available. Wording should be prepared ahead of time and the numbers filled in when funds become available.
 - Determine the process for tracking registered warrants or orders that have been presented to ensure compliance with the statutory 60-day deadline.

- Determine the process for generating warrants, including interest, when registered warrants or orders are presented

4. Procedures

- a. The specific procedures for registering warrants will vary depending upon a number of factors such as the following:

- The extent and length of cash shortfall
- The procedures and composition of the district, the county office, the county auditor and the county treasurer's office
- Data processing services
- Legal opinions
- Payees

- b. Following is a sample procedure for Alternative 1.

A sample procedure is not provided for Alternative 2 because that alternative must be approved by the county board of supervisors and is thus usually regulated by the county auditor.

Sample procedure under Alternative 1:

1. The district determines the order in which obligations are to be paid. Once an order is numbered and dated, no payment of any subsequent order is allowed until sufficient funds are on deposit to pay the first order. Thus, although subsequent smaller orders may be affordable, they are not payable until all prior orders are cleared for payment. This inflexible queuing means that a district should carefully consider where an order will fall in the queue before it is submitted.
 - a. Payroll orders normally supersede any others issued on the same date.
2. The district prepares the payroll or vendor payment request.
3. The individual warrants (now called registered school orders) are drawn according to the usual county office procedure for doing so.
4. The county office registers the entire order by number and date in the sequence, as submitted by the district.
5. A separate list is sent to the county auditor and treasurer.

6. The face of each warrant bears the notation, “Registered School Order”. Pursuant to Education Code section 42670, the reverse will be stamped, “Not approved for want of funds”.
7. The registered school orders and accompanying register pages are then returned to the district.
8. An example of the accounting and general ledger entries is as follows:
 - a. Debit expense object.
 - b. Credit registered warrant suspense.
 - i. At this point there is no credit to cash.
 - c. Manually reverse all transfers that were posted to expense.
9. The district distributes the registered school orders.
10. Each registered school order should be accompanied by a complete and detailed explanation of what this means to the claimant, including information regarding interest, cashing and public notice.
11. Interest at 5% per annum begins on the date the registered school order is issued and is calculated on the basis of 360 days. Interest ceases to accrue on the date posted in the legal notice (see item 12 below).
12. When funds become available, the county superintendent of schools office will publish a notice listing the registered school order numbers that may be redeemed and advise the district accordingly.
13. To be redeemed, registered school orders are to be returned to the county superintendent of schools office.
14. Interest is calculated from the date of issue through the date posted in the legal notice (E.C. section 42671).
15. Following is a suggested procedure and the accounting/general ledger entries for use when a warrant is issued in place of a registered school order.
 - a. The registered school order is stamped “VOID.”
 - b. Debit interest object classification (to post applicable interest).
 - c. Debit registered warrant suspense.
 - d. Credit cash (sum of b and c above).

- e. Post transfers.
 - f. Issue the warrant, including applicable interest.
 - g. Prepare new registers in the normal manner.
 - h. In the case of payroll warrants, a nonpayroll warrant should be issued to cover the net pay with interest. Because the registered warrant included posting to the employee earnings record, it is not necessary to repost this. The nonpayroll warrant should be issued payable to the bearer of the registered school order, not necessarily the employee.
16. Warrants not redeemed within a reasonable period of time should be recalled and a letter sent to the claimant. (See E.C. sections 42673 through 42693 regarding the 60-day limit).

5. Payroll

- a. The education code's provision for registered orders appear to allow some flexibility regarding the requirement that regular employees be paid no earlier than the last working day of any month and no later than the fifth working day of the following month. Registering payroll orders enables an educational entity to place something in employees' hands but in reality not pay anything until the funds until the funds are on deposit to cover the order.
- b. This raises the legal question of whether the deposit of payroll taxes is due as usual on a payroll consisting of registered orders (particularly to the IRS as covered in IRS code sections 6656 and 6931). And, if payroll taxes are due, can payment be made by registered order without suffering penalties? In the past, one district did pay the IRS with a registered warrant and the IRS attempted to deposit it. When the bank refused the warrant, the IRS imposed on the district the standard penalty one percent of the warrant. Seeking legal counsel and asking the IRS these and similar questions before taking action may avoid extra cost in an already expensive process.
- c. Voluntary employee deductions may be handled using the same process as other registered orders; each agency receiving the voluntary deduction would be issued a registered school order. It is essential that the various agencies be contacted to ensure that they understand the process and method for handling employee deductions. Districts that have had to register orders have found that some vendors have been quite cooperative and understanding and have deferred the payments until the funds have been received.

6. Credit Unions and Banks

- a. Almost all school-related credit unions, including school employee association credit unions, have demonstrated a willingness to honor registered school orders made payable to their members. Membership usually means having a small minimum balance on deposit. Credit unions often cash or deposit registered school orders in full without discounting them. The employee endorses the registered but unsigned school order over to the credit union and it becomes their property.
- b. The credit union is entitled to the legislated (E.C. section 42671) 5% annual interest from the date of issue of the warrant through the date on which sufficient funds became available to pay the warrant and the interest. This date is determined by the county based on its expectations of when apportionments will be forthcoming and is to be published as a legal notice in the newspaper.
- c. The interest rate is determined based on the 5% annual rate and the number of days elapsed as compared to 360. The credit union submits all registered school orders and a claim for total interest to the county superintendent of schools office, and a warrant covering interest and principal is then issued.
- d. Some banks will also honor registered school orders. County office and school district administrators should contact and make arrangements with specific bank branches. The payee may be required to obtain approval from the manager and a designated teller assigned to handle these warrants because the process for redeeming them is different other forms of payment.
- e. Individuals who hold registered warrants and do not cash them are also entitled to the 5% interest.
- f. Districts and county offices should write letters to their respective vendors delaying payment for as many warrants as possible, but should not delay payroll. Withholding amounts cannot be paid directly to credit unions as they normally can be for loan payments and share accounts.

7. Communications and Public Relations

- a. It is important to keep all parties affected by registered orders fully informed in a timely manner throughout the process, especially before the registered warrants are issued.
- b. County office should provide clear assurance that payment is forthcoming and that the district or county office's inability to pay is temporary.

- c. Claimants need to know how the orders will be honored, what the procedure for exchanging them is, and how they will receive notice about the exchange. Employees need to be informed of the banks and credit unions that have agreed to accept orders from members and customers.
- d. Local banks also need to be kept aware of the situation as it progresses.
- e. It can be helpful to make both written and personal contact with vendors to assure them of eventual payment and keep them as a source of services and supplies.
- f. The county auditor and treasurer need to be part of the initial planning and kept informed throughout the process.
- g. Issuing a complete and factual news release can help reduce or eliminate public and media misinformation and speculation.
- h. When registered orders are no longer necessary, a series of bulletins and news releases showing how the district or county office is putting itself in a better cash-flow position can help to restore public trust and reduce the anxiety employees and vendors who have been paid late.

II. COUNTY OFFICE RESPONSIBILITIES

A. Based on the review of the various legal requirements for the county office of education in relation to the cash accounts of the district, there are two areas of responsibility for the county office:

- 1. Responsibility to approve the orders on the funds of school districts.
- 2. Responsibility to prescribe alternate procedures for fiscally accountable districts.

B. These responsibilities of the county are addressed in the following procedures:

- 1. P-012 Approving District Orders
- 2. P-013 Fiscal Accountable and Fiscally Independent Districts

C. Cash Reconciliations

- 1. Each month, or more often as needed, the county office of education receives a report from the county treasurer on the cash balances for each district in the county.
 - a. These reports from the county treasurer are the information that school districts need to reconcile the cash accounts in their general ledger to their bank account, the county treasury.

- b. In some counties, the county office staff reconcile the district's general ledger cash account to the county treasurer's cash balances.
 - c. In other counties, the county treasurer's reports are provided to the districts and the district staff reconcile their general ledger to the county treasurer.
- 2. There is nothing in the Education Code that requires COEs to reconcile these cash accounts. Those COEs that perform the reconciliations do this as an additional service to their districts and as a tool in their fiscal oversight.
- 3. If the COE doesn't perform the cash reconciliation, they will often request a copy of the district's reconciliation for their AB 1200 review (one tool to assess the adequacy of the district's cash flow).

D. Cash Monitoring

- 1. The COE should ensure that cash is monitored sufficiently. Depending on which tasks are performed by the COE and the districts, COEs may do the following:
 - a. Monitor the cash balances for their districts to ensure that the districts have sufficient funds to meet payroll and make vendor payments.
 - b. Monitor the cash balances daily, weekly or monthly.
 - c. Assist the districts in determining when to draw down their tax and revenue anticipation notes (TRANS) for cash flow purposes.

III. LEGAL CITATIONS

A. Government Code

- 1. Sections 27000-27013

Provide laws on county investments and disbursements from the county treasury.

- 2. Sections 53600 –53609

Provide laws on investing public funds

- 3. Sections 53630-53686

Define terms, responsibilities of county treasurer, laws on deposits with county treasurer, and eligible securities.

B. Education Code

1. Sections 41000 – 41003

Provide laws on deposits of district funds into the county treasury.

2. Sections 41015 - 41016

Authorize the district or county office of education to invest surplus moneys not required for the immediate necessities of the district or county office of education.

3. Section 41017

Authorizes the school district or county office of education to deposit funds in a local bank to serve as a clearing account for miscellaneous receipts.

4. Section 41018

Authorizes a school district or county office of education having an average daily attendance of 100,000 or more to deposit funds received from the temporary rental of property pending construction of school facilities on the property into a bank account.

5. Education Code Sections 42620 – 42633

Provide laws on temporary transfers to school districts and county offices of education that do not have sufficient money to its credit to meet current operating expenses.

6. Education Code Sections 42630 – 42652

Provides laws on the payment of money from the funds of a school district.

7. Education Code Sections 42820 – 42821

Provide laws on the revolving cash fund.

8. Education Code Sections 42670 – 42678

Provide laws on orders and warrants when moneys are not available.

9. Education Code Sections 42690 - 42694

Provide laws on optional method - registering warrants.

Internal Controls for AB 1200

I. OVERVIEW

- A. Internal controls are the policies and procedures that promote efficiencies in operations, protect public funds, reduce the risk of fraud and abuse, and ensure the accuracy and timeliness of financial reporting.
- B. The county office reviews district financial reports and other documentation due to the requirements of AB 1200.
- C. Without an understanding of a district's internal controls, a staff member performing AB 1200 reviews must make certain assumptions regarding the accumulation and recording of financial data.
- D. For example, to determine that the budgeted salaries are correct in the second interim report, the county office staff will review a financial report.
 - 1. The staff may compare the actual expenditures to date plus the encumbrances to determine that the budgeted salaries are reasonable.
 - 2. A reviewer can better determine the reasonableness of salary budgets if there is a good understanding of how salary information is calculated, documented and recorded.
 - 3. For example:
 - a. If the district is using a position control software module, is the position control system linked to the budget and payroll modules? Is the position control system used as a true control system or as a database to collect and report data? Are duties divided so that one person or one department is not entering all the information in the position control system? Are there appropriate controls supporting the software process (e.g. board approval of all positions that are created and deleted)?
 - b. If the district's computer system encumbers salaries, are the encumbrances accurate? Are any salaries not encumbered?
- E. Without an understanding of a district's internal controls, the county office risks approving a certification on an interim report that may be inaccurate or approving a budget that the county office should have disapproved.

II. USING INTERNAL CONTROLS IN THE AB 1200 REVIEW

- A. When the district's budget is qualified, negative or under AB139, the county office staff may want to incorporate the district's internal controls review for financial reporting as a part of their AB 1200 review.

Internal Controls for AB 1200

- B. There are a few ways of determining if the county office can reasonably rely on the internal controls of the district when conducting AB 1200 reviews.
1. The lack of internal controls can manifest itself in many different ways. Evaluating the following sections of FCMAT's Fiscal Health Risk Analysis and Key Fiscal Indicators can help identify manifestations of a lack of internal controls:
 - a. Encroachment
 - b. Management Information Systems
 - c. Position Control
 - d. Budget Monitoring
 - e. Audit Report
 - f. General Ledger
 2. Review the district's last audit report to determine if the internal controls failed, passed, or had major exceptions. It helps to read the following sections/reports in the audit report:
 - a. Reconciliation of Unaudited Actuals Financial Report with Audited Financial Statements.
It could be a sign of a weakness in internal controls if the district's auditor continually has to adjust the district's unaudited actuals. For example, it might mean the district has a control weakness in identifying and recording revenues if every year the auditors make an adjustment to the accounts receivable balance.
 - b. Report on State Compliance.
Determine which procedures were performed and which were not. Read the opinion to see if the auditor found compliance or not.
 - c. Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards.
Read the opinion to see if the auditor found compliance or not.
 - d. Independent Auditor's Report on Compliance With Requirements that Could Have a Direct and Material Effect on Each Major Program and on Internal Control Over Compliance in Accordance With OMB Circular A-133.
Read the opinion to see if the auditor found compliance or not.
 - e. Findings and Questioned Costs Section.
Review this section for findings that detail issues with internal controls.

Internal Controls for AB 1200

3. Under the provision of Education Code Section 41020.8, request that the district's independent auditors send to the county office their working papers regarding testing of internal controls. This can only be used for those districts for which the county office has determined that the district may not be able to meet its financial obligations of the current or subsequent fiscal year.
4. The county office can perform its own test of the district's internal controls. The internal control spreadsheets in this section are tools that the county office may use to gain information regarding the internal controls in their districts. A district's cooperation in completing these spreadsheets is voluntary. There is no provision in the law that authorizes the county office to compel a district to complete such internal control surveys. Therefore, it is important to maintain good relations with a district so that their participation in such a study will be without reservation. When a cordial relationship exists with the district, the county office can also learn about flaws in a district's internal controls through personal conversations with district staff.
 - a. The most efficient way to use these spreadsheets is to e-mail them to the districts for completion.
 - b. The county office should schedule a meeting with the district to determine if the completed information is reasonable and discuss any questions raised by the responses to the questionnaire.
 - c. After the first year, the county office should periodically send the completed spreadsheets to the district with a request to review the responses and make any changes based on current operations.
5. In order for the completed spreadsheet to have value, the county office must test the district's claims. If it does not test the internal controls that a district claims it has in place, the county office can make erroneous decisions about a district's financial status while believing that they have a complete understanding of the internal controls. Making decisions based on an understanding of untested internal controls may be riskier than making decisions when one knows they have no understanding of the internal controls. There are several reasons for this:
 - a. If a district is not accurate when it completes the spreadsheet, the county office will rely on false information when determining the sufficiency of internal controls.
 - b. The district may have written control procedures; however, actual practice may differ from the written control procedures.

Internal Controls for AB 1200

- c. The district may be unaware of significant errors that may occur in the processes. If one does not know the rate of error that may exist, one may place too much confidence in a control procedure. The quality of a procedure often depends on the competence of those tasked with complying with the procedure.
- d. A reviewer is more likely to investigate differences and anomalies in a report if they lack confidence in the district's internal controls. A reviewer might be willing to accept a difference or anomaly if the reviewer feels that internal controls are sufficient, even though their understanding of those controls is incorrect.

Internal Control Review Sheet

Instructions: Answer all questions by entering an “X” (where appropriate) under “Yes,” “No,” or “NA,” and filling in additional information (if any) in the *Comments* section. In most instances, a “No” answer indicates an internal control weakness. The *Comments* section will expand to accommodate longer answers.

Question		Yes	No	NA	Comments
A. BUDGET MONITORING					
•	List the individual(s) who completed this spreadsheet and their position/title(s).	**	**	**	*****
•	Are the accounting principles used in preparing the budget the same as those used in recording actual transactions and preparing the financial statements? If no, explain any differences.	**	**	**	
•	Who is responsible for monitoring the budget:	**	**	**	*****
a.	At the organization level?	**	**	**	
b.	At the department or program/grant level?	**	**	**	
•	Have the individuals who are responsible for the budget monitoring received training on how to read the financial reports (budget to actual)?	**	**	**	
•	How often are budget to actual expenditure reports provided to the individuals identified as responsible for budget monitoring?	**	**	**	
•	Is there a process to ensure that errors identified in the review of the budget to actual expenditure reports are reported to a responsible official for correction? Explain.				
•	Are budget variances (expenditures in excess of the budget or significantly under the budgeted amount) identified on a periodic basis? Explain how this is done.				
•	Is there a procedure to ensure that negative budget variances (expenditures in excess of the budget) are analyzed and that a budget adjustment is prepared? Explain the procedure.				
•	Are there established procedures for adjustments to the budget? Describe the process for adjusting the budget. Do these procedures require documentation for all adjustments to the budget?				

Internal Control Review Sheet

Question	Yes	No	NA	Comments
<ul style="list-style-type: none"> Does the district's financial software automatically prevent the issuance of a purchase order if there are not enough funds in that line item of the budget? If yes, who has authority to override the system? 				
B. BUDGET DEVELOPMENT	**	**	**	*****
AVERAGE DAILY ATTENDANCE (ADA)	**	**	**	*****
<ul style="list-style-type: none"> What method does the district use to project ADA for the budget year and the two subsequent years? 	**	**	**	
SALARIES AND BENEFITS	**	**	**	*****
<ul style="list-style-type: none"> Is there a position control system in place? Describe the system (i.e., does the district use a spreadsheet or a software module). 				
<ul style="list-style-type: none"> Which positions are budgeted in position control and which positions are not? 	**	**	**	
<ul style="list-style-type: none"> Describe who maintains the position control system and how it is maintained. 	**	**	**	
<ul style="list-style-type: none"> If the district is using a software module for position control, describe how the district verifies that payroll checks are only issued to people who are in authorized positions. 	**	**	**	
<ul style="list-style-type: none"> Does the district budget all authorized positions? If not, explain. 				
<ul style="list-style-type: none"> Does the district budget for the impact of salary savings due to positions that are authorized and budgeted but not filled for a period of time? 				
<ul style="list-style-type: none"> Does the district have a procedure to ensure that no one is hired or put on payroll unless there is a position in the budget? Explain. 				
<ul style="list-style-type: none"> Does the governing board approve all new hires, new positions, and upgrades of existing positions? How is this documented? 				

Internal Control Review Sheet

Question	Yes	No	NA	Comments
<ul style="list-style-type: none"> Explain how the district budgets the statutory benefits. For example, are the benefits calculated on the position control spreadsheet or using the position control system? 	**	**	**	
<ul style="list-style-type: none"> Explain how the district budgets the health and welfare benefits. 	**	**	**	
<ul style="list-style-type: none"> Is there a policy on how much vacation an employee may carry over from year to year? What are the limits? Is anyone over the limit? 				
GRANTS	**	**	**	
<ul style="list-style-type: none"> Explain the process for preparing the budgets for state and federal grants? For example, does the district prepare a budget based on an estimate from the previous year or wait until they receive a grant letter? 	**	**	**	
<ul style="list-style-type: none"> How does the district budget the salaries and benefits in the grants? That is, are individuals assigned to the grant at the beginning of the year or are individuals charged to the grant during the year? 	**	**	**	
<ul style="list-style-type: none"> When does the district budget the deferred revenue or carryover from the previous year? 	**	**	**	
<ul style="list-style-type: none"> Does the district have a procedure for including the expected cost of any negotiated salary increases in the grant budgets or ensuring that sufficient funds are available to cover any authorized salary increase? 				
CONSTRUCTION	**	**	**	
<ul style="list-style-type: none"> Who is responsible for preparing the construction budgets? 	**	**	**	
<ul style="list-style-type: none"> Does the district have construction projects in progress? 				
<ul style="list-style-type: none"> How are these projects funded? 	**	**	**	
<ul style="list-style-type: none"> If the district has general obligation authority does the district have a list of all the projects that they will fund from these amounts in the future and the cost of these projects? 				

Internal Control Review Sheet

Question	Yes	No	NA	Comments
<ul style="list-style-type: none"> Explain how the district prepares the budget for each construction project. For example, does the district budget the amount of the entire construction project or only the amount that the district will use in that fiscal year? 	**	**	**	
<ul style="list-style-type: none"> Are the construction budgets monitored monthly? Who performs this function? 				
<ul style="list-style-type: none"> How does the district budget the change orders? 	**	**	**	
C. FINANCIAL REPORTING	**	**	**	
PURCHASE ORDERS AND ENCUMBRANCES	**	**	**	
<ul style="list-style-type: none"> Does the district financial system encumber all salaries? If not, which salaries are not encumbered? 				
<ul style="list-style-type: none"> Does the district's financial system encumber all benefits? If not, which benefits are not encumbered? 				
<ul style="list-style-type: none"> Are purchase orders required for the purchase of all goods and services? If not, explain. 				
<ul style="list-style-type: none"> Does the district's financial system encumber all purchase orders? If not, please explain. 				
<ul style="list-style-type: none"> Are all encumbrances liquidated at year-end? 				
<ul style="list-style-type: none"> If all encumbrances are not liquidated at year-end, how does the district determine that they are still valid? 	**	**	**	
CONSTRUCTION	**	**	**	
<ul style="list-style-type: none"> Does the district record the retainage payable as it is incurred (as invoices are received from the contractor)? 				
<ul style="list-style-type: none"> How does the district deal with significant cost overruns in a construction budget? 	**	**	**	

Approving District Orders

I. OVERVIEW

- A. Most payments made from school district funds are from the cash account maintained at the county treasury.
- B. With the exception of fiscally accountable and fiscally independent school districts, the school district's vendor and payroll warrants are prepared and signed at the county office of education. This is the case for the warrants of every school district that is not fiscally accountable or independent, regardless of whether the district uses the county office's financial accounting system or a different financial accounting system (in which case it is commonly known as an off-line school district).
- C. Education Code sections 42630 – 42652 govern how money must be paid from the funds of a school district. These code sections are explained below:

- 1. Education Code section 42631

- a. The school district must make all payments from the funds of a school district by written order of the governing board of the district.
 - b. The county superintendent of schools must prescribe the forms used to process orders unless the warrants are processed by an on-line data processing system.

- 2. Education Code section 42632

- At least a majority of the members of the governing board of the district, or a person or persons authorized by the governing board to sign orders in its name, must sign each order drawn on the funds of the school district.

- 3. Education Code section 42633

- a. The governing board of each school district is responsible for filing or causing the staff to file the verified signature of each person, including members of the governing board, authorized to sign orders.
 - b. The county superintendent must not approve orders for payment unless the signatures are on file in his or her office and he or she is satisfied that the signatures are of persons authorized to sign the orders.

Note: this provision does not apply to fiscally accountable districts.

- 4. Education Code Section 42634

The orders drawn against the funds of the school district must be numbered and state:

- a. The fund or funds of the district against which the order is drawn.

Approving District Orders

- b. The amount of the payment to be made from each fund.
 - c. For orders drawn for the payment of salary or wages, the rate of salary and the period of service for the employee.
 - d. If the order is drawn for payments other than salaries or wages of school district employees (vendor payments), the district must accompany the order with an itemized bill showing each item and its price.
 - e. If the county superintendent of schools determines that including an itemized bill with the order is impractical, the county superintendent can require the district to maintain the itemized bills at the school district instead of submitting them with the orders for payment. The school district must maintain the itemized bills for audit, if needed at a later date.
5. Education Code section 42635
- a. School district must transmit each order drawn against the funds of the district to the county superintendent of schools, and if approved and signed, the order will become a requisition of the county auditor.
 - b. The county superintendent *may* prescribe alternative procedures for fiscally accountable districts.
6. Education Code section 42636
- a. The county superintendent of schools *may* examine each order on school district funds transmitted to him or her, in the order in which it is received.
 - b. If it appears that the order is properly drawn for the payment of legally authorized expenses against the proper funds of the district, and there are sufficient moneys in the fund or funds against which the order is drawn, the county superintendent will endorse the order as "examined and approved," and affix his or her signature.
 - c. The county superintendent transmits the order to the county auditor in the order in which the order was received in his or her office.
 - d. The county superintendent may prescribe alternative methods for districts that are fiscally accountable.
 - e. Upon approval by the county auditor, the county superintendent of schools may allow electronic transfers of the orders, which is a common practice in most counties.

Approving District Orders

7. Education Code section 42638

- a. If the county superintendent disapproves an order of the school district, it must be returned to the district's governing board with a statement of the reasons for disapproving the order.
- b. If the county superintendent determines that there is evidence of fraud or misappropriation, the county superintendent must notify the governing board of the school district, the State Controller, the Superintendent of Public Instruction, and the local district attorney.
- c. Education Code Section 42127.6 (h)(i) prohibits the county treasurer from honoring any warrant that the county superintendent or the Superintendent of Public Instruction has disapproved.

8. Education Code section 42639

- The county auditor *may* examine each order and requisition on school district funds transmitted to him or her by the county superintendent of schools.

9. Education Code Section 42641

- a. This code section authorizes the county auditor and county treasurer to allow the governing board of any school district to issue payroll orders in lieu of single orders for the payment of salary and wages.
- b. These payroll orders must be on forms prescribed by the county superintendent of schools and approved by the Superintendent of Public Instruction.
- c. The payroll orders may only be drawn for the payment of salaries and wages of employees, and constitute requisitions on the county auditor and warrants on the county treasury when approved and signed by the county superintendent of schools and allowed and signed by the county auditor, respectively.

10. Education Code Section 42642

- Requires that payroll orders list the names of all employees in whose favor the order is drawn and state the amount of money due each.

11. Education Code Section 42643

- The county superintendent must keep, open to the inspection of the public, a register of warrants, showing the fund from which the payment was drawn, the number, the payee, and the purpose.

Approving District Orders

II. COUNTY OFFICE RESPONSIBILITIES

(Note: Procedures for fiscally accountable and fiscally independent districts are included in procedure P-013)

A. Applicable Education Codes and County Office Responsibility

The sections of the Education Code that provide laws related to the county office responsibilities regarding district orders include some *legally required* procedures and some *permissive* procedures.

The following chart shows the provisions of the Education Code and whether they are *required* or *permissive*:

Procedure	Education Code Reference	Required	Permissive
The county superintendent must prescribe the forms used to process orders unless the warrants are processed by an on-line data processing system.	42631	X	
The county superintendent must not approve orders for payment unless the signatures are on file in his or her office and they are satisfied that the signatures are of persons authorized to sign the orders.	42633	X	
For orders for payments other than salaries or wages of school district employees, the district must include with the warrant an itemized bill showing the separate items and the price of each. If the county superintendent of schools determines that including an itemized bill is impractical, the county superintendent can require the district to maintain the itemized bills at the school district instead of submitting them with the orders for payment. The school district must maintain the itemized bill for audit.	42634		X
The county superintendent may examine each order on school district funds transmitted to them.	42636		X
If the county superintendent disapproves an order of the school district, it must be returned to the district's governing board with a statement of the reasons for disapproving the order.	42638	X	
If the county superintendent determines that there is evidence of fraud or misappropriation, the county superintendent must notify the governing board of the district, the State Controller, the Superintendent of Public Instruction, and the local district attorney.	42638	X	

Approving District Orders

B. Procedures for Fulfilling County Office Responsibilities

1. The Education Code sections referenced in this section refer to the requirements for the county superintendent in relation to the payment of orders from school districts. These orders include the payment of the monthly or semi-monthly district payrolls and the payment of the vendor warrants from the districts.
2. Based on the previous chart that summarizes the applicable Education Codes, the county superintendent is required by law to perform certain duties related to district orders, while some of the laws are permissive.
3. By law, the county superintendent *is required to*:
 - a. Prescribe the forms used to process orders unless warrants are processed by an online data processing system.
 - i. In most of the school districts in California, warrants are now processed by an online data processing system; therefore, it is no longer necessary for the county superintendent to take any action to prescribe the forms.
 - ii. Additionally, some county offices issue vendors payments in an electronic form (through the VISA network, ACH, etc.). All other Education Code requirements should be adhered to when using this option; only the final form of payment is different.
 - b. Maintain the signatures on file in his or her office of the persons authorized to sign orders and determine that the signatures on orders are of persons authorized to sign the orders.
 - c. Submit a statement to the district governing board of the reasons for disapproving any district orders.
 - d. Notify the governing board of the district, the State Controller, the Superintendent of Public Instruction, and the local district attorney if they determine that there is any evidence of fraud or misappropriation.
4. By law, the county superintendent *may also perform the following*:
 - a. For orders for payments other than salaries or wages, Education Code section 42634 requires districts to accompany each order with an itemized bill. This section also authorizes the county superintendent to allow the districts to maintain the itemized bills at the school district instead of submitting them with the orders for payment.
 - b. Education Code section 42636 states that the county superintendent *may* examine each order on school district funds.

Approving District Orders

5. For payment orders for **vendor warrants**, county offices of education fulfill their responsibilities in a number of different ways. The procedures county offices use vary significantly because these code sections are permissive; therefore, it is up to the county superintendent of schools to decide which process is best for their individual county.

The following chart summarizes the procedures used in county offices of education to review/audit their districts' vendor warrants:

County Office Process	Additional Information
County office staff review all vendor payments and supporting documentation (100% review).	<ul style="list-style-type: none"> District staff are required to submit purchase requisitions, purchase orders, receiving reports and vendor invoices for review by county office staff. An alternate form of the 100% review is to request that the school districts submit the invoice only (not all of the documentation used to support the payment).
County office staff review a sample of vendor payments and supporting documentation.	<ul style="list-style-type: none"> County office staff select a sample of vendor warrants for review. This is either a statistical sample or sample selected based on the county office's judgment. Based on the sample selected, the district staff submit copies of the supporting documentation for the county office staff to review.
County office staff review a sample of vendor payments at the district office.	<ul style="list-style-type: none"> County office staff select a sample of vendor payments for review. This is either a statistical or a sample selected based on the county office's judgment. Based on the sample selected, county office staff review the supporting documentation for the vendor warrants at the district office.
County office staff do not review any vendor warrants.	<ul style="list-style-type: none"> The county office relies on the district business office and the district's auditors to ensure that the internal controls for vendor payments are adequate and that the district is processing the vendor payments in accordance with applicable laws, regulations and district policy.

Approving District Orders

The following chart summarizes the pros and cons of various review/audit procedures used in different county offices of education:

Approach	Pros	Cons
100% Review	<ul style="list-style-type: none"> • May enable the county office to gain a complete understanding of the internal controls operating in the district for vendor payments. 	<ul style="list-style-type: none"> • Labor intensive. The county office will need to devote significant staff to review every vendor warrant in every district in the county. • Staff assigned to perform a 100% review may not have a thorough understanding of all laws and regulations governing district expenditures. This may result in the county office reviewing and approving expenditures that are in violation of laws, regulations or good business practices. • The district and county office may have a false sense of assurance about the district's expenditures.
Sample Review	<ul style="list-style-type: none"> • Efficient and cost effective. 	<ul style="list-style-type: none"> • The quality of the review depends on the experience and training of the staff performing the review. • The staff performing the review will need to gain an understanding of the internal controls for vendor payments while performing the review of a test sample of transactions.
No Review	<ul style="list-style-type: none"> • Requires the least amount of county office staff time. 	<ul style="list-style-type: none"> • If the district does not have competent staff and the audit does not detect the internal control weaknesses or the violations of laws and regulations, the county office may not have any indication that the district is not a going concern, or is having financial issues, until it is too late. This going concern could result from expenditures coded incorrectly, expenditures in violation of the law, etc.

6. For the payment of **payroll orders**, the procedures county offices follow vary, ranging from not performing any review on the payroll orders to a very detailed review that includes the following:
 - a. Comparing the prior month's payroll report to the current payroll order.
 - b. Requesting documentation on all changes from the prior month (i.e., new employees, deletion of an employee, change in salary, and change in payroll withholding).

I. OVERVIEW

- A. Fiscal independence is approved by the Superintendent of Public Instruction (SPI) and authorizes a district to issue all of its warrants independent of the county office of education.
- B. Fiscal accountability is approved by the county superintendent of schools and authorizes a district to issue its payroll or vendor warrants independent of the county office of education.
- C. Fiscally independent districts operate their own financial accounting system. Fiscally accountable districts may contract with the county office for computer services, but most operate their own financial accounting system.
- D. Education Code section 42652
 - 1. Allows the SPI to revoke or suspend a district's fiscal independence status if the district has a qualified or negative certification pursuant to section 42131.
 - 2. Allows the county superintendent of schools to revoke or suspend a district's fiscal accountability status if the district has a qualified or negative certification pursuant to section 42131.
- E. Fiscally accountable and fiscally independent districts must comply with AB1200 and AB2756 (Daucher).

II. FISCAL INDEPENDENCE

- A. Education Code section 42647 establishes a process for a district to become fiscally independent of the county office of education for paying salary and vendor warrants. The status of a district approved under the process described in this code section is commonly called fiscal independence.
- B. With the approval of the SPI, the governing board of a unified school district, or a district with an average daily attendance of more than 10,000, may cause to be drawn all warrants against all district funds in the country treasury, except debt service, to pay the district's expenses.
- C. Once a district is granted fiscal independence, the county office is not responsible for producing reports, statement or other data relating to or based on payments of the district's expenses.

D. Warrant Process

1. The warrants shall be issued by a person designated as the district auditor or the district disbursing officer for the school district against funds in the county treasury in payment of all claims chargeable against the district.
2. The claims must have been legally examined, allowed and ordered by the governing board.
3. The district auditor shall issue warrants against funds in the county treasurer for all debts and demands against the district.
4. The district's governing board must prescribe the form of the warrants, and the county auditor or county treasurer must approve the form of the warrants.
5. The district must pay the cost of printing the warrants.
6. The district is responsible to keep all warrants, vouchers and supporting documents.
7. On the same day it issues warrants, the school district must forward to the county auditor, upon his or her request, and to the county superintendent, a list of the warrants issued.
 - The form and content of the warrant listing shall be as prescribed by the governing board and approved by the county auditor.
8. The school district must furnish monthly to the county superintendent of schools and the county auditor, upon their request, a statement showing the amount budgeted, actual expenditures, encumbrances and unencumbered balances, for both the current fiscal year to date and for each required expenditure classification.

E. Required Reports

- Districts shall provide the county superintendent of schools, in the form prescribed by them, with the data necessary to make retirement reports and other reports required by law.

F. Cost of Fiscal Services

- The county auditor and the county treasurer may charge the districts for the cost of all fiscal services.

G. Bond

1. The person whom a fiscally independent district's governing board authorizes to issue warrants shall execute an official bond in an amount fixed by the governing board.

2. A county superintendent of schools or a county auditor shall not be liable under the terms of the bond or otherwise for any warrant issued by a fiscally independent district.

H. The Approval Process

1. Districts must obtain approval of the SPI to become fiscally independent of the county office of education.
2. Districts must file a written application with the county superintendent of schools.
 - a. Upon receipt of the written application, the county superintendent shall cause a survey to be made of the district's accounting controls by an independent certified public accountant (CPA) or a public accountant.
 - b. The Office of the State Controller prescribes the standards for the survey of the accounting controls.
Note: As of January 2004, the Controller had not issued standards for the survey of the accounting controls.
 - c. The certified public accountant (CPA) or public accountant shall report his or her findings and recommendations to the county superintendent, the county auditor and the applicant district.
3. The county superintendent is responsible to forward to the SPI the following:
 - a. The district's application
 - b. His or her other recommendations
 - c. The recommendations of the county auditor
 - d. A report of the survey
4. The SPI is responsible to approve the application only if they find that the accounting controls are adequate.
 - a. If the SPI determines that the controls are inadequate, they shall disapprove the application.
 - b. If the SPI disapproves the application, the SPI and the county superintendent of schools shall state the specific steps that the district must take to receive approval.
5. The district is required to reimburse the county superintendent of schools for all costs incident to the accounting controls survey made pursuant to the district's application.

I. Beginning Fiscal Independence

1. When approved by the SPI, fiscal independence is effective at the beginning of the fiscal year if the approval was made before the preceding first day in January.
2. If at any time the county superintendent of schools determines that the district's accounting controls have become inadequate, they may recommend to the SPI that the approval be revoked, to be effective on the first day of the following fiscal year.

III. FISCAL ACCOUNTABILITY

- A. Education Code section 42650 provides the legal basis for a district to issue its own payroll or vendor warrants. The status of a district that is approved under this code section is commonly called fiscal accountability.
- B. With the approval of the county superintendent of schools, the governing board of a school district may cause warrants to be drawn on the county treasury against designated funds, except debt service.
- C. For fiscally accountable districts, county officers are not responsible for providing reports, statements or other data relating to or based on the designated payments of the district's expenses. This applies to the type of warrants for which the fiscal accountability status was approved.
- D. Warrant Process
 1. A person designated as the district disbursing officer issues the warrants.
 2. Code allows warrants for salary and other types of claims (vendor payments) designated by the county superintendent to be issued by the district disbursing officer.
 3. The district's governing board examines, allows and orders the payment of the warrants.
 4. The district disbursing officer is authorized to issue warrants, using procedures prescribed by the county auditor, within categories designated by the county superintendent.
 5. The county auditor or treasurer prescribes and approves the form of the warrants.
 6. The cost of printing warrants may be charged to the district. The county auditor and county treasurer may charge fiscally accountable districts for the cost of all fiscal services.

7. This code section authorizes the county superintendent and county auditor to prescribe procedures for districts to issue warrants, including specifying who is to sign the warrants.
8. On the same day it issues warrants, the school district must forward to the county auditor, upon his or her request, and to the county superintendent, a list of the warrants issued.
 - The form and content of the warrant listing shall be as prescribed by the county auditor and county superintendent and approved by the county auditor.
9. The school district must furnish monthly to the county superintendent of schools and the county auditor, upon their request, a statement showing the amount budgeted, actual expenditures, encumbrances and unencumbered balances, for both the current fiscal year to date and for each required expenditure classification.

E. Required Reports

- Fiscally accountable districts are required to provide the county superintendent, in the form prescribed by them, with the data necessary to make retirement reports and other reports required by law.

F. Periodic Review

1. Education Code section 1241.5 allows the county superintendent to audit the district's financial transactions and internal controls at any time during the fiscal year.
2. The county superintendent must report the findings to the governing board within 45 days of completion of the audit.
3. The county superintendent may revoke the district's fiscal accountability status if they determine the controls are not adequate.

G. Bond

1. The person authorized to issue warrants shall execute an official bond in an amount fixed by the governing board.
2. The county superintendent and county auditor shall not be liable under the terms of the bond or otherwise for any warrant issued.

H. The Approval Process

1. The governing board shall file a written application with the county superintendent and the county auditor.

2. The county superintendent prescribes the forms and processes to be used for the application.
3. Upon receipt of the application from the district, the county superintendent shall cause an audit to be made of the district's management and accounting controls, in accordance with standards prescribed by the county superintendent or by an independent certified public accountant (CPA) or public accountant approved by the county superintendent.
 - a. The audit is performed by an independent certified public accountant (CPA) or public accountant approved by the county superintendent.
 - b. The auditor reports their findings and recommendations to the county superintendent and the district.
 - c. The annual audit of the district may serve as the audit for this purpose, if that is acceptable to the county superintendent.
 - d. The district is responsible for the cost of the audit.
4. The county superintendent and the county auditor review the district's application and the audit and may approve the application if they determine that the district's management and accounting controls are adequate.
 - a. If they determine that the controls are not adequate, they shall disapprove the application.
 - b. If disapproved, the county superintendent shall state the specific steps the district must take to receive approval. The auditor must certify these steps as complete before the county superintendent approves the application.
5. Timeline:
 - a. The district must file its application with the county superintendent on or before September 1.
 - b. The audit of the district's management and accounting controls must be filed on or before January 1.
 - c. When the application is approved, the fiscal accountability is effective at the beginning of the fiscal year, provided the approval was made before the preceding first day in March.

6. Revocation

- If at any time the county superintendent or the county auditor determines that the management or accounting controls have become inadequate, either officer may revoke the fiscal accountability status immediately.

IV. SUMMARY OF COUNTY OFFICE RESPONSIBILITIES

A. Fiscally Independent Districts

1. The county office of education has a number of responsibilities during the approval process for fiscal independence:
 - a. Upon receipt of the application for fiscal independence, hiring a certified public accountant (CPA) or public accountant to perform a survey of the district's accounting controls.
 - b. Contact the Office of the State Controller to obtain the standards for the survey of the accounting controls.
 - c. Forward the completed application, survey report, and recommendations from the county auditor and the county superintendent to the SPI.
2. If the SPI disapproves the application, work with the SPI and the district to determine the steps the districts needs to take to receive approval.
3. If the district's application is approved, ensure that the district implements the fiscal independence process on time and not before the allowed date.
4. Some counties require the district's auditors to issue a separate letter in the annual audit report stating that the district's controls for warrant processing are still adequate to maintain their fiscal independence status.
5. If the county office determines that the accounting controls have become inadequate, it may recommend that the SPI revoke the approval for fiscal independence.

B. Fiscally Accountable Districts

1. The county superintendent has the responsibility to do the following:
 - a. Determine the forms to be used for the application for fiscal accountability.
 - b. Receive the application from the district.
 - c. Hire an auditor to audit the district's management and accounting controls, in accordance with standards prescribed by the county superintendent or by a CPA or public accountant approved by the county superintendent.

- d. Approve or disapprove the district's application.
- e. If disapproved, notify the district of the steps needed to receive approval.
- 2. The county superintendent may revoke the district's fiscal accountability status if they determine that the controls are not adequate.
- 3. The county superintendent may prescribe alternative procedures in the following areas:
 - a. Transmitting orders – Education Code Section 42635
 - b. Examining district orders – Education Code Section 42636
 - c. Maintaining registers of warrants – Education Code Section 42643

V. COMMUNITY COLLEGES

Although the county superintendent does not have fiscal oversight responsibility (Ed Code 1240 (1)(4)), the county superintendent is responsible for authorizing warrants to be issued. Education Code sections 85266 and 85266.5 provide the legal basis for community colleges to obtain fiscally accountable or fiscally independent status. The process and timeline mirror the preceding steps outlined for K-12 districts.

Bargaining Agreement Disclosure

I. OVERVIEW

- A. The California County Superintendents Educational Services Association (CCSESA) has stated the following:

The single most critical area to monitor is the economic impact of salary settlements, yet this area is probably the weakest in terms of State regulation. Even with current regulations, the only thing a county superintendent can do when evaluating the impact of a pending salary settlement is to publicly comment on their concerns prior to ratification by the district's governing board. The only exception to the rule is when a fiscal advisor is already in place in the district. Then a county superintendent can impose the stay and rescind authority if the governing board approves a salary settlement that will hurt the district fiscally.

- B. School district management teams meet with the various employee bargaining unit organizations (different for each district depending on their employee elections) each year to negotiate salary schedules, health and welfare benefits, work days and other changes in the terms of the district's annual contracts with employees.
- C. Because salaries and benefits usually make up at least 80% or more of the total expenditures in the general fund, any increases in these amounts can have a significant impact on the district's ongoing fiscal solvency.

II. LEGAL REQUIREMENTS

- A. The following are the key elements of the code sections related to salary settlements/collective bargaining:

Code Section	Major Provisions of the Code Section
Education Code 42142	<p>Within 45 days of adopting a collective bargaining agreement, the superintendent of the school district shall forward to the county superintendent of schools any revisions to the school district's current year budget that are necessary to fulfill the terms of that agreement.</p> <p>The school district must include any additional costs that may result from the terms of the collective bargaining agreement in any interim fiscal reports or multiyear fiscal projections.</p>
Government Code 3540.2	<p>A school district that has a qualified or negative certification pursuant to Education Code Section 42131 must allow the county office of education at least 10 working days to review and comment on any proposed agreement between the exclusive representatives and the public school employer.</p> <p>The school district must provide the county superintendent with all information relevant to an understanding of the financial impact(s) of the agreement pursuant to Government Code Section 3543.2.</p>

* Minor revisions to some sample items 2/2015 in keeping with implementation of the Local Control Funding Formula

Bargaining Agreement Disclosure

Code Section	Major Provisions of the Code Section
Government Code 3540.2 (continued)	<p>The Superintendent of Public Instruction (SPI) shall develop a format to use in generating the financial information. Most county offices will recommend a format based on the SPI guidance for use by the districts in their county.</p> <p>The county superintendent shall notify the school district, the county board of education, the district superintendent, the governing board of the school district, and each parent and teacher organization of the district within those 10 days if, in their opinion, the agreement would endanger the fiscal well-being of the school district.</p> <p>A county office of education, or a school district for which the county board of education serves as the governing board, that has a qualified or negative certification pursuant to Education Code Section 1240 must allow the SPI at least 10 working days to review and comment on any proposed agreement or contract made between the exclusive representative and the public school employer or designated representative of the employer.</p>
Government Code 3547.5	<p>Before entering into a written agreement with an exclusive representative covering matters within the scope of representation, the public school employer must disclose the major provisions of the agreement, including, but not limited to, the costs that would be incurred by the public school employer under the agreement for the current and subsequent fiscal years at a public meeting in a format prescribed by the SPI or county office of education.</p> <p>The superintendent of the school district and the chief business official must certify in writing that the costs incurred by the school district under the agreement can be met by the district during the term of the agreement.</p> <p>The district must prepare the certification in a format similar to that of the reports required pursuant to Education Code Sections 42130 and 42131 and must itemize any budget revision necessary to meet the costs of the agreement in each year of its term.</p> <p>If the school district does not adopt all of the revisions to its budget needed in the current fiscal year to meet the costs of a collective bargaining agreement, the county superintendent of schools will issue a qualified or negative certification for the district on the next interim report.</p>
Government Code 53260	Establishes a maximum cash settlement that a local agency employer may pay in the event of a contract termination.
Government Code 53261	Prohibits the cash settlement referred to in Government Code 53260 from including other noncash benefits except health benefits.
Government Code 53262	Requires the local agency to ratify contracts for upper level administrators in an open session of the governing board and that this be reflected in the governing body's minutes.

Bargaining Agreement Disclosure

III. IMPLEMENTING THE LEGAL REQUIREMENTS

- A. Government Code Sections 3540.2 and 3547.5 refer to a format for disclosing major collective bargaining agreements.
 - 1. The California Department of Education (CDE) issued Management Advisory 92-01, *Public Disclosure of Collective Bargaining Agreements*, on May 15, 1992. In this advisory, the CDE provided recommendations for procedures and a format that were only advisory.
- B. Sample formats for collective bargaining disclosures and summaries developed by county offices of education are included in the pages following this narrative and meet the intent of the above listed Education Code and Government Code requirements. (Please note: some of the directions included in the samples relating to timelines for submission to the COE and requested backup documentation are specific to local requirements).
 - 1. The collective bargaining disclosure and/or summary should reflect both increases and decreases in salary and benefit costs. During times of reduced state, federal and local revenue sources, districts have had to bargain for reduced work days, furlough days, salary schedule reductions, and/or freezes in step and column advancements for a selected time to ensure fiscal solvency and health and welfare restructure. It is also important to analyze whether these adjustments will provide sufficient savings to continue to maintain fiscal solvency in the current and/or subsequent two fiscal years.
- C. County office staff should annually provide districts with information regarding the above-referenced disclosures, certifications and timelines for submission of data to the county superintendent of schools office within 45 days of adopting a collective bargaining agreement, and provide any revisions to the district's current year budget that are needed as a result of the contract settlement, as well as the consequences of inaction.
 - 1. A sample of an annual bulletin to the districts regarding collective bargaining disclosure requirements under the above-referenced Education Code and Government Code sections is included in the example pages following this narrative.
 - 2. Many COEs include a paragraph reminding districts of this requirement in the budget approval letter or the interim certification approval letter.
- D. Once the county office staff receive the disclosure document and copies of the collective bargaining contract settlement(s), they should review the financial impact on the district immediately by reviewing updated multiyear financial projections, if provided, against current financial ledgers, payroll activity reports/summaries, and any recent interim or budget multiyear projections using currently known budget assumptions to determine the accuracy of the anticipated adjustments in the disclosure documents.

Bargaining Agreement Disclosure

1. County office staff should also review the actual bargaining unit agreement to ensure that all potential costs and/or savings are identified in the disclosure document and updated multiyear projections. Questions should be asked of the district CBO if the financial impact is unclear or if it doesn't identify how the district will continue to maintain fiscal solvency in all years.
 - a. Any time a contract is reopened with an impact on "any area of the existing contract", financial or nonfinancial, a disclosure or "sun-shining" of the proposed agreement must be made. If the only change is nonfinancial and in language only, the disclosure still must be made, however the district may just describe the changes in the appropriate sections and indicate "NA" in the financial sections.
 2. Validate that the district is also correctly addressing any ongoing fiscal impacts, or restoring expenditure costs in subsequent fiscal years if the agreement is limited to one fiscal year, or showing compounding of expenditure costs in subsequent fiscal years if the increase is ongoing.
 3. Validate any potential impacts of restoration language that could be included in the agreement and the basis for restoration of identified salary or benefit reductions.
- E. If county office staff determine that the settlement will adversely affect the district's financial position, they should immediately contact the district's chief business official to discuss the details of the concerns.
1. This could also result in correspondence sent to the district superintendent and governing board expressing the concerns the county office has identified.
- F. In some instances, the county superintendent may need to take action under Education Code Section 42127.6.
1. This code section allows the county superintendent to take action at any time during the fiscal year if the county office determines that a school district may be unable to meet its financial obligations for the current or subsequent two years.
- G. For districts with a qualified or negative interim report certification, the county office staff must review the proposed settlement prior to its ratification and notify the school district, the county board of education, the district superintendent, the governing board of the district, and each parent and teacher organization of the district if, in their opinion, the agreement would endanger the district's fiscal well-being.
- IV.** Many county offices have developed electronic versions of the Public Disclosure of Collective Bargaining Agreements for use by their districts. The examples following are available in Microsoft Excel format on the following COEs' websites:

Example 1 – San Bernardino COE

Example 2 – Orange COE

Example 3 – Humboldt COE

Example 1:

Public Disclosure Letter



August 12, 2011

Bulletin No. 12-011

To: Chief Business Officials & Fiscal Directors (K-12)
San Bernardino County School Districts

Subject: **SUMMARY AND DISCLOSURE OF PROPOSED COLLECTIVE BARGAINING AGREEMENT(S)**

Pursuant to the provisions of Government Code Section 3547.5 and AB1200, updated by AB2756, the following documents are required by our office in order to comply with the Public Disclosure requirements for “sun shining” and making available to the County Office of Education (COE), any updates or changes to collective bargaining unit agreements and/or reopeners, including memorandums of understanding (MOUs). These documents are required to be completed for any and all changes, revisions or new collective bargaining agreements, including reopeners, or MOUs, regardless of financial impact to the district’s current budget. If there are no financial impacts, several sections of the disclosure and summary documents can indicate “Not Applicable or N/A”. Please see the written instructions for completion of the documents. The summary and disclosure documents must be signed by the Chief Business official and Superintendent and copies sent to our office for review, a minimum of ten (10) days prior to final board actions. Districts with qualified or negative budget certifications in the current or prior fiscal year, **MUST** closely adhere to this requirement. Additionally the Public Disclosure document must be available for public review for ten (10) days prior to board action, as part of the posted board agenda. It needs to be clearly identified on the board agenda that there is a public hearing and public input taken, prior to final action on any bargaining unit contract or MOU.

Please submit the following items to our office **no later than 10 days prior to board actions** on any new, revised, or modified bargaining unit agreement, reopener or MOU, regardless of financial or budgetary impact:

1. Proposed Collective Bargaining Agreement Summary and Disclosure Forms (AB 1200/2756). The web site link to these forms is below:
<http://www.sbcss.k12.ca.us/busServe/form/ab1200revisedab2756-revised2011.xls>
 - a. Summary of Proposed Agreement
 - b. Form for Public Disclosure (information is extracted from Summary)

- c. *Forms must be signed by both the Superintendent and the Chief Business Official-initial submission can include a copy of signatures, followed by original signatures after board president certifies.*
2. Copy of Proposed Bargaining Unit Agreement or Memorandum of Agreement (MOU) by Union
3. Copy of General Fund Operating Budget data used in completing Summary Form Section 9 (FCR 290 or Adopted Budget/Interim Financial Report Fund Form 01 Summary Pages)
4. Written Summary of Assumptions used in the Current Year and Multi-year Financial Projections, including but not limited to the following information:
 - a. ADA and Enrollment
 - b. Local Control Funding Formula calculation
 - c. Other Revenue Changes (increases or decreases)
 - d. Staffing Changes (list position increases or decreases and amount)
 - e. All other changes that affect District Financial Projections

Instructions for the completion of these forms are also included on the attached web link and attached for your reference and use. Please ensure that sufficient unrestricted reserves are available each year that meet the state minimum reserve requirements.

The final original public disclosure and summary documents signed by the governing board president should be submitted within five days of final board action. Under Education Code Section 42142, the governing board shall adopt revisions to its budget needed in the current fiscal year to fulfill the terms of the collective bargaining agreement within 45 days of adoption (Government Code 3547.5(c)). Please closely adhere to these requirements.

If you have any questions, please contact your *designated* Business Services Advisor at 909-777-0761
Sincerely,

GARY THOMAS, Ed.D.

County Superintendent of Schools

Signed by

Teri Kelly, Director

Business Advisory Services

Attachments:

Summary and Disclosure of Proposed Collective Bargaining Unit Agreement Instructions:

http://www.sbcss.k12.ca.us/busServe/form/ab1200_ab2756_disclosure_instructions.pdf

Summary and Public Disclosure of Proposed Collective Bargaining Unit agreement-Excel workbook template file

<http://www.sbcss.k12.ca.us/busServe/form/ab1200revisedab2756-revised2011.xls>

j:\bulletin/2011-12/12-011 Disclosure of Proposed Collective Barg Agmts

Example 1:

Public Disclosure Instructions

Summary and Public Disclosure of Proposed Bargaining Unit Agreement(s)

SUMMARY AND DISCLOSURE OF COLLECTIVE BARGAINING UNIT AGREEMENT(S)

Updated August 2011

GENERAL INSTRUCTIONS

- Please make the disclosure document available for public review and submit these summaries and disclosures to the county superintendent of schools (Business Advisory Services Department) prior to the date the governing board will take action on all proposed bargaining agreement(s). Districts with a qualified or negative certification must submit documents to the county office at least 10 working days prior to the date of board action for review and comment. This includes any modifications to existing agreement(s).
- Separate documents must be completed for each collective bargaining agreement, but if more than one agreement is discussed at the same time, you may summarize the financial impact of “all” agreements on page 4 (MULTIYEAR PROJECTIONS), just use Column 2 for the bargaining unit being described in the disclosure and summary and Column 3 for the other bargaining unit agreement so that the projected budget comes out the same on both disclosure documents.
- **First complete THE SUMMARY OF PROPOSED AGREEMENT form and all of the data will link into the FORM FOR PUBLIC DISCLOSURE document.**
- Any time a contract is reopened with an impact on “any area of the existing contract”, financial or non-financial, a disclosure or “sun-shining” of the proposed agreement must be made. If the only change is non-financial and in language only, you can just describe in the appropriate sections and put NA in the financial sections.
- The specific manner in which the public is made aware of the proposed agreement and its availability for public inspection and review is at the discretion of the local district, however this standard disclosure document should be utilized and be available for public review.
- The governing board shall adopt revisions to its budget needed in the current fiscal year to fulfill the terms of the collective bargaining agreement within 45 days of adoption (EC § 42142). Provide a copy of the board-approved budget minutes to the county office with a copy of the posted budget transfer documents if your district has been authorized to post all budget adjustments, if not authorized, send the budget transfer batches to the county office for posting.
- All revisions to the budget needed in the current fiscal year to meet the terms of all approved collective bargaining agreements shall be adopted **no later than the statutory deadline** for certification of the next interim financial report by the county superintendent of schools (GC § 3547.5, EC § 42131) or the county superintendent is required to certify the interim report as Negative or Qualified pending the posting of the required adjustments.

SPECIFIC INSTRUCTIONS FOR COMPLETION

SUMMARY OF PROPOSED AGREEMENT (SUMMARY TAB IN EXCEL WORKBOOK)

IN TOP HEADING SECTION:

ENTER the following

- **District Name;**
- **Name of Bargaining Unit;**
- **Date of Governing Board meeting** to review/approve proposed agreement.

The form will use the Governing Board meeting date and automatically calculate the maximum 45 calendar days after Board approval date. This is the deadline date for districts to INPUT budget revisions to the financial system to implement the terms of the proposed agreements. Districts must INPUT revisions within 45 days or prior to any interim report submission deadline dates. The district should submit copies of the BT batches posted to implement the agreement to the County Office of Education (COE).

GENERAL:

Section 1: STATUS OF BARGAINING UNIT AGREEMENTS

- a. Indicate name of Bargaining Unit Representation and # of FTE members affected.
- b. Use separate form for each distinct bargaining unit representation.
- c. Attach a copy of the Revised/Proposed Bargaining Unit Agreement or MOU agreement so that the COE can view all details of the agreement. If there is a summary of changes, also submit that document.

Section 2: PERIOD OF AGREEMENT

- a. Indicate the beginning and ending date of the agreement, generally 7/1 – 6/30 but include all years covered. The cell is formatted to input as MM/DD/YY
- b. If the agreement **includes** reopeners in following fiscal years, indicate what years and for what specific items, i.e.: salaries, health benefits, etc.

COMPENSATION PROVISIONS:

Section 3: PERCENTAGE CHANGE IN SALARIES IN PROPOSED AGREEMENT

- a. Current Year Salary Cost Before Settlement: Enter the total annual cost of all salaries for the bargaining unit prior to the proposed agreement. Remove any “one-time” bonuses or payments that were paid in prior year, if applicable.
- b. Current Year Proposed Salary Cost After Settlement: Enter the total annual cost of all salaries for the bargaining unit after the proposed agreement. Include the costs associated with step and column increases; Other one time adjustments and any retroactive salary costs or savings.
- c. Total Cost Increase or (Decrease) and Percentage Changes: These lines will compute based on amounts input in previous lines.

SALARY CHANGE FOR AN AVERAGE-REPRESENTED EMPLOYEE FROM PRIOR YEAR

- d. Salary Increase or (Decrease)-
 - a. Indicate the average % increase or (decrease) to the existing salary schedules being provided in the proposed agreement.
 - b. Indicate average % increase or (decrease) for any one time only stipend/bonus or salary reduction provided in the proposed agreement.
- e. Step & column-Indicate the average % change over the prior year for step and column advancements per employee.
- f. Total % Increase for Average Represented Employee-Total salary increase % and step/column average increase %, this line will compute based on data input in previous lines.
- g. List number of furlough days implemented as a result of this agreement.
- h. List number of instructional days included in current fiscal year AFTER implementation of this agreement, as applicable (applies mostly to Certificated agreements)

Section 4: BENEFITS PERCENTAGE CHANGE IN EMPLOYEE BENEFITS

Statutory Benefits

- a. Current Cost Before Proposed Agreement: Enter the total prior year cost of *Statutory Benefits* of the bargaining unit prior to the proposed agreement. If applicable, exclude any “one-time” benefit costs that would not carry over to current year.
- b. Proposed Costs After Agreement: Enter the total annual cost of Statutory Benefits of the bargaining unit after the proposed agreement. Include the benefits associated with step and column changes and any retroactive or one time reductions in salaries.
- c. Total Cost Increase or (Decrease)/Percentage Change: These lines will compute based on amounts input in previous lines.

District Health/Welfare Benefit Plans

- a. Current Cost Before Proposed Agreement: Enter the total annual cost of Health/Welfare Benefits of the bargaining unit prior to the proposed agreement. If applicable, exclude any “one-time” costs that would not carry over to current year.
- b. Proposed Costs After Agreement: Enter the total annual cost of Health/Welfare Benefits of the bargaining unit after the proposed agreement. Include the benefits associated with step and column increases or decreases and any retroactive or one time reductions in salaries, if applicable (generally not tied to these salary areas).
- c. Total Cost Increase or (Decrease)/Percentage Change: These lines will compute based on amounts input in previous lines.

Health/Welfare Capped Benefit Rates

- a. Describe any details such as different caps per health plans or composite rates and if cap is on just health benefits or other insurances such as Dental, Life, etc. or if prorated for less than full time FTE.
- b. Enter Current H/W or Health Benefit Cap per Full Time FTE (indicate if provide to less than Full Time FTE or if prorated)
- c. Enter Proposed H/W or Health Benefit Cap per Full Time FTE (indicate if provide to less than Full Time FTE or if prorated)
- d. Formulas will calculate the Proposed average increase or (decrease) in Capped costs and % change.

TOTAL COST OR (SAVINGS) OF COMPENSATION CHANGES

Section 5: TOTAL COST INCREASE OR (DECREASE) FOR SALARIES AND EMPLOYEE BENEFITS IN PROPOSED AGREEMENT

- a. Current Year Cost **Before** Settlement: These lines will pull from previous Sections 3 & 4.
- b. Current Year Cost **After** Settlement: These lines will pull from previous Sections 3 & 4
- c. Total Cost Increase or (Decrease): This line will take the difference between the Current Year Cost Before Settlement and the Current Year Costs After Settlement
- d. Percentage Change: Will calculate automatically
- e. Cost of 1% Change: Will calculate automatically based on Current Costs Before Settlement indicated in previous sections (excluding H/W costs as these are not generally tied directly to salary amounts).

OTHER PROVISIONS (COMPENSATION AND NON-COMPENSATION)

Section 6: OTHER PROVISIONS (COMPENSATION AND NON-COMPENSATION)

- a. Other Compensation: Enter narrative of any other compensation included in proposed agreement such as off-schedule one-time stipends, bonuses, salary reductions, etc.. Be specific as to total cost or savings and employees affected.
- b. Non-Compensation: Enter narrative of any other non-compensation adjustments in proposed agreement such as class size adjustments, staff development days, prep days etc. Be specific as to employees affected and affect on instructional or support programs. Include before and after class sizes and grades levels (indicate if CDE Waiver applied for and include copy)
- c. Contingency and/or Restoration Language: Enter narrative of any specific areas for reopeners in current or subsequent fiscal years if multiyear agreement and any other specific contingency and/or restoration language.

Section 7: STATE MINIMUM RESERVE STANDARD CALCULATION

- a. Total Expenditures and Other Uses: This line will pick up expenditures listed in following multiyear projections, Section 9.
- b. Minimum State Reserve Percentage: Enter the state reserve % for your specific sized district, generally 3%
- c. Minimum State Reserve Requirement: This line will calculate the minimum state reserve amount to maintain for your size district.

FISCAL IMPACT IN CURRENT AND TWO SUBSEQUENT FISCAL YEARS

Section 8: DATE OF GOVERNING BOARD APPROVAL OF BUDGET REVISIONS

- a. Enter date and Batch #s of Governing Board Approval of Budget Revisions. Budget revisions need to be INPUT to the financial system within 45 days of approval and prior to next Interim Financial Report submission or COE is required to certify as Qualified or Negative Certification.

Section 9: IMPACT OF PROPOSED AGREEMENT ON GENERAL FUND BUDGET IN CURRENT AND TWO SUBSEQUENT FISCAL YEARS

- a. **Column 1**, enter latest Board Approved Operating Budget (i.e. from Adopted Budget, 45 day revision, 1st Interim, 2nd Interim or if take budget revisions monthly to board, most recent Operating budget currently in Financial system). Please provide our office with a FCR printout recognizing the current operating budget being utilized for this disclosure.
- b. **Column 2**, enter Budget Adjustments/Revisions to be made in order to implement all terms of this proposed agreement. List any savings or reductions as negative amounts using “-“ or (#).
 - a. If these amounts differ from the amounts listed in Section 5 Total Costs, please identify in the narrative section at the bottom of the chart.
 - b. The district must indicate whether the funding for the agreement is coming out of assigned or committed reserves, the unappropriated/unassigned reserves or by additional revenues (i.e. increase in ADA increasing state aid revenues, etc.)
 - c. If agreement includes reductions in total costs, indicate if savings used to meet state minimum reserves by including offsetting increase on appropriate reserve lines.
- c. **Column 3**, enter any other Budget Adjustments/Revisions pending that may affect the ability of the district to meet the minimum reserve requirements with the implementation of this agreement. List any savings or reductions as negative amounts using “-“ or (#).
 - a. If the district is approving multiple agreements, the costs of any other pending settlement should also be included in this column.

Summary and Public Disclosure of Proposed Bargaining Unit Agreement(s)

- b. The district must indicate whether the funding for the agreement is coming out of restricted, committed and/or assigned reserves, the unappropriated/unassigned reserves or by additional revenues (i.e. increase in ADA increasing state aid revenues, etc.)
- c. If other adjustments includes reductions in total costs, indicate if savings used to meet state minimum reserves by including offsetting increase on appropriate reserve line or other appropriate reserve lines.
- d. **Column 4**, this column includes formulas that take the current operating budget listed and deducting or increasing columns 2 and 3 to determine Proposed District Budget after settlements and other adjustments are included.
- e. Under Components of Above EFB:
 - a. The form will calculate whether or not the district is meeting the minimum state reserve standard % by indicating OK or Not Balanced.
 - b. If not meeting minimum reserves, please explain rationale for why district is not meeting reserves and fiscal action plan to remedy.
 - i. Districts not meeting reserves and contemplating approving additional salary agreements will trigger additional County intervention.
- f. **For the two subsequent fiscal years**, the district should be utilizing the most current board approved multiyear projections for Column 1 and the ongoing affect of any increases or savings in Column 2 or if agreement is only for one fiscal year. Column 3 is used to report any additional bargaining unit agreement results or other increases or reductions that have been board approved to be implemented in that fiscal year.
 - a. Include a copy of the district's most current Fiscal Action Plan showing details of any anticipated expenditure reductions or revenue increases to support the agreement in the two subsequent fiscal years.
 - b. The form will pick up the previous years ending fund balance as the beginning fund balance for this subsequent period in Column 1.
- g. The first line of each fiscal year is to enter the Revenue Limit ADA being utilized for funding purposes. Also include a revised Form RL calculation if the ADA reported has changed from the previous state reporting cycle ie. Adopted Budget, 1st Interim, 2nd Interim. And revised Form A showing ADA details.
- h. Districts should use the lines at the bottom of each projection year to indicate any assumptions used for reduction or increases in staffing, revenue adjustments for COLAS, etc.
- i. Districts may use an alternative MYP format, if approved by the SBCSS Business Services Advisor **prior to** submission, however the alternative form must reflect the budgets before and after the proposed agreement in this same level of detail at a minimum.

Section 10: MULTI-YEAR CONTRACT AGREEMENT PROVISIONS

- a. Input narrative of any provisions in the proposed agreements related to COLAs used and other compensation/non-compensation provisions for the current and/or subsequent fiscal years.
- b. All text entered on lines provided will pull into the public disclosure summary. Do not add extra lines or it will throw off the links to the disclosure summary. If more space is needed, increase row height in both documents.

Section 11: IMPACT OF PROPOSED AGREEMENT IN SUBSEQUENT FISCAL YEARS

- a. Input narrative listing assumptions used to determine that resources would be available to fund these obligations in the future fiscal years. (i.e. Revenue Limit Cola, staffing reductions due to declining ADA, etc.)
- b. All text entered on lines provided will pull into the public disclosure summary. Do not add extra lines or it will throw off the links to the disclosure summary. If more space is needed, increase row height in both documents

Section 12: NARRATIVE OF AGREEMENT

- a. Input narrative of all proposed changes in compensation or health premiums; include effective dates of changes and any other comments or explanations.
- b. All text entered on lines provided will pull into the public disclosure summary. Do not add extra lines or it will throw off the links to the disclosure summary. If more space is needed, increase row height in both documents

Section 13: SOURCE OF FUNDING FOR PROPOSED AGREEMENT

- a. Input narrative listing the sources of funding available to cover the costs of the proposed agreement in the current fiscal year. (i.e. Revenue Limit COLA, staffing reductions, staffing ratio changes, Categorical COLAs, etc.)
- b. All text entered on lines provided will pull into the public disclosure summary. Do not add extra lines or it will throw off the links to the disclosure summary. If more space is needed, increase row height in both documents

Summary and Public Disclosure of Proposed Bargaining Unit Agreement(s)

ADDITIONAL FISCAL INDICATORS – CRITERIA AND STANDARD A.5.

Section 14: COMPARISON OF PROPOSED AGREEMENT TO CHANGE IN DISTRICT BASE REVENUE LIMIT AND CHANGE IN ADA

- a. Input current year base revenue limit rate per ADA after any inflation factor changes, BUT prior to the add-on for BTS or Meals for Needy Pupils (CY Form RL Lines 1 plus 2 only)
- b. Input prior year base revenue limit rate per ADA (PY Form RL Line 1 plus 2 only)
- c. This line will calculate automatically providing revenue limit increase per ADA
- d. This line will calculate automatically providing the % increase or decrease in revenue limit per ADA
- e. Input Current Year P-2 RL Funded ADA and Prior Year P-2 RL Funded ADA. Formula will calculate % increase or decrease from prior year for funded ADA.
- f. This line will add the % change in CY BRL and CY ADA from Prior Year together.
- g. This line will pull the % change for the total salaries or benefits.
- h. The district must provide an explanation of any proposed increases in salaries and benefits in excess of the % change in revenue limit per ADA funding and ADA changes combined. This could be due to one time off salary schedule changes.

REQUIRED SIGNED CERTIFICATION:

The certification section must be signed by BOTH the District Superintendent and Chief Business Official, prior to any action by the Governing Board, certifying that the costs incurred or savings generated by the district under the proposed agreement can be met by the district during the term of the agreement. These signatures must be present when submitting a copy of this document to the SBCSS *prior to* the board taking action to approve or deny the agreement terms.

PLEASE SUBMIT THIS SUMMARY FORM INCLUDING COPIES OF ALL PROPOSED BARGAINING UNIT AGREEMENTS TO OUR OFFICE NO LATER THAN 10 DAYS PRIOR TO THE BOARD TAKING FINAL ACTIONS.

After the board takes action, the Board President must sign the original certification indicating the governing board approval date and the signed certification along with written certification that all budget revisions have been input into the financial system within 45 days of the board approval date or by the next Interim Financial Report submission date whichever is earlier.

FORM FOR PUBLIC DISCLOSURE OF PROPOSED COLLECTIVE BARGAINING DISCLOSURE (DISCLOSURE TAB IN EXCEL WORKBOOK)

All data previously input into the Summary of Proposed Agreement form/tab is linked to pull into this Public Disclosure form. Please carefully review the data pulled over into this disclosure document for accuracy and completeness PRIOR to finalizing. If you want specific details to be available only to the COE, please use the narrative sections in the MYP to indicate those additional details.

This document can be used for the Public Disclosure format to be made available within 10 days of the final board action and/or discussion regarding the terms of any proposed bargaining unit agreement. All bargaining unit agreements must be sun-shined at a public meeting and any changes/revisions, even if non-financial related must be disclosed and reported.

PLEASE **DO NOT FAX** THESE FORMS TO OUR OFFICE, AS THE SHADED AREAS ARE NOT READABLE. ALL DOCUMENTS MUST BE RECEIVED IN OUR OFFICES NO LATER THAN 10 DAYS PRIOR TO THE BOARD HEARING DATE.

DISTRICTS WITH CURRENT QUALIFIED OR NEGATIVE CERTIFICATION, MUST ADHERE CLOSELY TO THESE TIMELINES.

Any questions regarding completion of these documents should be addressed to the SBCSS Business Services Advisor for your district. Business Services Advisors can be reached by calling: (909) 777-0761.

Example 1

Public Disclosure Forms

FOR SUBMISSION TO THE GOVERNING BOARD AND THE COUNTY SUPERINTENDENT OF SCHOOLS in compliance with the Public Disclosure requirements of AB1200 (Statutes 1991, Chapter 1213) as revised by AB 2756 (Statutes of 2004, Chapter 25), Government Code 3547.5.

SUMMARY OF PROPOSED AGREEMENT

BETWEEN THE SCHOOL DISTRICT

WITH THE BARGAINING UNIT (BU)

To be acted upon by the Governing Board at its meeting on : enter date mm/dd/yy
 Budget Revisions to be INPUT no later than 45 days after approval: (will calc + 45 days) #VALUE!

GENERAL

Section 1: STATUS OF BARGAINING UNIT AGREEMENTS

(This document is required at any time all or even part of an agreement is ratified or modified)

If this Public Disclosure is not applicable to all of the District's bargaining units, indicate the current status (whether settled or pending settlement) of the remaining units:

(separate disclosures should be made for each bargaining unit agreement)

	# FTE Represented
Certificated: <input type="text" value="Enter Name of BU"/>	<input type="text" value="0"/>
Classified: <input type="text" value="Enter Name of BU"/>	<input type="text" value="0"/>

Section 2: PERIOD OF AGREEMENT

The proposed agreement covers the period beginning on: enter date mm/dd/yy
 and ending on: enter date mm/dd/yy

If this agreement is part of a multi-year contract, indicate ALL fiscal years covered:

Fiscal Years:			
Reopeners: Yes or NO ?			
if Yes, What Areas?			

COMPENSATION PROVISIONS

Section 3: SALARIES: PERCENTAGE CHANGE IN SALARIES IN PROPOSED AGREEMENT:

The proposed agreement includes the following costs for salaries for the above mentioned Bargaining unit:

Current-Year Salary Cost Before Settlement (Based on Year to Date (YTD) Actuals Projected through 6/30):	\$ <input type="text" value="-"/>
Current-Year Salary Cost After Settlement (Include any retroactive pay increases or (decreases) or one time bonuses/stipends or (reductions), as applicable):	\$ <input type="text" value="-"/>
Total Cost Increase or (Decrease):	\$0.00
Percentage Increase or (Decrease):	#DIV/0!

SALARY CHANGE FOR AN AVERAGE-REPRESENTED EMPLOYEE FROM PRIOR YEAR

(Includes annual step/column movement on schedule):

Salary Increase or (Decrease)

% increase or (decrease) to existing schedule per employee

% increase or (decrease) for one time only bonus/stipend or (salary reduction) per employee

Step & column

average % annual change over the prior-year schedule per employee

TOTAL PERCENTAGE CHANGE FOR AVERAGE REPRESENTED EMPLOYEE per employee

Indicate # of Furlough/Non-Work Days associated with any Percentage Change:	<input type="text" value="0.00"/>
Indicate Total # of Instructional Days to be provided for Fiscal Year:	<input type="text" value="0.00"/>

SUMMARY OF PROPOSED AGREEMENT

BETWEEN THE

Enter District Name

SCHOOL DISTRICT

Section 4: BENEFITS: PERCENTAGE CHANGE IN EMPLOYEE BENEFITS IN PROPOSED AGREEMENT:

The proposed agreement includes the following costs for employee statutory and health/welfare benefits:

Statutory benefits: *(Object 3XXX less 34XX)*

(STRS, PERS, Workers Compensation, Unemployment Insurance, Social Security, Medicare)

Total Statutory Benefit Costs:

Current Costs:

\$	-
----	---

Proposed Costs:

\$	-
----	---

Total Cost Increase or (decrease):

	\$0.00
--	--------

Percentage Change:

	#DIV/0!
--	---------

District Health/Welfare Plans-Object 34XX (Medical, Dental, Vision, Life Insurance, Other)

Total Health and Welfare Costs:

Current Costs:

--	--

Proposed Costs:

\$	-
----	---

Total Cost Increase or (decrease):

	\$0.00
--	--------

Percentage Change:

	#DIV/0!
--	---------

Please indicate if Health/Welfare Benefit is Capped :

(Indicate any details such as different caps per health plans or any super composite rates. Also indicate if cap includes health benefit only or also other insurances)

Current Cap:	\$	-
Proposed Cap:	\$	-
Average Capped Amount increase or (decrease) per employee FTE		\$0.00
		#DIV/0!

TOTAL COST OR (SAVINGS) OF COMPENSATION CHANGES (REGARDLESS OF WHETHER PREVIOUSLY BUDGETED IN WHOLE OR IN PART)

Section 5: The "total cost increase or (decrease)" for salaries and employee benefits in the proposed agreement.

Current Year Combined Cost Before Settlement: *(data pulls from above)*

(Based on YTD Actuals Projected through 6/30 based on current agreement)

Salaries

\$	-
----	---

Benefits

\$	-
----	---

Total:

\$	-
----	---

Current Year Cost After Settlement: *(data pulls from above)*

(Include any retroactive pay increases or (decreases) or one time bonuses/stipends or (reductions), as applicable):

Salaries

\$	-
----	---

Benefits

\$	-
----	---

Total:

\$	-
----	---

TOTAL COST INCREASE OR (DECREASE)

\$0.00

(This amount should tie to the multiyear projection sections for 1XXX-3XXX)

PERCENTAGE CHANGE

#DIV/0!

1% CHANGE IN SALARY AND STATUTORY BENEFIT COSTS (prior to any settlements):

#DIV/0!

SUMMARY OF PROPOSED AGREEMENT

BETWEEN THE

Enter District Name

SCHOOL DISTRICT

OTHER PROVISIONS (COMPENSATION AND NON-COMPENSATION)

Section 6: The following are additional compensation and non-compensation provisions contained in the proposed agreement: *(Please indicate, in detail, the terms of the agreement covered in each section)*

A. OTHER COMPENSATION: Off-Schedule Stipends/Bonuses, Reductions, etc.(Amts, staff affected, total cost and/or savings)

B. NON-COMPENSATION: Class Size Changes (indicate before and after class sizes/Grades affected; and if CDE waiver (attach copy) applied for), Staff Development Days, Teacher Prep Time,etc. Be specific.

C. CONTINGENCY AND/OR RESTORATION LANGUAGE: Include specific areas identified for reopeners and specific Contingency and/or Restoration language (submit details to COE, including when would occur)

Section 7: State Minimum Reserve Standard Calculation:

Total Expenditures and Other Uses: *(pulls from MYP Sec. 9)*

Minimum State Reserve Percentage *(input %)*

Minimum State Reserve Requirement: *(formula included Total Exp/Uses x Minimum Reserve %)*

\$		-
		3%
\$		-

FISCAL IMPACT IN CURRENT AND TWO SUBSEQUENT FISCAL YEARS

Section 8: Date of governing board approval of budget revisions in Section 9, Col.2 (below) in accordance with E.C. 42142 and Government Code 3547.5: (pulls from above Governing Board Date plus 45 days)

#VALUE!

Provide proof that board-approved budget revisions have been input within 45 days. Date budget revisions input/BT Batch #'s:

Batch #'s:	mm/dd/yy
------------	----------

If the board-approved revisions input are different from the proposed budget adjustments in Col. 2 provide a detailed explanation of differences.

SUMMARY OF PROPOSED AGREEMENT

BETWEEN THE

Enter District Name

SCHOOL DISTRICT

Section 9: IMPACT OF PROPOSED AGREEMENT ON THE GENERAL FUND BUDGET IN CURRENT YEAR AND TWO SUBSEQUENT FISCAL YEARS. (Reflect both Unrestricted and Restricted General Fund Budget Amounts)

In-Lieu of this form, an updated Form MYP can be supplied which includes the results of the settlement over any previous Form MYP filed with this office.

		Current Fiscal Year 200_-200_			
		(Col. 1)	(Col. 2)	(Col. 3)	(Col. 4)
		Latest Board- Approved Budget Before Settlement - As of _____ (enter date)	Adjustments as a Direct Result of this Proposed Settlement	Other Revisions (Including Other Proposed BU Agreements) Required to support cost of agreement	Projected District Budget After Settlement of Agreement (Cols. 1 + 2 + 3)
OPERATING REVENUES: RL ADA		ADA=			ADA=
Revenue Limit Sources (8010-8099)		0.00	0.00	0.00	0.00
Remaining Revenues (8100-8799)		0.00	0.00	0.00	0.00
TOTAL		0.00	0.00	0.00	0.00
OPERATING EXPENDITURES					
1000 Certificated Salaries		0.00	0.00	0.00	0.00
2000 Classified Salaries		0.00	0.00	0.00	0.00
3000 Benefits		0.00	0.00	0.00	0.00
4000 Instructional Supplies		0.00	0.00	0.00	0.00
5000 Contracted Services		0.00	0.00	0.00	0.00
6000 Capital Outlay		0.00	0.00	0.00	0.00
7000 Other		0.00	0.00	0.00	0.00
TOTAL		0.00	0.00	0.00	0.00
OPERATING SURPLUS (DEFICIT)		0.00	0.00	0.00	0.00
Other Sources and Transfers In		0.00	0.00	0.00	0.00
Other Uses and Transfers Out		0.00	0.00	0.00	0.00
CURRENT YEAR INCREASE (DECREASE) TO FUND BALANCE		0.00	0.00	0.00	0.00
BEGINNING FUND BALANCE (9791)		0.00			0.00
Prior-Year Adjustments (9792-9795)		0.00		0.00	0.00
NET BEGINNING BALANCE		0.00	0.00	0.00	0.00
ENDING FUND BALANCE (EFB)		0.00	0.00	0.00	0.00
COMPONENTS OF ABOVE EFB:					
Nonspendable (9711-9719)		0.00	0.00	0.00	0.00
Restricted (9740)		0.00	0.00	0.00	
Committed (9750/9760)		0.00	0.00	0.00	0.00
Assigned (9780)		0.00	0.00	0.00	0.00
Reserve Economic Uncertainties (9789)		0.00	0.00	0.00	0.00
Unassigned/Unappropriated (9790)		0.00	0.00	0.00	0.00
State Minimum Reserves %		#DIV/0!		#DIV/0!	#DIV/0!
Are budgets in balance?		In Balance			In Agreement
Did you adjust reserves? s/b \$0		\$0.00	OK		\$0.00
FUND 17 RESERVES (9789) \$ or N/A		\$ -			\$ -

If the total amount of the adjustment in Column 2 does not agree with the amount of the total cost shown in Section 5, Total Costs, please explain. Also list any other assumptions used or included in Col. 3:

SUMMARY OF PROPOSED AGREEMENT

BETWEEN THE

Enter District Name

SCHOOL DISTRICT

		First Subsequent Year 200 - 200			
		(Col. 1)	(Col. 2)	(Col. 3)	(Col. 4)
		Latest Board- Approved Budget Before Settlement - As of _____ (enter date)	Adjustments as a Direct Result of this Proposed Settlement	Other Revisions (Include all adjustments needed to support ongoing costs of agreement)	Projected District MYP After Settlement of Agreement (Cols. 1 + 2 + 3)
OPERATING REVENUES:	RL ADA	ADA=			ADA=
Revenue Limit Sources	(8010-8099)	0.00	0.00	0.00	0.00
Remaining Revenues	(8100-8799)	0.00	0.00	0.00	0.00
	TOTAL	0.00	0.00	0.00	0.00
OPERATING EXPENDITURES					
1000 Certificated Salaries		0.00	0.00	0.00	0.00
2000 Classified Salaries		0.00	0.00	0.00	0.00
3000 Benefits		0.00	0.00	0.00	0.00
4000 Instructional Supplies		0.00	0.00	0.00	0.00
5000 Contracted Services		0.00	0.00	0.00	0.00
6000 Capital Outlay		0.00	0.00	0.00	0.00
7000 Other		0.00	0.00	0.00	0.00
	TOTAL	0.00	0.00	0.00	0.00
OPERATING SURPLUS (DEFICIT)					
		0.00	0.00	0.00	0.00
Other Sources and Transfers In		0.00	0.00	0.00	0.00
Other Uses and Transfers Out		0.00	0.00	0.00	0.00
CURRENT YEAR INCREASE (DECREASE) TO FUND BALANCE		0.00	0.00	0.00	0.00
BEGINNING FUND BALANCE (9791)					
<i>pulls from prior year EFB</i>		0.00			0.00
Prior-Year Adjustments (9792-9795)		0.00			0.00
NET BEGINNING BALANCE		0.00	0.00	0.00	0.00
ENDING FUND BALANCE (EFB)					
		0.00	0.00	0.00	0.00
COMPONENTS OF ABOVE EFB:					
Nonspendable (9711-9719)		0.00	0.00	0.00	0.00
Restricted (9740)		0.00	0.00	0.00	0.00
Committed (9750/9760)		0.00	0.00	0.00	
Assigned (9780)		0.00	0.00	0.00	0.00
Reserve Economic Uncertainties		0.00	0.00	0.00	0.00
Unassigned/Unappropriated (9790)		0.00	0.00	0.00	0.00
State Minimum Reserves %		#DIV/0!	#DIV/0!		#DIV/0!
Are budgets in balance?		In Balance			In Balance
Did you adjust reserves? s/b \$0		\$ -	OK		\$ -
FUND 17 RESERVES (9789) \$ or N/A		\$ -			\$ -
Assumptions used (RL COLA, Other Revenue COLAs, Addl/Reduced staffing, etc), EXPLAIN:					

Assumptions used (RL COLA, Other Revenue COLAs, Addl/Reduced staffing, etc), EXPLAIN:

SCHOOL DISTRICT

P-014 • Bargaining Agreement Disclosure • 2/2013

SUMMARY OF PROPOSED AGREEMENT

BETWEEN THE

Enter District Name

SCHOOL DISTRICT

Section 10: MULTI-YEAR CONTRACT AGREEMENT PROVISIONS: The proposed agreement contains the following COLAs and other compensation/non-compensation provisions for subsequent years as follows : Submit copies of all provisions to COE. (text pulls into disclosure)

Section 11: FINANCIAL IMPACT OF PROPOSED AGREEMENT IN SUBSEQUENT FISCAL YEARS: The following assumptions were used used to determine that resources will be available to fund these obligations in future fiscal years (including any compensation/noncompensation provisions specified below that have been agreed upon if the proposed agreement is part of a multi-year contract): (text pulls into disclosure)

Section 12: NARRATIVE OF AGREEMENT: Provide a brief narrative of the proposed changes in compensation or health premiums, including percentage changes, effective dates, and comments and/or explanations. (Text pulls into disclosure)

Section 13: SOURCE OF FUNDING FOR PROPOSED AGREEMENT: Provide a brief narrative of the funds available in the current year to provide for the costs of this agreement. (Pulls into disclosure):

SUMMARY OF PROPOSED AGREEMENT

BETWEEN THE

Enter District Name

SCHOOL DISTRICT

ADDITIONAL FISCAL INDICATORS- CRITERIA AND STANDARDS A.5.

This section is in response to the Criteria and Standards Additional Fiscal Indicators #A.5. which asks: Has the district entered into a bargaining agreement where any of the budget or subsequent years of the agreement would result in salary increases that are expected to exceed the projected state cost of living adjustment.

Section 14:

COMPARISON OF PROPOSED AGREEMENT TO CHANGE IN DISTRICT BASE REVENUE LIMIT (BRL)

(a) Current-year (CY) Base Revenue Limit Rate per ADA:	Estimated
(CY Form RL, Line 1 plus Line 2 (inflation factor) x Estimated Deficit Factor) (do not include BTS/Meals for Needy Add-on Rate)	\$0.00
(b) Less Prior-Year (PY) Base Revenue Limit Rate per ADA:	
(PY Form RL, Line 1 plus 2 x Actual Deficit Factor)	\$0.00
(c) = Amount of Current-Year Increase or (decrease):	
(a) minus (b)	0.00
(d) = Percentage Increase or (decrease) in BRL per ADA:	
(c) divided by (b)	#DIV/0!
(e) ADA Increase/(Decrease) from Prior Year as %	#DIV/0!
Current year P-2 RL ADA	0.00
Prior Year P-2 RL ADA	0.00
(f) Total revenue limit % increase or (decrease) plus ADA % change	#DIV/0!
(g) Indicate Total Settlement Percentage Change from Section 5	#DIV/0!

If proposed agreement % on Line g is greater than Line f, please provide explanation: _____

CERTIFICATION

To be signed by the District Superintendent AND Chief Business Official upon submission to the Governing Board and by the Board President upon formal Board action on the proposed agreement.

Signatures of District Superintendent and Chief Business Official must accompany copy of summary disclosure sent to the County Superintendent for Review 10 days prior to board meeting ratifying agreement.

The information provided in this document summarizes the financial implications of the proposed agreement and is submitted to the Governing Board for public disclosure of the major provisions of the agreement (as provided in the "Public Disclosure of Proposed Collective Bargaining Agreement") in accordance with the requirements of AB-1200, AB-2756 and GC 3547.5.

We hereby certify that the costs incurred by the school district under this agreement can be met by the district during the term of the agreement.

District Superintendent
(signature)

Date

Chief Business Official
(signature)

Date

After public disclosure of the major provisions contained in this Summary, the Governing Board, at its meeting on _____
enter date mm/dd/yy

the _____ took action to approve the proposed Agreement with
Enter Name of BU Bargaining Unit.

President, Governing Board
(signature)

Date

**FORM FOR PUBLIC DISCLOSURE
OF PROPOSED COLLECTIVE BARGAINING AGREEMENT
(AB1200 (Statutes of 1991, Chapter 1213) as revised by AB 2756
(Statutes of 2004, Chapter 25), Government Code 3547.5.)**

Enter District Name

SCHOOL DISTRICT

Government Code Section 3547.5: **Before** a public school employer enters into a written agreement with an exclusive representative covering matters within the scope of representation, the major provisions of the agreement including but not limited to, the costs that would be incurred by the public school employer under the agreement for the current and subsequent fiscal years, shall be disclosed at a public meeting of the public school employer.

Intent of Legislation: To ensure that members of the public are informed of the major provisions of a collective bargaining agreement before it becomes binding on the school district.

(This information is pulled from the SUMMARY section of this file which should be completed FIRST)

MAJOR PROVISIONS OF PROPOSED AGREEMENT

WITH THE

Enter Name of BU

BARGAINING UNIT

To be acted upon by the Governing Board at its meeting on

enter date mm/dd/yy

A. PERIOD OF AGREEMENT:

The proposed bargaining agreement covers the period beginning
and ending
for the following fiscal years

enter date mm/dd/yy
enter date mm/dd/yy

B. TOTAL COST CHANGE TO IMPLEMENT PROPOSED AGREEMENT (SALARIES & BENEFITS)

The total change in costs for salaries and employee benefits in the proposed agreement:

1. Current-Year Costs Before Agreement

2. Current-Year Costs After Agreement

3. Total Cost Change

4. Percentage Change

5. Value of 1 % Change

#DIV/0!

#DIV/0!

C. PERCENTAGE SALARY CHANGE FOR AVERAGE REPRESENTED EMPLOYEE

The total percentage change in salary, including annual step and column movement on the salary schedule (as applicable), for the average represented employee under this proposed agreement:

1. Salary Schedule change
(% Change To Existing Salary Schedule)
(% change for one time only bonus/stipend or salary reduction)

2. Step & Column
(Average % Change Over Prior-Year Salary Schedule)

3. TOTAL PERCENTAGE CHANGE FOR THE
AVERAGE REPRESENTED EMPLOYEE

4. # Furlough or Non-Work Days associated with change

5. Total # of Instructional Days to be provided in Fiscal Year (as
applicable to Certificated BU agreements only)

1/4/2013 10:35 AM

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9 of 12

**FORM FOR PUBLIC DISCLOSURE
OF PROPOSED COLLECTIVE BARGAINING AGREEMENT
(AB1200 (Statutes of 1991, Chapter 1213) as revised by AB 2756
(Statutes of 2004, Chapter 25), Government Code 3547.5.)**

Enter District Name SCHOOL DISTRICT

D.

**PERCENTAGE BENEFIT CHANGE FOR BOTH STATUTORY AND DISTRICT-PROVIDED
EMPLOYEE BENEFITS INCLUDED IN THIS PROPOSED AGREEMENT:**

1.	Cost of Benefits Before Agreement	
2.	Cost of Benefits After Agreement	
3.	Percentage Change in Total Costs	#DIV/0!

E.

IMPACT OF PROPOSED AGREEMENT ON DISTRICT RESERVES

State-Recommended Minimum Reserve Level (after implementation of Proposed Agreement)

1.	Based On Total Expenditures and Other Uses in the General Fund of:	\$ -
2.	Percentage Reserve Level State Standard for District:	3.0%
3.	Amount of State Minimum Reserve Standard:	\$ -

**SUFFICIENCY OF DISTRICT UNRESTRICTED RESERVES to meet the minimum recommended
level AFTER IMPLEMENTATION OF PROPOSED AGREEMENT:**

GENERAL FUND RESERVES (Fund 01 Unrestricted ONLY)

4.	Reserve for Economic Uncertainties (Object 9789)	
5.	Unassigned/Unappropriated (Object 9790)	
6.	Total Reserves: (Object 9789 + 9790)	

SPECIAL RESERVE FUND (Fund 17, as applicable)

7.	Reserve for Economic Uncertainties (Object 9789)	
----	---	--

TOTAL DISTRICT RESERVES, applicable to State Minimum Reserve Standard:

8.	General Fund & Special Reserve Fund:	
9.	Percentage of General Fund Expenditures/Uses	#DIV/0!
	Difference between District Reserves and Minimum State Requirement	

**FORM FOR PUBLIC DISCLOSURE
OF PROPOSED COLLECTIVE BARGAINING AGREEMENT
(AB1200 (Statutes of 1991, Chapter 1213) as revised by AB 2756
(Statutes of 2004, Chapter 25), Government Code 3547.5.)**

Enter District Name

SCHOOL DISTRICT

F. MULTIYEAR CONTRACT AGREEMENT PROVISIONS

G. FINANCIAL IMPACT OF PROPOSED AGREEMENT IN SUBSEQUENT FISCAL YEARS

The following assumptions were used to determine that resources will be available to fund these obligations in future fiscal years (including any compensation and/or noncompensation provisions specified below that have been agreed upon if the proposed agreement is part of a multi-year contract):

H. NARRATIVE OF AGREEMENT

I. SOURCE OF FUNDING FOR PROPOSED AGREEMENT

The following source(s) of funding have been identified to fund the proposed agreement

**FORM FOR PUBLIC DISCLOSURE
OF PROPOSED COLLECTIVE BARGAINING AGREEMENT
(AB1200 (Statutes of 1991, Chapter 1213) as revised by AB 2756
(Statutes of 2004, Chapter 25), Government Code 3547.5.)**

Enter District Name

SCHOOL DISTRICT

CERTIFICATION

To be signed by the District Superintendent AND Chief Business Official when submitted for Public Disclosure and by the Board President after formal action by the Governing Board on the proposed agreement.

The information provided in this document summarizes the financial implications of the proposed agreement and is submitted for public disclosure in accordance with the requirements of AB-1200, AB -2756 and GC 3547.5.

We hereby certify that the costs incurred by the school district under this agreement can be met by the district during the term of the agreement.

District Superintendent
(signature)

Date

Chief Business Official/Assistant Superintendent
(signature)

Date

After public disclosure of the major provisions contained in this Summary, the Governing Board, at its meeting on enter date mm/dd/yy **took action to approve the proposed Agreement**

with the Enter Name of BU **Bargaining Unit.**

President, Governing Board
(signature)

Date

Example 2

Public Disclosure General Instructions

ORANGE COUNTY DEPARTMENT OF EDUCATION DISTRICT FISCAL SERVICES

GENERAL INSTRUCTIONS FOR COMPLETION OF PUBLIC DISCLOSURE OF COLLECTIVE BARGAINING AGREEMENTS

- Please make it available to the public for review prior to the governing board taking action on the proposed bargaining agreement. Please complete the Disclosure of Collective Bargaining Agreements and send a copy to the county superintendent of schools prior to board action.
- Separate documents must be completed for each bargaining unit.
- In the “Annual Cost Prior to Proposed Agreement” column, show the current fiscal year’s cost data. **This may not necessarily be the same as the budget figures if estimated salary increases were included in the adopted budget.**
- In the “Year 1” column, show the incremental cost increase or decrease that would result from the proposed agreement for the fiscal year in which the contract is first effective. If the agreement includes a retroactive salary increase for a prior year and the impact of the increase is in the current fiscal year, show the total increase of both the prior and current year in the “Year 1” column. Fill in the “Year 2” and “Year 3” columns only if the proposed agreement is a multiyear contract that includes years subsequent to the current year.
- To ensure full disclosure, such as for agreements with salary increases that may not be effective for a full year, explain the terms of the agreement on the top of page two.
- Please use Section H on page four and the four columns designated to show the “Projected Budget Before the Settlement,” the “Adjustments as a Result of Settlement,” “Other Revisions,” and the “Total Projected Budget” for the fiscal year being settled. Also, please include a narrative listing all assumptions used in these projections.
- **Any time a contract is reopened, disclosure of the proposed agreement must be made.** This is especially applicable to multiyear agreements that are tied to projected cost of living adjustments in the subsequent years. **Once an actual percentage rate and dollar increase is established, that salary increase must be disclosed even though it may have been partially budgeted.**
- Certification Form No.1 must be signed by the district superintendent and chief business official. Certification Form No. 2 must be signed by the district superintendent or designee at the time of public disclosure and by the president or clerk of the governing board at the time of formal board action on the proposed agreement.

- The manner in which the public is made aware of the proposed agreement and its availability for public inspection and review is at the discretion of the district. Districts may select one or more methods for communicating to the public — i.e., notice in newspaper, posted notices, letters to parents, PTA newsletters, etc. However, notification must include the public at large and should not be limited to district parents only.

Example 2

Public Disclosure Specific Instructions

ORANGE COUNTY DEPARTMENT OF EDUCATION DISTRICT FISCAL SERVICES

SPECIFIC INSTRUCTIONS FOR COMPLETION OF PUBLIC DISCLOSURE OF COLLECTIVE BARGAINING AGREEMENTS

1. **Salary Schedule** — Report only the cost of salaries, excluding statutory and health/welfare benefits and step and column.

Cost Prior to Proposed Agreement — Enter the total cost of salaries for the bargaining unit prior to the proposed agreement.

\$: Enter the amount of the increase or decrease for the proposed change in the salary schedule.

%: Divide the amount by the *Cost Prior to the Proposed Agreement*, Line 1.

2. **Step and Column (subset costs)** — report only the cost of salaries, excluding statutory and health/welfare benefits.

\$: Enter the cost of step and column movement on the salary schedule plus any changes due to the proposed agreement of the affected bargaining unit.

%: Divide the cost of step and column by the *Cost Prior to Proposed Agreement*, Line 2.

3. **Other Compensation** — Report only the cost of salaries associated with the cost of “other compensation,” excluding statutory and health/welfare benefits.

\$: Enter the amount of the proposed change in *Other Compensation*.

%: Divide the amount by the *Cost Prior to the Proposed Agreement*, Line 3.

Description — Indicate specific changes in *Other Compensation* for each affected year. For example: One percent off-schedule or \$200 per employee.

4. **Statutory Benefits** — Report only the cost of *statutory benefits* excluding salaries and health/welfare benefits.

Cost Prior to Proposed Agreement — Enter the total cost of *statutory benefits* of the bargaining unit prior to the proposed agreement.

\$: Enter the amount of the proposed change in *statutory benefits* resulting from changes in salaries reported on Lines 1 and 2.

%: Divide the amount by the *Cost Prior to Proposed Agreement*, Line 4.

5. **Health/Welfare Benefits** — Report only the cost of *health/welfare benefits*, excluding the cost of salaries and statutory benefits.

Cost Prior to Proposed Agreement — Enter the total cost of *health/welfare benefits* of the bargaining unit prior to the proposed agreement.

\$: Enter the amount of the proposed change in *health/welfare benefits* for the affected bargaining unit.

%: Divide the amount by the *Cost Prior to Proposed Agreement*, Line 5.

6. **Total Compensation**

Cost Prior to Proposed Agreement — Total Lines 1 through 5.

\$: Total Lines 1 through 5.

%: Divide the total by *Cost Prior to Proposed Agreement*, Line 6.

7. **Total Number of Represented Employees** — Enter the full-time equivalent (FTE) employees for the affected bargaining unit.

8. **Total Compensation Cost for Average Employee**

Cost Prior to Proposed Agreement — Divide *Cost Prior to Proposed Agreement*, Line 5 by FTE Employees, Line 7.

\$: Divide Total Compensation, Line 5 by FTE Employees, Line 7.

%: Divide Total Compensation Cost for Average Employee, Line 8, by *Cost Prior to Proposed Agreement*, Line 8.

Example 2

Public Disclosure Forms

Orange County Department of Education District Fiscal Services

PUBLIC DISCLOSURE OF COLLECTIVE BARGAINING AGREEMENT in Accordance with AB 1200 (Chapter 1213/1991), GC 3547.5, and CCR, Title V, Section 15449

School District - Bargaining Unit: (Please select school district name from this drop down list.)

Certificated, Classified, Other:

The proposed agreement covers the period beginning: _____ and ending: _____
(date) (date)

The Governing Board will act upon this agreement on: _____
(date)

A. Proposed Change in Compensation

Compensation	Annual Cost Prior to Proposed Agreement FY	Fiscal Impact of Proposed Agreement		
		Year 1 Increase/(Decrease) FY	Year 2 Increase/(Decrease) FY	Year 3 Increase/(Decrease) FY
1 Salary Schedule Increase (Decrease)	\$ -	\$ -	\$ -	\$ -
		0.00%	0.00%	0.00%
2 Step and Column Increase (Decrease) Due to movement plus any changes due to settlement	\$ -	\$ -	\$ -	\$ -
		0.00%	0.00%	0.00%
3 Other Compensation - Increase (Decrease) (Stipends, Bonuses, Longevity, Overtime, etc.)	\$ -	\$ -	\$ -	\$ -
Description of other compensation		0.00%	0.00%	0.00%
4 Statutory Benefits - STRS, PERS, FICA, WC, UI, Medicare etc.	\$ -	\$ -	\$ -	\$ -
		0.00%	0.00%	0.00%
5 Health/Welfare Plans	\$ -	\$ -	\$ -	\$ -
		0.00%	0.00%	0.00%
6 Total Compensation - Increase (Decrease) (Total Lines 1-5)	\$ -	\$ -	\$ -	\$ -
7 Total Number of Represented Employees (Use FTEs if appropriate)	0.00	0	0	0
8 Total Compensation Average Cost per Employee	\$ -	\$ -	\$ -	\$ -
		0.00%		

Revised June 2012

9. What was the negotiated percentage increase approved? For example, if the increase in "Year 1" was for less than a full year, what is the annualized percentage of that increase for "Year 1"?

10. Were any additional steps, columns, or ranges added to the schedules? (If yes, please explain.)

11. Please include comments and explanations as necessary.

12. Does this bargaining unit have a negotiated cap for Health and Welfare benefits? Yes ☐ No ☐

If yes, please describe the cap amount.

B. Proposed Negotiated Changes in Noncompensation Items (i.e., class size adjustments, staff development days, teacher prep time, classified staffing ratios, etc.)

C. What are the specific impacts on instructional and support programs to accommodate the settlement?

Include the impact of changes such as staff reductions or increases, program reductions or increases, elimination or expansion of other services or programs (i.e., counselors, librarians, custodial staff, etc.)

D. What contingency language is included in the proposed agreement? Include specific areas identified reopeners, applicable fiscal years, and specific contingency language.

E. Will this agreement create, increase or decrease deficit financing in the current or subsequent year(s)?
"Deficit Financing" is defined to exist when a fund's expenditures and other financing uses exceed its revenues and other financing sources in a given year. If yes, explain the amounts and justification for doing so.

F. Identify other major provisions that do not directly affect the district's costs, such as binding arbitrations, grievance procedures, etc.

G. Source of Funding for Proposed Agreement

1. Current Year

2. If this is a single year agreement, how will the ongoing cost of the proposed agreement be funded in subsequent years (i.e., what will allow the district to afford this contract)?

3. If this is a multiyear agreement, what is the source of funding, including assumptions used, to fund these obligations in subsequent years? (Remember to include compounding effects in meeting obligations.)

H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

Unrestricted General Fund

Enter Bargaining Unit: #N/A

	Column 1 Latest Board- Approved Budget Before Settlement (As of __/__/__)	Column 2 Adjustments as a Result of Settlement	Column 3 Other Revisions	Column 4 Total Current Budget (Columns 1+2+3)
REVENUES				
Revenue Limit Sources (8010-8099)	\$ -	\$ -	\$ -	\$ -
Remaining Revenues (8100-8799)	\$ -	\$ -	\$ -	\$ -
TOTAL REVENUES	\$ -	\$ -	\$ -	\$ -
EXPENDITURES				
Certificated Salaries (1000-1999)	\$ -	\$ -	\$ -	\$ -
Classified Salaries (2000-2999)	\$ -	\$ -	\$ -	\$ -
Employee Benefits (3000-3999)	\$ -	\$ -	\$ -	\$ -
Books and Supplies (4000-4999)	\$ -	\$ -	\$ -	\$ -
Services, Other Operating Expenses (5000-5999)	\$ -	\$ -	\$ -	\$ -
Capital Outlay (6000-6599)	\$ -	\$ -	\$ -	\$ -
Other Outgo (7100-7299) (7400-7499)	\$ -	\$ -	\$ -	\$ -
Direct Support/Indirect Cost (7300-7399)	\$ -	\$ -	\$ -	\$ -
Other Adjustments				
TOTAL EXPENDITURES	\$ -	\$ -	\$ -	\$ -
OPERATING SURPLUS (DEFICIT)	\$ -	\$	\$	\$ -
TRANSFERS IN & OTHER SOURCES (8910-8979)	\$ -	\$	\$	\$ -
TRANSFERS OUT & OTHER USES (7610-7699)	\$ -	\$ -	\$ -	\$ -
CONTRIBUTIONS (8980-8999)	\$ -	\$	\$	\$ -
CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE	\$ -	*	\$	\$ -
BEGINNING BALANCE	\$ -			\$ -
Prior-Year Adjustments/Restatements (9793/9795)	\$			\$
CURRENT-YEAR ENDING BALANCE	\$ -	\$ -	\$ -	\$ -
COMPONENTS OF ENDING BALANCE:				
Nonspendable Reserves (9711-9719)	\$ -	\$ -	\$ -	\$ -
Restricted Reserves (9740)	\$ -	\$ -	\$ -	\$ -
Stabilization Arrangements (9750)	\$ -	\$ -	\$ -	\$ -
Other Commitments (9760)	\$ -	\$ -	\$ -	\$ -
Other Assignments (9780)	\$ -	\$ -	\$ -	\$ -
Reserve for Economic Uncertainties (9789)	\$ -	\$ -	\$ -	\$ -
Unassigned/Unappropriated (9790)	\$ -	\$ -	\$ -	\$ -

* Please see question on page 7.

H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

Restricted General Fund

Enter Bargaining Unit: #N/A

	Column 1 Latest Board- Approved Budget Before Settlement (As of __/__/__)	Column 2 Adjustments as a Result of Settlement	Column 3 Other Revisions	Column 4 Total Current Budget (Columns 1+2+3)
REVENUES				
Revenue Limit Sources (8010-8099)	\$ -	\$ -	\$ -	\$ -
Remaining Revenues (8100-8799)	\$ -	\$ -	\$ -	\$ -
TOTAL REVENUES	\$ -	\$ -	\$ -	\$ -
EXPENDITURES				
Certificated Salaries (1000-1999)	\$ -	\$ -	\$ -	\$ -
Classified Salaries (2000-2999)	\$ -	\$ -	\$ -	\$ -
Employee Benefits (3000-3999)	\$ -	\$ -	\$ -	\$ -
Books and Supplies (4000-4999)	\$ -	\$ -	\$ -	\$ -
Services, Other Operating Expenses (5000-5999)	\$ -	\$ -	\$ -	\$ -
Capital Outlay (6000-6599)	\$ -	\$ -	\$ -	\$ -
Other Outgo (7100-7299) (7400-7499)	\$ -	\$ -	\$ -	\$ -
Direct Support/Indirect Cost (7300-7399)	\$ -	\$ -	\$ -	\$ -
Other Adjustments				
TOTAL EXPENDITURES	\$ -	\$ -	\$ -	\$ -
OPERATING SURPLUS (DEFICIT)	\$ -	\$ -	\$ -	\$ -
TRANSFERS IN & OTHER SOURCES (8910-8979)	\$ -	\$ -	\$ -	\$ -
TRANSFERS OUT & OTHER USES (7610-7699)	\$ -	\$ -	\$ -	\$ -
CONTRIBUTIONS (8980-8999)	\$ -	\$ -	\$ -	\$ -
CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE	\$ -	\$ *	\$ -	\$ -
BEGINNING BALANCE	\$ -			\$ -
Prior-Year Adjustments/Restatements (9793/9795)	\$ -			\$ -
CURRENT-YEAR ENDING BALANCE	\$ -	\$ -	\$ -	\$ -
COMPONENTS OF ENDING BALANCE:				
Nonspendable Reserves (9711-9719)	\$ -	\$ -	\$ -	\$ -
Restricted Reserves (9740)	\$ -	\$ -	\$ -	\$ -
Stabilization Arrangements (9750)	\$ -	\$ -	\$ -	\$ -
Other Commitments (9760)	\$ -	\$ -	\$ -	\$ -
Other Assignments (9780)	\$ -	\$ -	\$ -	\$ -
Reserve for Economic Uncertainties (9789)	\$ -	\$ -	\$ -	\$ -
Unassigned/Unappropriated (9790)	\$ -	\$ -	\$ -	\$ -

* Please see question on page 7.

H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

Combined General Fund

Enter Bargaining Unit: #N/A

	Column 1 Latest Board- Approved Budget Before Settlement (As of __/__/__)	Column 2 Adjustments as a Result of Settlement	Column 3 Other Revisions	Column 4 Total Current Budget (Columns 1+2+3)
REVENUES				
Revenue Limit Sources (8010-8099)	\$ -	\$ -	\$ -	\$ -
Remaining Revenues (8100-8799)	\$ -	\$ -	\$ -	\$ -
TOTAL REVENUES	\$ -	\$ -	\$ -	\$ -
EXPENDITURES				
Certificated Salaries (1000-1999)	\$ -	\$ -	\$ -	\$ -
Classified Salaries (2000-2999)	\$ -	\$ -	\$ -	\$ -
Employee Benefits (3000-3999)	\$ -	\$ -	\$ -	\$ -
Books and Supplies (4000-4999)	\$ -	\$ -	\$ -	\$ -
Services, Other Operating Expenses (5000-5999)	\$ -	\$ -	\$ -	\$ -
Capital Outlay (6000-6599)	\$ -	\$ -	\$ -	\$ -
Other Outgo (7100-7299) (7400-7499)	\$ -	\$ -	\$ -	\$ -
Direct Support/Indirect Cost (7300-7399)	\$ -	\$ -	\$ -	\$ -
Other Adjustments				
TOTAL EXPENDITURES	\$ -	\$ -	\$ -	\$ -
OPERATING SURPLUS (DEFICIT)	\$ -	\$ -	\$ -	\$ -
TRANSFERS IN & OTHER SOURCES (8910-8979)	\$	\$	\$	\$ -
TRANSFERS OUT & OTHER USES (7610-7699)	\$ -	\$ -	\$ -	\$ -
CONTRIBUTIONS (8980-8999)	\$	\$	\$	\$ -
CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE	\$ -	\$ -	\$ -	\$ -
BEGINNING BALANCE	\$ -			\$ -
Prior-Year Adjustments/Restatements (9793/9795)	\$			\$
CURRENT-YEAR ENDING BALANCE	\$ -	\$	\$	\$ -
COMPONENTS OF ENDING BALANCE:				
Nonspendable Reserves (9711-9719)	\$ -	\$ -	\$ -	\$ -
Restricted Reserves (9740)	\$ -	\$ -	\$ -	\$ -
Stabilization Arrangements (9750)	\$ -	\$ -	\$ -	\$ -
Other Commitments (9760)	\$ -	\$ -	\$ -	\$ -
Other Assignments (9780)	\$ -	\$ -	\$ -	\$ -
Reserve for Economic Uncertainties (9789)	\$ -	\$ -	\$ -	\$ -
Unassigned/Unappropriated (9790)	\$ -	\$ -	\$ -	\$ -

* Please see question on page 7.

I. IMPACT OF PROPOSED AGREEMENT ON SUBSEQUENT YEARS

Combined General Fund

Enter Bargaining Unit: #N/A

	2011-12	2012-13	2013-14
	Total Current Budget After Settlement	First Subsequent Year After Settlement	Second Subsequent Year After Settlement
REVENUES			
Revenue Limit Sources (8010-8099)	\$ -	\$ -	\$ -
Remaining Revenues (8100-8799)	\$ -	\$ -	\$ -
TOTAL REVENUES	\$ -	\$ -	\$ -
EXPENDITURES			
Certificated Salaries (1000-1999)	\$ -	\$ -	\$ -
Classified Salaries (2000-2999)	\$ -	\$ -	\$ -
Employee Benefits (3000-3999)	\$ -	\$ -	\$ -
Books and Supplies (4000-4999)	\$ -	\$ -	\$ -
Services, Other Operating Expenses (5000-5999)	\$ -	\$ -	\$ -
Capital Outlay (6000-6999)	\$ -	\$ -	\$ -
Other Outgo (7100-7299) (7400-7499)	\$ -	\$ -	\$ -
Direct Support/Indirect Cost (7300-7399)	\$ -	\$ -	\$ -
Other Adjustments		\$ -	\$ -
TOTAL EXPENDITURES	\$ -	\$ -	\$ -
OPERATING SURPLUS (DEFICIT)	\$ -	\$ -	\$ -
TRANSFERS IN & OTHER SOURCES (8910-8979)	\$ -	\$ -	\$ -
TRANSFERS OUT & OTHER USES (7610-7699)	\$ -	\$ -	\$ -
CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE	\$ -	\$ -	\$ -
BEGINNING BALANCE	\$ -	\$ -	\$ -
CURRENT-YEAR ENDING BALANCE	\$ -	\$ -	\$ -
COMPONENTS OF ENDING BALANCE:			
Nonspendable Reserves (9711-9719)	\$ -	\$ -	\$ -
Restricted Reserves (9740)	\$ -	\$ -	\$ -
Stabilization Arrangements (9750)	\$ -	\$ -	\$ -
Other Commitments (9760)	\$ -	\$ -	\$ -
Other Assignments (9780)	\$ -	\$ -	\$ -
Reserve for Economic Uncertainties (9789)	\$ -	\$ -	\$ -
Unassigned/Unappropriated (9790)	\$ -	\$ -	\$ -

J. IMPACT OF PROPOSED AGREEMENT ON UNRESTRICTED RESERVES

1. State Reserve Standard

		2011-12	2012-13	2013-14
a.	Total Expenditures, Transfers Out, and Uses (Including Cost of Proposed Agreement)	\$ -	\$ -	\$ -
b.	State Standard Minimum Reserve Percentage for this District enter percentage:	0.00%	0.00%	0.00%
c.	State Standard Minimum Reserve Amount for this District (For districts with less than 1,001 ADA, this is the greater of Line a, times Line b. OR \$50,000	\$ -	\$ -	\$ -

2. Budgeted Unrestricted Reserve (After Impact of Proposed Agreement)

a.	General Fund Budgeted Unrestricted Reserve for Economic Uncertainties (9789)	\$ -	\$ -	\$ -
b.	General Fund Budgeted Unrestricted Unassigned/Unappropriated Amount (9790)	\$ -	\$ -	\$ -
c.	Special Reserve Fund (Fund 17) Budgeted Reserve for Economic Uncertainties (9789)	\$	\$	\$
d.	Special Reserve Fund (Fund 17) Budgeted Unassigned/Unappropriated Amount (9790)	\$	\$	\$
g.	Total Available Reserves	\$ -	\$ -	\$ -
h.	Reserve for Economic Uncertainties Percentage	0.00%	0.00%	0.00%

3. Do unrestricted reserves meet the state minimum reserve amount?

2011-12	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2012-13	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2013-14	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4. If no, how do you plan to restore your reserves?

6. Please include any additional comments and explanations of Page 4 as necessary:

K. CERTIFICATION NO. 1: CERTIFICATION OF THE DISTRICT'S ABILITY TO MEET THE COSTS OF COLLECTIVE BARGAINING AGREEMENT

The disclosure document must be signed by the District Superintendent and Chief Business Officer at the time of public disclosure.

In accordance with the requirements of Government Code Section 3547.5, the Superintendent and Chief Business Officer of the _____ School District, hereby certify that the District can meet the costs incurred under the Collective Bargaining Agreement between the District and the _____ Bargaining Unit, during the term of the agreement from _____ to _____.

The budget revisions necessary to meet the costs of the agreement in each year of its term are as follows:

Budget Adjustment Categories:	Budget Adjustment Increase (Decrease)
Revenues/Other Financing Sources	
Expenditures/Other Financing Uses	-
Ending Balance Increase (Decrease)	-

N/A ____ (No budget revisions necessary)

District Superintendent
(Signature)

Date

Chief Business Officer
(Signature)

Date

L. CERTIFICATION NO. 2

The disclosure document must be signed by the district Superintendent or designee at the time of public disclosure and by the President or Clerk of the Governing Board at the time of formal board action on the proposed agreement.

The information provided in this document summarizes the financial implications of the proposed agreement and is submitted to the Governing Board for public disclosure of the major provisions of the agreement (as provided in the "Public Disclosure of Proposed Bargaining Agreement") in accordance with the requirements of AB 1200 and Government Code Section 3547.5.

District Superintendent (or Designee)
(Signature)

Date

President or Clerk of Governing Board
(Signature)

Date

Contact Person

Phone

Example 3

Public Disclosure Forms

COLLECTIVE BARGAINING AGREEMENT PUBLIC DISCLOSURE SUMMARY

Type of Bargaining Unit:

☐

Certificated

☐

Classified

☐

Confidential

☐

Certificated Management

☐

Classified Management

The proposed agreement covers the period beginning _____ and ending _____
and will be acted upon by the Governing Board at its meeting on _____

A. Proposed Change in Compensation

Compensation		Cost Prior to Proposed Agreement	Fiscal Impact of Proposed Agreement		
			Current Year Increase/(Decrease)	Year 2 Increase/(Decrease)	Year 3 Increase/(Decrease)
1	Current year salary costs	\$			
2	Step and column increase (Optional- if completed, do not include S & C costs in Line 1)	\$			
3	Total Current year salary costs	\$			
4	Salary schedule increase (decrease)		\$		
5	Cost due to salary schedule restructure (i.e., longevity, step and column over prior contract)		\$		
6	One-time compensation (i.e., stipends, bonus, off schedule one time payments or (furlough days))		\$		
7	Reclassification of position(s)		\$		
8	Other compensation		\$		
9	Statutory Benefits - STRS, PERS, FICA, WC, UI, Medicare, etc.	\$	\$		
10a	Health & Welfare costs before agreement	\$			
10b	Changes in Health & Welfare costs due to the agreement		\$		
10c	Health & Welfare costs after agreement (10a+10b)		\$		
10d	FTE's (impacted by health & welfare change)				
10e	Change in discretionary costs - per FTE (line 10b divided by line 10d)		\$		
11	Total Compensation Increase (decrease) (Total Lines 2, 4 thru 9 and 10b)				
12	TOTAL COMPENSATION INCREASE AS A PERCENTAGE OVER PRIOR FISCAL YEAR		%		

Public Disclosure Form

Section A

4. What is the proposed negotiated percentage increase or (decrease)? For example, if the increase in "Current Year" was for less than a full year, what was the percentage increase given, what is the effective date of the change, and what is the annualized percentage increase for "Year 1"? If a decrease, is it due to furlough days? If so, how many days?

5. Describe any changes or additions to step, column, or ranges on the salary schedules.

6. Describe any one- time compensation increases or decreases (example: furlough days)

7. Describe any reclassifications of positions.

8. Describe any "other compensation". Please include comments and explanations as necessary (if more room is necessary to answer, please attach additional sheet.)

10. Changes in Health and Welfare costs.

a. Does the district have a maximum on the employer paid portion of health and welfare?

_____ Yes _____ No

If yes, please describe the maximum dollar or percentage amount of the employer paid share of the health and welfare costs and any changes due to this proposed bargaining agreement.

b. Describe all other changes in Health and Welfare costs.

B. Describe any proposed negotiated changes in non-compensation items (e.g., class size adjustments, staff development days, teacher prep time, etc.)

Public Disclosure Form

C. Will there be any specific impacts (positive or negative) to operations related to the settlement? Include the impact of changes such as staff reductions or increases, program reductions or increases, elimination or expansion of other services or programs (i.e., counselors, librarians).

D. What contingency language is included in the proposed agreement (i.e., reopeners, etc.)?

E. What is the impact of the agreement on deficit spending in the current or future year(s)?
"Deficit Spending" is defined to exist when a district's expenditures exceed its revenues in a given year.

F. Are there any other provisions to be disclosed?

G. What are the source(s) of funding for the proposed agreement?

1. Current Year

<u> </u> General Fund Revenues	<u> </u> Reduction in Expenditures
<u> </u> Special Reserve	<u> </u> Other (please explain)

Explanation:

2. If this is a single year agreement, how will the ongoing cost, if any, of the proposed agreement be funded in future years? (i.e. COLA, staffing reductions, other sources of revenue)

3. If this is a multi-year agreement, what is the source of funding for these obligations in future years? Assumptions should include specifics, i.e., COLA, enrollment patterns. (Remember to include compounding effects in meeting obligations)

PUBLIC DISCLOSURE FORM

H. Impact of Proposed Agreement on Current Year Operating Budget

- ____ 1. The cost of the proposed agreement is included in the current working budget dated _____.
 ____ a. Copies of the budget transfers are attached (unless proposal was included in the adopted budget); or,
 ____ b. Section H3 below has been completed.
- ____ 2. Budget has not been updated for the proposal.
 ____ a. Proposed budget transfers are attached; or,
 ____ b. Section H3 below has been completed.

H3. RECAP OF PROPOSED BUDGET ADJUSTMENTS				
	Column 1	Column 2	Column 3	Column 4
Bargaining Unit(s):	Latest Board-Approved Budget Before Settlement Date: _____	Unrestricted Budget Adjustment Increase (Decrease)	Restricted Budget Adjustment Increase (Decrease)	Total Proposed Budget (Columns 1+2+3)
A. REVENUES				
1. Revenue Limit Sources (8010-8099)				
2. Remaining Revenues (8100-8799)				
B. TOTAL REVENUES				
C. EXPENDITURES				
1. Certificated Salaries (1000-1999)				
2. Classified Salaries (2000-2999)				
3. Employee Benefits (3000-3999)				
4. Books and Supplies (4000-4999)				
5. Services, Other Operating Expense (5000-5999)				
6. Capital Outlay (6000-6599)				
7. Other Outgo (7100-7299) (7400-7499)				
8. Direct Support/Indirect Costs (7300-7399)				
9. Other Adjustments				
D. TOTAL EXPENDITURES (C1:C9)				
E. OPERATING SURPLUS (DEFICIT) (B-D)				
F. TRANSFERS IN & OTHER SOURCES (8910-8979)				
G. TRANSFER OUT & OTHER USES (7610-7699)				
H. CONTRIBUTIONS (8980-8998)				
I. INCREASE (DECREASE) IN FUND BALANCE (E+F+G+H)				
J. BEGINNING BALANCE				
K. CURRENT YEAR ENDING BALANCE (J+I)				

IMPACT OF PROPOSED AGREEMENT ON DISTRICT RESERVES

I. VERIFICATION OF ACCEPTABLE MINIMUM RESERVE LEVEL

1.	STATE-RECOMMENDED MINIMUM RESERVE LEVEL (after implementation of all proposed agreements)			
a.	Total expenditures, Transfers Out, and uses per current working budget plus total cost increases for all bargaining agreements			
b.	Recommended minimum reserve percentage from table below			
c.	Recommended minimum reserve amount for this district (I1a times I1b) for districts with less than 1001 ADA, this is the greater of calculation or \$50,000			

J. IMPACT OF PROPOSED AGREEMENT TO THE BUDGET

1.	GENERAL FUND (Fund 01) Unrestricted/Undesignated Only (Resource 0000)			
a.	Board approved budgeted ending balance			
b.	Changes to budgeted ending balance for all bargaining agreements			
c.	Estimated budgeted ending balance (line J1a plus J1b)			
2.	SPECIAL RESERVE FUND (Fund 17)			
a.	Board approved budgeted ending balance			
b.	Changes to budgeted ending balance for all bargaining agreements			
c.	Estimated budgeted ending balance (line J2a plus J2b)			
3.	TOTAL DISTRICT RESERVES FOR THE YEAR OF AGREEMENT (Line J1c and J2c) (must be greater than I1c)			

TABLE OF STATE RECOMMENDED MINIMUM RESERVE PERCENTAGES

Percentage Level For Districts with ADA ranging from:			
5% or \$50,000 (Greater of)	0	to	300
4% or \$50,000 (Greater of)	301	to	1,000
3%	1,001	to	30,000
2%	30,001	to	400,000
1%	400,001	and	Over

Apportionment Posting

I. OVERVIEW

- A. The majority of the funds local educational agencies (LEAs) receive come from the State of California, through the State Controller's Office (SCO).
- B. The funds issued by the SCO are the state apportionments — e.g., the principal apportionment, which includes funding for the Local Control Funding Formula (LCFF) as well as other related programs including Education Protection Act (EPA) and funding for Special Education (AB602), the pass-through funds from the federal government (e.g., NCLB Title I), and restricted state categorical program grants (formula-driven and reimbursement grants).
- C. The California Department of Education (CDE) will notify the county treasurer and the county superintendent of schools/county office of education (COE) of the amounts due to the LEAs and notify the SCO authorizing the release of funds.
 - 1. The CDE certifies the principal apportionment three times per year: at Advance in July, P1 (period one) in February, and P2 (period two) in June. True up for the prior year is performed at P1. The CDE provides monthly payment schedules for each certification of the principal apportionment along with a payment summary detailing funding per program by LEA. The COEs use the payment schedule and summary to allocate the monthly receipt of state aid for the principal apportionment to the LEAs in the county. The CDE maintains a listserve to inform members of certifications and other issues pertinent to the principal apportionment and special education (PASE) funding streams, which includes EPA. To sign up for the PASE listserve, send a blank email message to join-pase-contacts@mlist.cde.ca.gov.

Education Protection Act funding is certified and distributed quarterly at the end of September, December, March and June using the latest available information from the principal apportionment certifications. A payment schedule by LEA is prepared with each distribution and is used to allocate the receipt of funds to the various LEAs in the county.

- 2. When the CDE releases instructions to the SCO for the release of all other funds outside of the principal apportionment and EPA funding streams, the CDE also emails a notification to the COE that includes the following elements:
 - a) Identification of the claim schedule.
 - b) When the instructions were sent to the SCO.
 - c) An estimated timeframe when the funds should be released by the SCO.
 - d) Any disbursement schedules (usually an excel spreadsheet), as attachments, showing the individual district and the county disbursement totals statewide.

Apportionment Posting

- e) A notice of apportionment or funding award letter to each COE email address.

The CDE School Fiscal Services Division maintains a 'CDEFisc' email address for each county office; these addresses are used to distribute the apportionment notices electronically. COE business office staff responsible for this function will need to be provided access to the CDEFisc emails.

3. The CDE usually provides notices three to six weeks before the SCO releases the funds. COEs are asked to forward the notices to the appropriate LEAs. These notices can then be matched to apportionment letters emailed by CDE's accounting office as funds are released by SCO.
 4. The electronic distribution of the notice of apportionment letters from the CDE accounting office has greatly improved communication. These letters provide the appropriate Standardized Account Code Structure (SACS) resource code and revenue object code that the LEA must use to post the funds to the accounting system.
 - COEs can find additional information on the SACS query page for the accounting treatment of these funds at: <http://www2.cde.ca.gov/sacsquery/querybyresource.asp>.
 5. COEs can also find detail on allocations and apportionments on the CDE's website: <http://www.cde.ca.gov/fg/aa/>.
- D. The SCO sends funds for LEAs and COEs through an electronic warrant process using the following methods:
1. Method 1
 - a) The SCO issues warrants to a number of banks located throughout the state.
 - b) These warrants are placed in a lockbox in Sacramento, and the banks send couriers to pick up the warrants.
 - c) The banks wire the funds to the appropriate county treasurers.
 2. Method 2
 - a) The SCO issues the warrant directly to the county treasurer.
- E. When the county treasurer receives the funds, they will usually post them to a clearing fund (this is an agency fund on the books of the county treasurer; it can be a revolving fund, or unapportioned fund on the county books until the funds are deposited to the specific district funds).

Apportionment Posting

1. The county treasurer will usually notify the COE that they have received LEA funds and request instructions on where to post the funds.
2. The county treasurer may email or fax to the COE a copy of the remittance advice from the SCO and a treasurer-initiated deposit order.
 - a) COEs may also have access to view the treasurer's bank account to verify the apportioning of funds on holidays and days the county treasurer's office may be closed.
3. The COE will provide the county treasurer with instructions regarding where to post the funds received (which LEAs and which funds of the LEA). In some counties, the COE makes this entry directly to the treasury financial system.
4. The remittance advice from the SCO will identify the state claim schedule number (Claim Sched. No.) issued by CDE accounting, the state-assigned county-district-school (CDS) code for the LEA, and the state program cost account (PCA) from which the funds have been drawn.
 1. The COE can match the claim schedule number with the emailed notices for further information on the accounting treatment of these funds.
 2. The PCA number can also be used in the SACS query to find additional information as well as program contacts for these funds.
5. The principal apportionment funds are released in accord with set formulas identified by education code. The CDE provides schedules of the estimated revenues three times per year. COEs must maintain distribution schedules based on these formulas to distribute the funds to the appropriate districts for which the dollars are apportioned. The SCO's warrant does not identify the district amount for these funds.

The following link is to the CDE website's main principal apportionment page with links to apportionment information for various fiscal years, which have links to "funding Excel files" that provide a summary and detailed spreadsheets identifying the estimated monthly payments by LEA and COE: <http://www.cde.ca.gov/fg/aa/pa/index.asp>

Education Protection Act funds are certified and distributed quarterly based on the latest certified data. A letter and accompanying certified schedules are released with each distribution and are available on CDE's webpage for EPA at <http://www.cde.ca.gov/fg/aa/pa/epa.asp>.

II. COUNTY OFFICE RESPONSIBILITIES

- A. Once the COE staff post the receipts to each LEA's fund(s) in the county treasury system, or notifies the county treasurer of where to post the funds for the LEA, they will either:

Apportionment Posting

1. Post the funds into the district's financials/general ledger and, if appropriate, transfer the money directly to charter school banks by check or wire.
2. Send a notice to the district to post the amounts into their books.
 - In some counties, the districts post all amounts into their own books; the county office does not make any entries into a district's books even if the district is online with the county.
- B. The COE must provide the LEA with copies of the state notice or provide the LEA the information about where to obtain the supporting fund release information

III. EXAMPLES OF APPORTIONMENT POSTINGS

A. Principal Apportionment

1. Follow the link to CDE's Funding Excel Files to download the Excel spreadsheets 'Payment Schedule Summary – County detail,' which lists the monthly payment for the principal apportionment to each county; 'Payment Schedule Summary – LEA detail,' which provides the total principal apportionment and monthly payment summary by LEA; and the 'Advance (or P1 or P2) Apportionment Summary,' which provides the detail of programs included in the principal apportionment for each LEA. The following pages provide examples of all three spreadsheets from the 2015-16 Advance Apportionment.
2. Prepare spreadsheet for the proper account classification entry and cash values for county treasury deposit by LEA.
3. Use the excel spreadsheet and apportionment letter posted to the EPA page on the CDE's website to allocate the EPA apportionments received at the end of each quarter.

B. Categorical Posting

1. Receive through the CDE email depository a copy of the emailed apportionment letter and distribution schedule, which includes the SCO claim schedule indicating when funds are actually received by the county treasurer. The accompanying letter will identify the proper resource and object codes to be used in posting the cash receipt (see example on following pages).
2. Prepare a bulletin or advisory to notify LEAs of the upcoming apportionment posting.
3. Once funds are received, prepare the appropriate documents for the county treasurer to post funds to individual LEA funds as identified, and notify the LEA to post the received amounts.

Apportionment Posting

California Department of Education Certification of the 2015-16 Advance Apportionment Monthly Payment Schedule by County

County Code	County Name	Advance Principal Apportionment	July Payment	August Payment	September Payment	October Payment	November Payment	December Payment	January Payment	Total Advance Payments
01	Alameda	\$ 1,092,576,951	\$ 54,628,847	\$ 54,628,847	\$ 98,331,926	\$ 98,331,926	\$ 98,331,926	\$ 98,331,926	\$ 98,331,926	\$ 600,917,324
02	Alpine	1,095,623	102,721	102,721	127,370	127,370	55,461	55,461	84,224	655,328
03	Amador	12,813,450	1,591,835	1,591,835	1,723,908	1,723,908	297,164	297,164	867,862	8,093,676
04	Butte	169,029,503	10,394,707	10,394,707	16,378,593	16,378,593	13,463,749	13,463,749	14,629,686	95,103,784
05	Calaveras	20,415,987	2,247,772	2,247,772	2,573,622	2,573,622	733,164	733,164	1,469,347	12,578,463
06	Colusa	27,486,666	3,797,268	3,797,268	3,927,561	3,927,561	293,159	293,159	1,746,920	17,782,896
07	Contra Costa	742,269,842	37,113,493	37,113,493	66,804,288	66,804,288	66,804,288	66,804,288	66,804,288	408,248,426
08	Del Norte	24,592,528	3,056,122	3,056,122	3,309,225	3,309,225	569,482	569,482	1,665,379	15,535,037
09	El Dorado	163,202,794	9,706,781	9,734,358	15,643,814	15,616,237	13,296,277	13,296,277	14,224,261	91,518,005
10	Fresno	1,384,511,909	75,422,558	75,452,543	128,354,233	128,324,248	119,028,804	119,028,804	122,746,983	768,358,173
11	Glenn	36,992,745	2,643,162	2,643,162	3,805,462	3,805,462	2,615,174	2,615,174	3,091,289	21,218,885
12	Humboldt	97,596,432	9,043,183	9,174,428	11,412,939	11,281,694	5,036,654	5,036,654	7,534,670	58,520,222
13	Imperial	276,446,853	13,891,299	13,891,299	24,921,589	24,921,589	24,818,156	24,818,156	24,859,529	152,121,617
14	Inyo	27,242,954	1,985,049	1,985,049	2,825,606	2,825,606	1,891,254	1,891,254	2,264,996	15,668,814
15	Kern	1,162,897,591	69,448,208	69,472,693	111,467,267	111,442,782	94,487,793	94,487,793	101,269,790	652,076,326
16	Kings	206,175,067	10,308,755	10,308,755	18,555,755	18,555,755	18,555,755	18,555,755	18,555,755	113,396,285
17	Lake	50,721,765	3,079,342	3,079,342	4,890,914	4,890,914	4,076,032	4,076,032	4,401,985	28,494,561
18	Lassen	29,809,294	2,209,319	2,209,319	3,114,148	3,114,148	2,035,870	2,035,870	2,467,182	17,185,856
19	Los Angeles	10,475,939,089	523,796,959	523,796,959	942,834,512	942,834,512	942,834,512	942,834,512	942,834,512	5,761,766,478

California Department of Education 2015-16 Certification of the Advance Apportionment Monthly Payment Schedule by LEA

Legend:

Payment Plan ID: 1 = Paid pursuant to California Education Code (EC) Section 14041(a)(2), 2 = Paid pursuant to EC Section 14041(a)(7), 3 = Paid pursuant to EC Section 14041(a)(8)

For more information on monthly payment percentages, please visit the Principal Apportionment Payment Schedule Web page:

<http://www.cde.ca.gov/fq/aa/ba/papayschedule.asp>

County Code	District Code	Local Educational Agency	Payment Plan ID	Advance Principal Apportionment	July Payment	August Payment	September Payment	October Payment	November Payment	December Payment	January Payment	Total Advance Payments
05	61556	Bret Harle Union High	2	121,048	18,157	18,157	18,157	18,157	0	0	7,263	79,891
05	61564	Calaveras Unified	2	9,285,622	1,389,843	1,389,843	1,389,843	1,389,843	0	0	555,937	6,115,309
05	61572	Mark Twain Union Elementary	2	2,254,360	338,154	338,154	338,154	338,154	0	0	135,262	1,487,878
05	61580	Vallecito Union Elementary	2	628,691	94,304	94,304	94,304	94,304	0	0	37,721	414,937
06	10066	Colusa Co. Office of Education	1	3,257,321	162,866	162,866	293,159	293,159	293,159	293,159	293,159	1,791,527
06	61598	Colusa Unified	2	7,451,041	1,117,656	1,117,656	1,117,656	1,117,656	0	0	447,062	4,917,686
06	61606	Maxwell Unified	2	1,557,292	233,594	233,594	233,594	233,594	0	0	93,438	1,027,814
06	61614	Pierce Joint Unified	2	7,494,835	1,124,225	1,124,225	1,124,225	1,124,225	0	0	449,690	4,946,590
06	61622	Williams Unified	2	7,726,177	1,158,927	1,158,927	1,158,927	1,158,927	0	0	463,571	5,099,279
07	10074	Contra Costa Co. Off. of Education	1	13,368,718	668,436	668,436	1,203,185	1,203,185	1,203,185	1,203,185	1,203,185	7,352,797
07	10074	Making Waves Academy	1	3,878,275	193,914	193,914	349,045	349,045	349,045	349,045	349,045	2,133,053
07	10074	Caliber Beta Academy	1	1,786,902	89,345	89,345	160,821	160,821	160,821	160,821	160,821	982,795
07	10074	Summit Public School K2	1	673,686	33,684	33,684	60,632	60,632	60,632	60,632	60,632	370,528
07	10074	Clayton Valley Charter High	1	6,732,069	336,603	336,603	605,886	605,886	605,886	605,886	605,886	3,702,636
07	61630	Acalanes Union High	1	4,839,111	241,956	241,956	435,520	435,520	435,520	435,520	435,520	2,661,512

Apportionment Posting

California Department of Education Advance Principal Apportionment Summary Fiscal Year 2015-16

Legend:

AB 602: Assembly Bill 602, PY: Prior Year,

Payment Type: * = Paid pursuant to California Education Code (EC) Section 14041(a)(7), ** = Paid pursuant to EC Section 14041(a)(8), Blank = Not Paid pursuant to EC sections 14041(a)(7) or 14041(a)(8)

County Code	District Code	School Code	Charter Number	Fund Type	Local Educational Agency	District Type	County Office of Education LCFF State Aid (0000-8011)	A-1	School District LCFF State Aid (0000-8011)	A-2	Charter School LCFF State Aid (0000-8011)	A-3	School District Basic Aid "Choice" (0000-8011)	A-4	School District Basic Aid Court-Ordered Voluntary Pupil Transfer (0000-8011)	A-5	School District Basic Aid Open Enrollment (0000-8011)	A-6	School District Basic Aid Charter School Adjustment (0000-8011)	A-7	Adults In Correctional Facilities (6015-8311)	A-8	Special Education AB 602 (6500-8311)	A-9
04	75507				Gridley Unified	UNIFIED	0	0	12,012,656	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05	10058				Calaveras Co. Office of Education	CO OFFICE	1,764,668	0	0	0	0	2,565,854	0	0	0	0	0	0	0	0	0	0	3,684,426	0
05	10058	0530154	0527	L	Mountain Oaks	CO OFFICE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05	61556				Bret Harte Union High	HIGH	0	0	121,048	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05	61564				Calaveras Unified	UNIFIED	0	0	9,265,622	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05	61572				Mark Twain Union Elementary	ELEMENTARY	0	0	2,254,360	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05	61580				Vallecito Union Elementary	ELEMENTARY	0	0	628,691	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06	10066				Colusa Co. Office of Education	CO OFFICE	1,149,433	0	0	0	0	0	0	0	0	0	0	0	0	0	2,399	0	2,032,060	0
06	61598				Colusa Unified	UNIFIED	0	0	7,451,041	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06	61606				Maxwell Unified	UNIFIED	0	0	1,557,292	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06	61614				Pierce Joint Unified	UNIFIED	0	0	7,494,835	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06	61622				Williams Unified	UNIFIED	0	0	7,726,177	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

California Department of Education Advance Principal Apportionment Summary Fiscal Year 2015-16

Legend:

AB 602: Assembly Bill 602, PY: Prior

Payment Type: * = Paid pursuant to

County Code	District Code	School Code	Charter Number	Special Education Infants 0-2 (6510-8311)	Transfer of Funds for County Served District Funded ADA (0000-7142 for districts and 0000-8710 for COEs)	Amount Charter Overpaid	A-12	PY Amount Charter Overpaid	A-13	Adjustments and PY Recomputations	Total Principal Apportionment	Payment Type	Education Protection Account (EPA) Entitlement as of 2015-16 Advance (1400-8012)	Total of LCFF State Aid and EPA Entitlement (Line A-1 + Line A-2 + Line A-3 + EPA)
04	75507			0	0	0	0	0	0	0	12,012,656	B-1	2,663,821	14,676,477
05	10058			131,318	0	0	0	0	0	0	5,580,412		328,809	2,093,477
05	10058	0530154	0527	0	0	0	0	0	0	0	2,565,854		662,972	3,228,826
05	61556			0	0	0	0	0	0	0	121,048	*	135,938	256,986
05	61564			0	0	0	0	0	0	0	9,265,622	*	1,473,284	10,738,906
05	61572			0	0	0	0	0	0	0	2,254,360	*	746,615	3,000,975
05	61580			0	0	0	0	0	0	0	628,691	*	111,402	740,093
06	10066			73,429	0	0	0	0	0	0	3,257,321		297,327	1,446,760
06	61598			0	0	0	0	0	0	0	7,451,041	*	1,959,913	9,410,954
06	61606			0	0	0	0	0	0	0	1,557,292	*	566,052	2,123,344
06	61614			0	0	0	0	0	0	0	7,494,835	*	1,991,615	9,486,450
06	61622			0	0	0	0	0	0	0	7,726,177	*	1,843,557	9,569,734

Apportionment Posting



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

July 2, 2015

Dear County Superintendents of Schools:

**NOTICE OF THE FOURTH APPORTIONMENT FOR TITLE II, PART A,
TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND
NO CHILD LEFT BEHIND ACT OF 2001
FISCAL YEAR 2014–15**

This apportionment, in the amount of \$13,860,200, is made from federal funds provided to the state under Title II, Part A, of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB) (PL 107–110). These funds are provided to local educational agencies (LEAs) to increase student academic achievement through strategies focused on recruiting, hiring, training, and retaining highly qualified teachers and principals. This apportionment provides payments to LEAs that reported their cash balance for the program in April 2015 via the Cash Management Data Collection (CMDC) system, met other program requirements, met the cash management threshold, have an approved LEA plan, and applied for the program on the 2014–15 Consolidated Application Reporting System.

The CMDC was implemented by the California Department of Education (CDE) for Title II in order to adhere to the cash management requirements established in federal statute and regulations, and reduce the time elapsing between the receipt and disbursement of federal funds. More detailed information about the CMDC is posted at <http://www.cde.ca.gov/fq/aa/cm/>.

The amount paid to an LEA in this apportionment depends on whether it had an unpaid amount from its 2013–14 Title II, Part A entitlement as of the April 2015 cash reporting period, and whether the unpaid balance was greater or less than the amount owed. If an LEA had no unpaid 2013–14 entitlement, its payment in this apportionment is equal to 25 percent of its 2014–15 entitlement for Title II, Part A minus its reported cash balance for Title II, Part A, with a maximum payment equal to the unpaid balance of its 2014–15 entitlement. If an LEA had an unpaid 2013–14 entitlement, the amount owed is equal to 25 percent of its 2013–14 entitlement for Title II, Part A minus its reported cash balance. That amount owed up to the amount of the unpaid 2013–14 entitlement is being paid in a separate apportionment from 2013–14 funds. Any remaining amount owed after the 2013–14 payment is being paid in this apportionment from 2014–15 funds, with a maximum payment equal to the unpaid balance of the 2014–15 entitlement.

Apportionment Posting

July 2, 2015

Page 2

The LEA entitlements are determined by first allocating a hold harmless amount equal to the LEA's fiscal year 2001–02 entitlements under the former Eisenhower Professional Development and Title VI Federal Class-Size Reduction programs, two programs that were combined into the amended Title II program under the NCLB Act. Any funds remaining after the hold harmless amounts are then allocated as follows: (a) 20 percent based on the number of individuals age 5 through 17; and (b) 80 percent based on the number of individuals age 5 through 17 from families with incomes below the poverty line. The allocations include a redistribution of unused funds, and were reduced for those LEAs that did not meet the federal maintenance of effort requirement per Section 9521(b)(1) of the NCLB Act, as it affects the 2014–15 NCLB funding.

Direct-funded charter schools must apply individually for this program. The amount of funding for these charter schools is identified separate from the district or county amount. All other charter schools must apply through their authorizing agency; the amount of funding associated with these charter schools is included in the district or county amount.

Warrants will be mailed to each county treasurer approximately three weeks from the date of this Notice. For standardized account code structure coding, use Resource Code 4035, NCLB: Title II, Part A, Improving Teacher Quality Program, and Revenue Object Code 8290, All Other Federal Revenue.

The United States Department of Education (ED) grant award number for this funding is S367A140005. The Catalog of Federal Domestic Assistance subprogram number is 84.367 (Improving Teacher Quality State grants). This grant is subject to the provisions of Title II of the ESEA, as applicable, and the General Education Provisions Act. This grant is also subject to the regulations in Part 299 of Title 34 of the *Code of Federal Regulations (CFR)* and the federal *Education Department General Administrative Regulations* in 34 *CFR* parts 76, 77, 80, 82, and 86.

The funding is appropriated in Schedule (1) of Item 6110-195-0890 of the Budget Act of 2014 (Chapter 25, Statutes of 2014). The California sub-allocation (pass-through) number is Program Cost Account (PCA) 14341.

An LEA whose LEA plan is approved after the start of the 2014–15 fiscal year may charge to this program only those costs incurred subsequent to the State Board of Education approval of the plan. Under the federal Tydings Amendment, Section 421(b) of the General Education Provisions Act, 20 U.S.C. 1225(b), any funds that are not obligated at the end of the federal funding period, July 1, 2014 through September 30, 2015, shall remain available for obligation for an additional period of 12 months, through September 30, 2016.

Apportionment Posting

July 2, 2015

Page 3

Title 34 of the *CFR*, Section 80.21(i), requires that any interest earned by LEAs on federal dollars be returned to the ED at least quarterly. The LEAs may keep interest amounts up to \$100 per year for administrative expenses. The LEAs should forward interest payments for remittance to the ED to:

California Department of Education
Cashier's Office
P.O. Box 515006
Sacramento, CA 95851

To ensure proper posting of payments, please indicate the program's PCA number (PCA 14341) and identify the payment as "Federal Interest Returned."

If you have any questions regarding this program, please contact Erin Koepke, Education Programs Consultant, Curriculum Leadership Unit, by phone at 916-323-4873 or by e-mail at ekoepke@cde.ca.gov. If you have any questions regarding this apportionment or the payment process, please contact Karen Almquist, Fiscal Consultant, Categorical Allocations & Management Assistance Unit, by phone at 916-327-4406 or by e-mail at kalmquis@cde.ca.gov.

Sincerely,

Nick Schweizer, Deputy Superintendent
Services for Administration, Finance, Technology, and Infrastructure Branch

NS:ksa

Apportionment Posting

MARIN COUNTY OFFICE OF EDUCATION
Mary Jane Burke
Marin County
Superintendent of Schools
1111 Las Gallinas Avenue
San Rafael, California 94903
2015-2016

NOTICE OF APPORTIONMENT OF FUNDS
A-16006

JULY 13, 2015

TITLE II, PART A

DISTRICT	DISTRICT FUND NUMBER	AUDITOR FUND NUMBER	RESOURCE: 4035 OBJECT: 8290 OR 9210 (IF SET UP)
BOLINAS-STINSON	01	41010	\$ 4,013.00
KENTFIELD	01	43010	1,106.00
LAGUNA	01	44010	333.00
LINCOLN	01	47010	3.00
NOVATO	01	50010	22,899.00
REED	01	51010	3,350.00
ROSS	01	52010	72.00
ROSS VALLEY	01	53010	4,226.00
SAN RAFAEL ELEM	01	54010	5,459.00
UNION	01	59010	119.00
TOTAL			\$ 41,580.00

SOURCE: SA 1279703
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FOURTH APPORTIONMENT FOR THE TITLE II, PART A, TEACHER
AND PRINCIPAL TRAINING AND RECRUITING FUND, NO CHILD
LEFT BEHIND ACT OF 2001 (PL 107-110) FISCAL YEAR 2014-2015.

MARY JANE BURKE
Marin County Superintendent of Schools

KATE LANE
Senior Director of Business Services

Apportionment Posting

SCHEDULE OF THE FOURTH APPORTIONMENT FOR TITLE II, PART A,
TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND
NO CHILD LEFT BEHIND ACT OF 2001
FISCAL YEAR 2014-15

County Code	District Code	Vendor Number	Direct Funded Charter Number	Local Educational Agency	Final Entitlement	Current Apportionment	Balance
21	65300			Bolinas-Stinson Union	\$6,450	\$4,013	\$792
21	65334			Kentfield Elementary	\$12,448	\$1,106	\$3,489
21	65342			Laguna Joint Elementary	\$1,032	\$333	\$339
21	65375			Lincoln Elementary	\$609	\$3	\$0
21	65417			Novato Unified	\$186,126	\$22,899	\$63,516
21	65425			Reed Union Elementary	\$26,722	\$3,350	\$0
21	65433			Ross Elementary	\$8,419	\$72	\$0
21	65458			San Rafael City Elementary	\$108,081	\$5,459	\$14,385
21	65516			Union Joint Elementary	\$486	\$119	\$0
21	75002			Ross Valley Elementary	\$72,368	\$4,226	\$68,142
MARIN COUNTY TOTAL					422,741	41,580	150,663

Education Revenue Augmentation Fund (ERAF)

I. OVERVIEW

A. The Educational Revenue Augmentation Fund (ERAF)

1. The ERAF is the fund used to collect the property taxes in each county that are shifted from cities, the county and special districts prior to their reallocation to K-14 school agencies.
2. The county treasurer maintains the ERAF on behalf of the county auditor-controller.

B. The Legislation

1. In the early 1990s, the State of California passed legislation that authorized the shift of property taxes from local governments and other taxing authorities to K-14 school agencies, with a corresponding reduction in the state support of K-14 education.
2. The first shift affected the 1992-93 state budget.
3. The shift transferred more than \$3.7 billion in property tax revenues from cities, the county and special districts.
4. The state has made numerous changes to the Revenue and Taxation Code since the early 1990s to modify the calculations.
5. In 2004-05, three shifts of property taxes from school agencies to local government occurred, which affected the allocation of ERAF.
 - a. One tax shift is known as the Triple Flip, which began in March 2004, after voters approved a bond initiative known as the California Recovery Act.

This act authorized issuance of \$15 billion in bonds to finance the 2002-03 and 2003-04 state budget deficits.

The revenue stream for payment of these bonds was established by the redirection of tax revenues through the Triple Flip.

Under the Triple Flip, one quarter of the local governments' 1% share of sales taxes are redirected to the state as a dedicated revenue source for the bond repayment. To mitigate the loss of this revenue to the local governments, the legislation redirected property taxes in the ERAF to local government. The loss of ERAF property taxes to the school agencies is then compensated for with state aid.

Education Revenue Augmentation Fund (ERAF)

The swap of sales taxes for property taxes was designed to end after the deficit financing bonds are paid off, which occurred in fiscal year 2014-15. However, the swap of sales taxes are expected to continue for at least a year after the bond payoff, although likely in greatly reduced amounts. This is because of a true-up of the sales tax amounts.

- b. Shortly after the 2004 gubernatorial recall, a second shift occurred when the state reduced vehicle license fees (VLF), thus reducing revenue received by local governments. To compensate for this reduction of revenue, the state shifted \$4.1 billion in property taxes from school districts to local governments. The VLF swap is an ongoing shift that increases annually based on the increase in assessed valuations.
- c. The final shift occurred in November 2004, when Proposition 1A was approved. This proposition included a deal in which local governments agreed to a two-year temporary shift of property taxes back to school agencies in exchange for a guarantee to never again shift local government revenues to school agencies (except in a fiscal emergency). As a result, in 2006-07 the temporary tax shift to schools reverted back to local governments.

C. Revenue and Taxation Code Sections 97 – 97.68

- 1. These code sections modify the calculations and allocations of property taxes made by the county and require that the property tax revenues not allocated to cities, the county, and special districts be deposited into the ERAF.
- 2. The county auditor-controller is required to allocate the money in the ERAF to school districts, county offices of education (COEs), and community colleges.
- 3. The county superintendent of schools is required to determine the amount the county auditor-controller will allocate to each school district and the COE.
- 4. Basic aid districts are excluded from receiving funds from ERAF.
- 5. The county auditor-controller is required to allocate the ERAF to the school districts and COE based on the information provided by the county superintendent of schools (Revenue and Taxation Code Section 97.2).
 - a. The amount allocated is in inverse proportion to the amounts of property tax revenue per average daily attendance (ADA) in each school district and the COE. That is, the more property taxes per ADA a district receives, the less ERAF per ADA it will receive.

Education Revenue Augmentation Fund (ERAF)

6. The county auditor-controller must not allocate any additional funds from ERAF to a school district or COE, causing those entities to become basic aid.
7. The county auditor-controller is required to allocate the ERAF to the community colleges based on information provided by the California Community Colleges Chancellor's Office (CCCCO).
8. If there are funds remaining in the ERAF after the allocations to school districts, COEs and community colleges, the county auditor-controller allocates these funds to the county superintendent of schools.
 - a. Funds allocated to the county superintendent are counted as property tax revenue for special education programs in augmentation of the amount calculated pursuant to Education Code Section 2572, to the extent that those property tax revenues offset state aid for COEs and school districts pursuant to Education Code Section 56836.08 subdivision (c). The allocation to a COE for special education (i.e. excess ERAF) is to be made as though none of the shifts enacted in 2004 occurred — see Revenue and Taxation Code section 97.70 (f) (1).
9. If any revenues remain after the allocation for special education, the county auditor-controller will allocate the remaining revenues among the county, cities, and special districts in proportion to the amounts of ad valorem property tax revenues that were shifted from those agencies to the ERAF.
10. The required shifts in the property taxes that began in 2004-05 may exceed the amounts allocated to the ERAF account, resulting in negative ERAF. The California Department of Education (CDE) software for reporting property taxes requires that a negative ERAF be reported independently and not netted against secured taxes.
11. If the ERAF fund is insufficient to fund the VLF adjustment amount, the auditor-controller shall reduce the amount of ad valorem property tax revenue that is otherwise required to be allocated to non-basic aid districts and community college districts in the county for that fiscal year by an amount equal to the difference between the VLF adjustment amount and the amount of ad valorem property tax revenue that is otherwise required to be allocated to the ERAF in accordance with Revenue and Taxation Code Section 97.70 (a) (1) (B). These reductions are to be allocated among the various school and community college districts in proportion to their respective portions of local secured assessed valuations.
12. If the ERAF balance after adjustments is negative, a reverse ERAF allocation may be necessary. All ERAF monies should be depleted before implementing a reverse ERAF shift from non-basic aid schools. The sequence of ERAF transfers for Triple Flip and VLF swap adjustments should be as follows:

Education Revenue Augmentation Fund (ERAF)

- ERAF
- Supplemental ERAF
- Unitary ERAF
- Home Owner Property Tax Relief (HOPTR) ERAF

Only after the ERAF resources listed above have been exhausted should a reversal occur.

13. The calculation of a district's basic aid status should be based on the current year Local Control Funding Formula (LCFF) and local property taxes prior to shifts in property taxes. A district's prior year status as a basic aid district is not relevant.

II. DETAILED PROCEDURES

For Counties Without Basic Aid Districts

- A. Depending on the county, beginning in October, the county will provide an estimate of the ERAF funds for the fiscal year. In some counties the estimate is provided in December or January. In some counties this estimate is provided by the auditor-controller's office.
- B. The county will provide an additional estimate in April and the final amount at the end of the year (July).
- C. The COE staff enter the amount of the estimated ERAF for the year into a spreadsheet that allocates the ERAF among the districts, the community colleges, and the COE (Attachment A is a sample spreadsheet).
 1. The COE will receive a letter from the CCCCCO that provides the amount of ERAF for the community colleges in the county. In some counties this estimate is provided to the districts.
 2. The average daily attendance (ADA) used in the spreadsheets is current year or estimated current year ADA.
 3. The COE prepares the ERAF spreadsheet at the first and second interim reporting (P-1 and P-2). This information is also provided to the districts.
- D. The calculation is returned to the county auditor-controller's office. The county auditor-controller uses the spreadsheet to allocate the ERAF as the taxes are collected.

Education Revenue Augmentation Fund (ERAF)

1. Required shifts in the property taxes, that began in 2004-05 and sizably increased in 2006-07, may exceed the amounts allocated to the ERAF account, resulting in negative ERAF (in this case, the ERAF account is zeroed out and secured taxes are reduced in order to make up the total amount that needs to be shifted that particular year). Negative ERAF should be reported independently and not netted against secured taxes.
2. If the ERAF fund is insufficient to fund the vehicle license fee (VLF) adjustment amount, the auditor-controller shall reduce the amount of ad valorem property tax revenue that is otherwise required to be allocated to non-basic aid districts and community college districts in the county for that fiscal year by an amount equal to the difference between the VLF adjustment amount and the amount of ad valorem property tax revenue that is otherwise required to be allocated to the ERAF in accordance with Revenue and Taxation Code Section 97.70 (a) (1) (B). These reductions are to be allocated among the various school and community college districts in proportion to their respective portions of local secured assessed valuations.
3. If the ERAF balance after adjustments is negative, a reverse ERAF allocation may be necessary. All ERAF monies should be depleted before implementing a reverse ERAF shift from non-basic aid schools. The sequence of ERAF transfers for Triple Flip and VLF swap adjustments should be as follows:
 - ERAF
 - Supplemental ERAF
 - Unitary ERAF
 - Home Owner Property Tax Relief (HOPTR) ERAF

Only after the ERAF resources listed above have been exhausted should a reversal occur.

The calculation of a district's basic aid status should be based on the current year LCFF and local property taxes prior to shifts in property taxes. The district's prior year status as a basic aid district is not relevant.

- E. The county auditor-controller completes the estimated tax reports in November, April, and August (final).
 1. These tax reports are submitted to the COE.
 2. The COE is required to submit the tax reports to the California Department of Education by the following dates:

Education Revenue Augmentation Fund (ERAF)

- a. For the first principal apportionment – no later than November 15.
 - b. For the second principal apportionment – no later than April 15.
 - c. For the annual principal apportionment – no later than August 15.
3. The COE submits the tax reports using the online software from the CDE.

For Counties With Basic Aid Districts

- A. Prior to each property tax reporting period, the county auditor-controller's office will provide an estimate of the property taxes to be collected for school districts, community colleges and the COE for the fiscal year (see sample report in Attachment B)
- B. The COE is required to submit the tax reports to the CDE by the following dates:
 - a. For the first principal apportionment (P-1) – no later than November 15.
 - b. For the second principal apportionment (P-2) – no later than April 15.
 - c. For the annual principal apportionment (P-Annual) – no later than August 15.
- C. Because basic aid districts are excluded from receiving funds from ERAF, the COE and community college(s) must determine the funding status (basic aid or non-basic aid) for each local educational agency (LEA) and provide this information to the county auditor-controller's office.
 1. The community college(s) will estimate its revenues less the property taxes provided by the county auditor-controller's office to determine its funding status (see sample calculation in Attachment C).
 2. Funds allocated to the COE are also counted as property tax revenue for special education programs. The COE also provides the county auditor-controller's office with a separate spreadsheet to determine the maximum ERAF for special education (see sample calculation in Attachment D).
 3. The COE prepares the ERAF analysis spreadsheet to determine the basic aid status (basic aid, or non-basic aid) of each district in the county.

Education Revenue Augmentation Fund (ERAF)

To determine the funding status of a district, the COE adds the LCFF transition entitlement of the district and its charter school(s) (for charter school-sponsoring districts), less the total minimum state aid (MSA) for both the district and charter school. The net amount calculated is then compared to the total estimated property taxes for the district (prior to ERAF). If property taxes exceed the total LCFF funding (net of MSA), the district is considered basic aid (see sample calculation, Attachment E). Basic aid districts are not included in the ERAF allocation.

- D. These calculations (see samples in Attachments C, D and E) are submitted to the county auditor-controller's office. The county auditor-controller uses the spreadsheets to allocate the ERAF as the taxes are collected.
1. The required shifts in the property taxes (Triple Flip and VLF), which began in 2004-05 and have increased sizably since 2006-07, may exceed the amounts allocated to the ERAF account, resulting in a negative ERAF, or ERAF deficit (see sample calculation in Attachment F).

If this occurs, the county auditor-controller's office allocates the ERAF deficit to the non-basic aid districts based on the taxing agencies' unadjusted AB 8 factor (see sample calculation in Attachment G). After allocating the ERAF, the county auditor-controller's office prepares a property tax summary spreadsheet (see attachment H) and sends the report to the COE for input into the CDE software.

- E. The COE submits the tax reports using the online software from the CDE (see sample reports for basic aid and non-basic aid in attachments I and J, respectively). Note that ERAF applies to non-basic aid districts only and is reported independently in the software and not netted against secured taxes.

Education Revenue Augmentation Fund (ERAF)

Sample Documents

Click on the title of any sample document below to view or download it.

Attachment A: ERAF Capacity Calculation (Excel)

File with all of the following sample documents (pdf)

Attachment B: County controller's property tax and ERAF report (P-Annual)

Attachment C: Community college district revenue limit and maximum usable ERAF calculation

Attachment D: COE special education funding analysis for ERAF entitlement

Attachment E: COE analysis for ERAF entitlements (P-Annual)

Attachment F: Excess ERAF, sources available to fund Triple Flip and VLF

Attachment G: Allocation of fiscal year ERAF Deficit (P-Annual)

Attachment H: County controller's office fiscal year property tax and ERAF summary report (P-Annual)

Attachment I: COE tax report for basic aid district

Attachment J: COE tax report for non-basic aid district

I. OVERVIEW

- A.** The California Revenue and Taxation Code provides laws related to the collection of revenue in California including property taxes.
 - 1. Division 1 of the California Revenue and Taxation Code includes the laws for property taxation.
- B.** Local educational agencies (LEAs) and community colleges receive a significant amount of revenue from property taxes.

C. Tax Rates

Revenue and Taxation Code Sections 2151 – 2152.5

- 1. Section 2151 requires the board of supervisors to fix county and district tax rates and to levy the state, county and district taxes as provided by law.
- 2. Section 2152 requires the county auditor to ensure that the rates applicable to any assessment are correct.

D. County Auditor Allocations and Certifications

Revenue and Taxation Code Section 75.70

- 1. Requires the county auditor to allocate supplemental property taxes to each community college district, county superintendent of schools, and all elementary, high school, and unified school districts within the county.
- 2. Allocations of supplemental taxes to elementary, high school, and unified school districts are based on the average daily attendance (ADA) as certified by the Superintendent of Public Instruction (SPI). For purposes of this certification, average daily attendance shall be deemed zero for excess tax school entities and multicounty school districts where portions of school districts are located other than in the county of control.
- 3. The SPI is required to certify the ADA to each county auditor no later than July 15 of each applicable year. This ADA is used for the advance apportionment of state aid.
- 4. On or before November 15 and April 15, the auditor of each county will furnish to the SPI the estimated amount of tax receipts pursuant to this section of each school district situated within his or her county.

* Minor revisions made 2/2015 in keeping with implementation of the Local Control Funding Formula

Revenue and Taxation Code Section 96.1

1. Section (b) states that any allocation of property tax revenue that was subjected to a prior completed audit by the Office of the State Controller, pursuant to the requirements of Government Code Section 12468, where all findings have been resolved, shall be deemed correct.

E. Excess Tax School Entity Defined***Revenue and Taxation Code Section 95***

1. Defines an “excess tax school entity” as an educational agency for which the amount of the state funding entitlement determined under subdivision (e), (f), or (g) of Section 2575, or Section 84750.5 or 84751 of the Education Code, as appropriate, is zero, and as described in subdivision (o) of Section 42238.02 of the Education Code, as implemented by Section 42238.03 of the Education Code.

F. Administrative Costs***Revenue and Taxation Code Sections 95.2-95.3***

1. Sections 95.2 and 95.3 provide the law on the computation of property tax administrative costs.
 - a. Excludes school districts, community colleges, the county superintendent, and Educational Revenue Augmentation Fund (ERAF) from paying property tax administrative costs.
 - b. Requires the state to reimburse the county for the school districts, community college, county superintendent, and ERAF share of administrative costs.

G. County Assessor Duties***Revenue and Taxation Code Sections 401 – 407***

1. Establishes the requirement for the county assessor to assess all property subject to general property taxation at its full value.
2. Requires the assessor to assess all property subject to general property taxation on the lien date as provided in Articles XIII and XIII A of the Constitution and any legislative authorization.
3. Section 404 requires that all taxable property, except state-assessed property, will be assessed by the assessing agency of the taxing agency where the property is situated.

4. Section 405 requires the assessor to assess all taxable property in their county, except state-assessed property, to the persons owning, claiming, possessing, or controlling it on the lien date.
5. Section 407 requires the county assessor to transmit a statistical statement to the board of supervisors annually, on the second Monday in July.

H. Secured Property Tax Roles / Tax Bills / Tax Collections

Revenue and Taxation Code Sections 2601 – 2636

1. Requires the auditor to deliver the secured roll to the tax collector on or before the fourth Monday in September.
2. The tax collector is responsible to collect all taxes.
3. Annually, on or before November 1, the tax collector must mail or electronically transmit a county tax bill or a copy thereof for every property on the secured roll.
4. The following information is included in each property tax bill:
 - a. The full value of locally assessed property.
 - b. The tax rate required by Article XIII A of the California Constitution.
 - c. The rate or dollar amount of taxes levied in excess of the 1% limitation to pay for voter-approved indebtedness incurred before July 1, 1978, or bonded indebtedness for the acquisition or improvement of real property approved by voters in their local school bond elections.
 - d. The amount of any special taxes and special assessments levied.
 - e. The amount of any tax rate reduction pursuant to Section 96.8.
 - f. The amount of any exemptions.
 - g. The total taxes due and payable on the property covered by the bill.
 - h. Instructions on tendering payment, including the name and mailing address of the tax collector.
 - i. The billing of any special purpose parcel tax.
 - j. Information specifying all of the following:

Property Taxes

- i. That if the taxpayer disagrees with the assessed value as shown on the tax bill, the taxpayer has the right to an informal assessment review by contacting the assessor's office.
 - ii. That if the taxpayer and the assessor are unable to agree on a proper assessed value pursuant to an informal assessment review, the taxpayer has the right to file an application for reduction in assessment for the following year with the county board of equalization or the assessment appeals board, as applicable, and the time period during which the application will be accepted.
 - iii. The address of the clerk of the county board of equalization or assessment appeals board, as applicable, at which forms for an application for reduction in assessment may be obtained.
5. One-half of the secured property taxes are due on November 1 and the second half is due February 1.
 - a. The entire tax on real property may be paid when the first installment is due and payable or anytime thereafter until the properties on the current roll become defaulted.
 - b. The second installment may be paid separately only if the first installment has been paid.
 - c. The tax collector must accept payment of current year taxes even though prior year delinquencies exist.
6. All taxes shall be paid at the tax collector's office unless the board of supervisors, upon recommendation of the tax collector and on or before the day when payments may be made, orders that taxes be collected in any other or additional location, in addition to a location within the county.
7. Not less than once every 12 months and on dates approved by the auditor, the tax collector shall account to the auditor for all moneys collected during the preceding reporting period.

I. Unsecured Property Tax Roles / Tax Bills / Tax Collections

Revenue and Taxation Code Sections 2901 – 2928.1

1. Taxes on unsecured property are due on the lien date.
2. The tax collector shall collect taxes on unsecured property.

3. In collecting taxes on unsecured property, the tax rate to be used is the rate for property of the same kind on the secured roll last fixed before the lien date for the taxes to be collected.
4. The assessor is responsible to deliver to the tax collector a written record of the assessment of the unsecured property.
5. The tax collector is responsible to mail or electronically transmit tax bills.
6. Taxes on the unsecured roll as of July 31, if unpaid, are delinquent on August 31.

J. Tax Distributions

Revenue and Taxation Code Sections 4653.4 - 4653.6

1. Taxes shall be distributed to each fund on the basis of the tax rate established for the current secured roll on which they are charged and in the same proportion that the tax rate for each fund bears to the total tax rate applicable.
2. Amounts paid as delinquent penalties shall be distributed to the county general fund.

Revenue and Taxation Code Sections 4655.2 - 4655.4

1. Taxes shall be distributed to each fund on the basis of the tax rate established for the current unsecured roll on which they are charged and in the same proportion that the tax rate for each fund bears to the total tax rate applicable.
2. Amounts paid as delinquent penalties or accrued legal interest paid on judgments for the recovery of unpaid property taxes rendered by the courts shall be distributed to the county general fund.

II. THE TEETER PLAN

A. Establishment of the “Alternative Method of Property Tax Distribution”

Revenue and Taxation Code Sections 4701 – 4717

1. In 1949, the state Legislature adopted Revenue and Taxation Code Section 4701, which authorized the “alternative method of property tax distribution.”
 - a. This method was proposed by the Contra Costa Auditor Controller, whose last name was Teeter.
 - b. This method was used by Contra Costa County for more than 40 years.
 - c. Due to changes in statutes, and a state budget crisis, many more counties began using the method in the 1993-1994 fiscal year.

Property Taxes

2. Section 4701 provides an alternative procedure for the distribution of property tax levies on the secured roll made by counties on their own behalf or as the tax-levying and tax-collecting agency for other political subdivisions.
3. The object of this alternative procedure is to simplify the tax-levying and tax-apportioning process and to increase flexibility in the use of available cash resources.
4. The alternative procedure allows the auditor-controller to allocate to agencies 100% of the secured property taxes billed but not yet paid.
 - a. Without the plan, delinquent taxes, penalties and interest are allocated when collected, by a separate allocation process.
 - b. The alternative procedure has other benefits:
 - i. It stabilizes property tax revenues.
 - ii. It simplifies the property tax revenue estimation and allocation process for the auditor.
 - iii. It generates higher property tax revenues during years of higher property tax delinquencies.
 - iv. It provides a one-time increase in property tax revenues to all taxing agencies in the year of implementation.
 - c. The alternative procedure could have the following disadvantages:
 - i. If the state Legislature decreased the penalties and interest rates on delinquent taxes, this could affect the amount of funds necessary to replenish the tax loss reserve.
 - ii. If there was a significant drop in property values, the county may be unable to collect delinquent taxes after initiating the sale of tax-defaulted property.
 - iii. If the board of supervisors rescinded the alternative tax distribution in a future fiscal year, there would be an adverse financial effect on agencies that spent the one-time tax distributions.
5. The alternative procedure may be placed in effect in any county by a resolution of the board of supervisors of that county, adopted no later than July 15th of the first fiscal year to which it applies.

- a. The procedure remains in effect unless the board orders its discontinuance or unless, prior to the commencement of any subsequent fiscal year, the board receives a petition for its discontinuance joined in by resolutions duly adopted by the governing boards of not less than two-thirds of the participating revenue districts in the county.
- b. In that event, the board shall order discontinuance of the procedure effective at the commencement of the subsequent fiscal year.

B. Teeter Plan Bond Law of 1994

Government Code Sections 54773 – 54783

1. These sections allow for a method to finance an alternative method of distribution of tax levies and collections of tax sale proceeds authorized pursuant to Sections 4701 to 4717, inclusive, of the Revenue and Taxation Code.
2. The bonds issued, financed, or refinanced under this chapter do not have to comply with the requirements of any other state laws applicable to the issuance of bonds.
3. Section 54776 allows the county to issue its bonds in an amount necessary to provide sufficient funds for purposes of advancing moneys representing uncollected taxes in accordance with Section 4705 of the Revenue and Taxation Code.
4. The county will repay the bonds from tax revenues and any other legally available funds of the county.

III. REDEVELOPMENT

(The source for most of the historical information was the California Legislative Analyst's (LAO's) report entitled "The 2012-13 Budget: Unwinding Redevelopment," dated February 17, 2012.)

A. Establishment and Growth of Redevelopment Agencies (RDAs)

1. In 1945, the Legislature passed the Community Redevelopment Act authorizing local agencies to create RDAs to revitalize blighted urban areas. Laws related to community redevelopment are primarily located in Division 24, Part 1, Sections 33000 and following of the California Health and Safety Code (HSC).
2. In 1952, voters approved Proposition 18, which established tax increment financing for blighted areas in need of urban renewal.

Property Taxes

- a. Under this process, once a city or county established an RDA project area, most of the increase in property tax revenue from that project area was to be distributed to the RDA instead of to other local agencies and could only be used to address the urban blight within that project area.
 - b. Because the urban growth within the RDA project area affected other public entities serving those areas (e.g., school districts, water districts, sewer districts, etc.), the increased tax increment revenue was to be shared between public entities and the city/county.
3. During the 1950s and 1960s, RDA project areas were generally small due to competing interests for property tax revenue and local governments' ability to raise taxes without voter approval. During this time, the state did not backfill tax revenue lost to local education agencies (LEAs) due to redevelopment.
4. School district revenue limits were established in 1972, thereby guaranteeing school districts a level of funding from combined state and local sources. If property taxes did not increase, the state backfilled the amount necessary to meet the revenue limit entitlement amount. This led to less motivation by some school districts to compete for the funds.
5. In 1976, AB 3674 was passed; this law required RDAs to spend 20 percent of tax increment revenues for affordable housing. These funds were deposited in the Low and Moderate Income Housing Fund and were to be used to maintain and increase affordable housing for qualified households.
6. In 1978, Proposition 13 passed, which significantly constrained local authority over the property tax and most other local revenue sources - except for redevelopment.
 - a. Redevelopment project areas began to significantly increase in size and were not always limited to blighted areas.
 - b. The increase in property tax revenue going to RDAs was decreasing funds needed for other local programs and increasing state costs to support K-14 education.
7. In the 1980s, the state began taking action to constrain RDA growth and to offset the state's increased costs associated with RDAs.
 - a. AB 322 (1983) prohibited adoption of RDA project areas that included large amounts of vacant land.

- b. Beginning in the 1990s, the state began taking actions in its annual budget to require RDAs to shift some of their revenues to schools to offset the state's increased costs associated with RDAs. The shifted funds typically were deposited into countywide accounts referred to as ERAF (Educational Revenue Augmentation Fund) or SERAF (Supplemental Educational Revenue Augmentation Fund).
 - c. SB 617 (1992) authorized revenue limit offsets for RDA payments, subject to certain exceptions for land acquisition, facility construction, reconstruction, remodeling or deferred maintenance.
 - d. AB 1290 (1993) defined blight, set time limits on project areas, eliminated the statutory authority to negotiate new pass-through agreements on a case-by-case basis, and created a statutory formula for sharing tax increment revenues based on an agency's proportionate share of the 1% property tax rate in the project area.
- 8. In May 2008, the State Controller's Office (SCO) issued a report titled "Distribution and Reporting of Local Property Tax Revenue," which raised concerns regarding RDAs, school districts and community college districts underreporting RDA revenues and thereby increasing state costs.
 - 9. In September 2008, AB 1389 was passed; this bill established a new process for RDAs, counties and the state to report and document AB 1290 payments made to all affected taxing entities for 2003-04 through 2015.
 - 10. Proposition 22, passed in November 2010, limited the state's ability to require RDAs to shift funds to schools or other agencies.

B. Dissolution of RDAs

- 1. In June 2011, two significant pieces of RDA-related legislation were enacted:
 - a. ABX1 26 imposed an immediate freeze on most RDA activity; dissolved RDAs effective October 1, 2011; and created a process for reducing and ending redevelopment financial affairs and distributing any net funds from assets or property taxes to other local taxing agencies.
 - b. ABX1 27 allowed RDAs to opt into a voluntary alternative program to avoid the dissolution included in ABX1 26. The program included annual payments to K-12 school districts to offset the fiscal effect of redevelopment.
 - c. ABX1 26 and ABX1 27 were challenged in court on constitutional grounds.

Property Taxes

2. On December 29, 2011, the California Supreme Court 1) upheld ABX1 26, saying that the Legislature had authority to dissolve entities it had created; 2) found ABX1 27 unconstitutional, in that it violated Proposition 22's prohibition against the state "directly or indirectly" requiring an RDA to transfer funds to schools or to any other agency; and 3) established timelines for dissolution of RDAs.
3. On February 1, 2012, all RDAs in California were dissolved and the process for bringing to a cessation their financial affairs began.
 - a. The cessation process focused on two goals: 1) ensuring that existing financial obligations were met, and 2) minimizing any additional RDA obligations so that more funds are available to transfer for other governmental purposes.
 - b. The unwinding process has four key elements: 1) Local management and oversight by a successor agency, which is usually the city or county that established the RDA; 2) establishment of a seven-member oversight board to supervise the successor agency's work; 3) development of a list of enforceable obligations of the former RDA; and 4) review by the Department of Finance (DOF) and SCO of local dissolution activity and redistribution of funds.
 - i. The oversight board includes representatives from the affected local taxing agencies: K-14 districts, the county, city, and special districts. The county board of education or county superintendent appoints one member to each oversight board.
4. The former RDA's housing functions and most of its housing assets have been transferred to a successor housing agency. The unencumbered balance in the former RDA's Low and Moderate Income Housing Fund is to be distributed to local taxing entities by the county auditor-controller.
5. The county auditor-controller administers each former RDA's Redevelopment Property Tax Trust Fund (RPTTF). This work involves quantifying the property taxes, formerly called tax increment, and then subtracting from that amount the following: pass-through payments, enforceable obligations payable that year, and allowable administrative costs. Any unencumbered agency cash is also added to the amount available to determine the amount of funds available to distribute to taxing entities.
6. Over time, the dissolution of RDAs will increase the amount of general purpose property tax revenues that schools, community colleges, cities, counties and special districts will receive to offset state general fund education expenses.

7. AB1484 became effective on June 27, 2012. Under ABX1 26 and AB 1484, districts and other affected taxing agencies receive three types of revenues from RDA projects from the county auditor-controller: pass-throughs, residual distributions, and asset liquidation revenues. AB 1484 also added subdivision (b) to Health and Safety Code (HSC) Section 34187 that requires pass-throughs to end when “all of the debt of a redevelopment agency has been retired or paid off.”

C. RDA Payments to Schools

1. Prior to the passage of AB 1290, many RDAs made pass-through payments to local agencies to partially offset these agencies’ property tax losses associated with redevelopment and to fund educational facilities. Although some K-14 districts negotiated for pass-through payments, many did not, since the revenue limit funding backfilled the lost RDA tax revenue.
 - a. As an alternative to negotiated agreements, former HSC Section 33676(a) required districts to elect to be allocated 2% payments, which were the inflationary revenues resulting from growth in the base year value of real property within a project area. In 2001, a court decision held that the 2% payments were required regardless of whether a district had adopted a resolution electing to receive them.
 - b. The 2% payments only apply to RDA projects adopted between January 1, 1985 and December 31, 1993.
 - c. The amounts received by LEAs pursuant to pass-through agreements or 2% payments are not considered property taxes as long as they are used for educational facilities.
2. The passage of AB 1290 created new statutory pass-through entitlements in post-1994 projects (HSC 33607.5), pre-1994 projects that are amended under certain conditions (HSC 33607.7), and pre- or post-1994 projects for LEAs that are basic aid or 100% locally funded (HSC 33676(b)). These payments are considered property taxes.

The following table provides the percentages for AB 1290 payments to each type of non-basic aid LEA as well as applicable sections of the Health and Safety Code and Education Code:

LEA	Health and Safety Code	Education Code	% Property Tax	% Non-Property Tax
School District	336075(a)(4)(A)	42238(h)(6)	43.3%	56.7%
Community College District	33607.5(a)(4)(B)	84751(d)	47.5%	52.5%
County Office of Education/ Special Education	33607.5(a)(4)(C)-(D)	2558(c)	19%	81%

Source: FCMAT Alert, May 2007

Property Taxes

With the passage of ABX1 26, the pass-through payments that may have been made directly to the districts from the RDAs are now made by the county auditor-controller.

IV. COUNTY OFFICE OF EDUCATION (COE) RESPONSIBILITIES

- A. The COE notifies the districts of the release of property taxes when notified by the county auditor. The county auditor may provide the information to the COE on spreadsheets.
- B. The COE should work with the county auditor-controller to verify that RDA revenues received by districts are identified by type and project area.
- C. The COE should help districts identify the types of RDA revenue received to determine whether or not they are subject to an offset and to assist with appropriate account coding.
- D. At the end of the year, the COE reconciles the taxes distributed to the districts, including RDA funds, to the final tax report provided by the county auditor. Some COEs receive the tax ledgers monthly from the auditor-controller's office. These ledgers are input into a spreadsheet by the COE. The COE then reconciles them quarterly with the district ledgers to ensure correct posting of the taxes.
- E. Based on the information provided by the county auditor, the COE prepares and submits the state online property tax reports on or before November 15 (P-1), April 15 (P-2), and August 15 (Annual). The COE provides each district with a copy of the property tax reports submitted to the state for each reporting period.
- F. The COE may also provide technical support to the successor agency oversight board members assigned by the county superintendent.

I. OVERVIEW

A. Two Systems

1. Local educational agencies (LEAs) have two retirement systems:
 - a. CalPERS – the California Public Employees’ Retirement System (PERS)
 - This retirement system provides retirement benefits to classified employees.
 - There are two retirement formulas because of AB 340 (see CalPERS Circular 200-062-12)
 - 2% at 55-Classic
 - 2% at 62- PEPRA
 - b. CalSTRS – the California State Teachers’ Retirement System (STRS)
 - This retirement system provides retirement benefits to certificated employees.
 - Because of AB 340, there are two retirement formulas (see CalSTRS Directive 2012-07 for details).
 - 2% at 60
 - 2% at 62
2. It is the employers’ responsibility to determine whether their employees are eligible to participate in CalPERS or CalSTRS and to determine the correct retirement formula.

B. Contributions

1. Employers are required to deduct the member contributions from the creditable compensation of employees who are members of PERS or STRS.
 - Education Code Section 23000 (STRS)
2. Employers are required to remit to PERS or STRS the member contributions and the employer contributions.

C. STRS

1. Contributions (Education Code Section 23002)
 - a. The member and employer contributions are due to the STRS office no later than five working days after the period covered by the monthly report that indicates the compensation earned.

CalPERS and CalSTRS

- b. Payments are delinquent beginning on the sixth working day after the period covered, and interest begins to accrue on that day.
 - c. The STRS board shall authorize estimated payments of not less than 95% of the contributions due.
 - i. If the employer makes an estimated payment, the balance is due to STRS no more than 15 working days following the period covered by the monthly report upon which the contributions are based.
 - ii. The balance due is delinquent on the 16th working day thereafter, and interest begins to accrue on that day.
 - d. Education Code Section 23003 authorizes the STRS board to assess penalties if the contributions are not made in conformance with Section 23002. – see *CalSTRS Penalties and Interest Employer Reference Guide*.
2. Reports

- a. Education Code Section 23004 states the following:

The county superintendent of schools or the employing agency shall, or a school district or community college district may, with approval of the board, submit a report monthly to the system containing information as the board may require in administration of the plan. The monthly report shall be submitted electronically in an encrypted format provided by the system that ensures the security of the transmitted member data.

- i. This section allows a school district or community college district, with the approval of the STRS board, to submit the monthly report to STRS.
 - ii. School districts that are fiscally independent may submit their own reports.
- b. Education Code Section 23005 states:

Monthly reports are due to STRS 30 calendar days immediately following the month in which the compensation being reported under this part was earned, and are delinquent 15 calendar days immediately thereafter.

- c. Education Code Section 23006 authorizes the STRS board to assess penalties if the reports are late or in an unacceptable form. See *CalSTRS Penalties and Interest Employer Reference Guide* for details.
 - i. Education Code Section 23007 authorizes the Office of the State Controller, upon order of the STRS board, to withhold payments from the State School Fund to the county for deposit into the county school service fund if the employer fails to make payment of any assessment.

CalPERS and CalSTRS

- ii. Upon request of the county superintendent of schools to the county auditor, the county auditor shall withhold payments to a school district for deposit in the district's general fund until the contributions and the report are received in acceptable form by STRS.
- d. Education Code Section 23008 authorizes the county superintendent, district superintendent, chancellor of a community college district, or other employing agency that submitted the report to STRS to make changes to the monthly report.
 - i. These changes to the report are made because of over- or underpayments of required contributions.
 - ii. The entity must make these changes within 60 days after it finds the error or is notified by STRS.
 - iii. If the employee overpaid STRS, the agency must refund the overpayment within the same 60-day time period.
 - iv. STRS has the authority to assess penalties for late or improper adjustments to the monthly reports. See *CalSTRS Penalties and Interest Employer Reference Guide* for details.

D. CalPERS

1. Government Code Section 20221
 - Requires each school employer and the chief administrative agency of a contracting agency, or any other person whom its governing board may designate, to furnish to PERS information on the status of members.
2. Government Code Section 20222.5 authorizes the PERS board to obtain information needed during an audit.
3. Government Code Section 20537 authorizes PERS to charge interest on any unpaid amount due from a contracting agency. See *CalPERS Circular Letter 200-041-13*.
4. Government Code Section 20610 requires every county superintendent of schools to enter into a contract with PERS to include in PERS the following:
 - a. All qualifying classified employees of the county superintendent of schools whose compensation is paid from the county school service fund, except employees electing pursuant to Section 1313 of the Education Code to continue membership in a county system.
 - b. All of the employees of school districts and community college districts existing on July 1, 1949, or thereafter formed (note: there are some exclusions from this provision).

CalPERS and CalSTRS

- c. For purposes of this part, these school district employees are considered employees of the county superintendent of schools having jurisdiction over the school district by which they are employed.
- 5. Government Code Section 20617
 - a. Requires the county superintendent of schools to draw a requisition at the close of each month from the county school service fund and the funds of the respective school districts for amounts equal to the total of the employers' contributions and the contributions deducted from the compensation of employees paid from those funds.
 - b. The county superintendent must deposit these amounts in the county treasury to the credit of the contract retirement fund. This fund is often accounted for as a payroll clearing fund in the books of the county office of education.
 - c. Thereafter, warrants are drawn on this fund to remit the employees' and employers' contributions to PERS.

II. COUNTY OFFICE RESPONSIBILITIES

- A. County office of education staff will periodically receive training from PERS and STRS on reporting payroll and creditable earnings.
 - 1. PERS and STRS also have publications available to help the county office staff complete the information needed.
 - 2. The county office staff may also provide training to districts' payroll staff to ensure that earnings and other information are entered in the payroll records correctly and reported to the correct retirement system.
- B. Each month, the county superintendent of schools will determine how much money is owed to STRS and PERS and remit these amounts to the appropriate agency.
- C. In addition to remitting the correct amounts, the county office of education staff will prepare reports that are sent to STRS and PERS that indicate the creditable earnings for member employees, the amounts paid on behalf of members, and the amounts paid by members.
- D. Ensure enrollment of eligible employees into PERS at appointment (Government Code 20281).
- E. Monitor positions excluded by CalPERS (Government Code 20322).

- F. Concerning offering early retirement, or golden handshake, demonstrate and certify to the Superintendent of Public Instruction that the formal action taken would result in a net savings to the county office of education.

G. STRS - Report

1. STRS provides a *Monthly Contribution File Submission Schedule* at the beginning of the school year. This schedule contains monthly F496 file due dates based on Education Code Section 23005.
 - If data is received in the STRS office after the due date, it will be considered delinquent and the submitting agency will be subject to penalty and interest (see *CalSTRS Penalties and Interest Employer Reference Guide*).
2. STRS provides a *Contribution Remittance Schedule* at the beginning of the school year that includes due dates for contributions based on a monthly pay period, per Education Code Section 23002.
 - If contributions are received in the STRS office after the due date, they will be considered delinquent and will be subject to penalty and interest (see *CalSTRS Penalties and Interest Employer Reference Guide*).
3. At the beginning of each month, a computer report is generated that shows all retirement data from the previous month's payroll.
 - a. The computer report shows:
 - i. Members' names and social security numbers.
 - ii. Members' pay rates.
 - iii. Members' earnings for the month.
 - iv. Members' contribution rate.
 - v. The amount of each member's contribution.
 - vi. The dates of the period of service.
 - vii. Other member information.
 - viii. Type of payment (compensation).
 - b. STRS defines the fields that are included in the report, which shall comply with CalSTRS' F496 File Layout.
 - c. The county office staff review the information entered in each field of the computer report to determine that the information is reasonable based on the directions from STRS.

CalPERS and CalSTRS

- d. The retirement file must be submitted electronically to CalSTRS and be checked for four different integrity and rule types: integrity checks, business rules, variance rules, and warnings. Integrity check, business rule and variance rule errors must be corrected before the file is transmitted to CalSTRS; warnings are not required to be corrected (see *SEW F196 File Specification* for details).

H. STRS Remittance

1. The county office staff prepare the initial remittance(s) and final remittance to CalSTRS and submit it through the CalSTRS Remittance Advice and Pay California.com website.
2. The initial remittance is based on the initial report of the total members' and employers' contributions and must equal at least 95% of those combined amounts.
 - Member and employer contributions are due in the STRS office no more than five working days following the period covered by the monthly report upon which the compensation earned during the period is being reported and from and upon which contributions are due.
 - Contributions must be received by 3 p.m. Pacific Time or they will be considered received the following working day.
 - The portion of contributions due on the fifth working day but not received by 3 p.m. Pacific Time on the fifth working day will be considered received on the sixth working day and therefore will be late.
3. The remaining 5% of contributions due is remitted to STRS fifteen working days following the period covered by the monthly report.

I. PERS Report

1. At the beginning of each month, a computer report is generated that shows all payrolls from the previous month. This report shows:
 - i. Members' names and social security numbers.
 - ii. Members' pay rates.
 - iii. Members' earnings for the month.
 - iv. Members' contribution rates.
 - v. The total amount of each member's contribution.
 - vi. The dates of the period of service.
 - vii. Other member information.

viii. Type of payment (compensation).

2. The county office staff review the information entered in each field of the computer report to determine if the information is reasonable based on the directions from PERS. The file must also go through an errors and exceptions check in my|CalPERS.
 - a. Payroll record errors must be corrected before the final/production file is posted to my|CalPERS.
 - b. Payroll record exceptions should be reviewed and corrected if needed, but clearing them is not required to post the final/production file to my|CalPERS.
3. The retirement file is submitted to PERS via the copy forward method or file upload method in my|CalPERS by the 30th day following the period covered by the monthly report. To report via file upload, the file must be in XML format and meet the guidelines set by PERS.

J. PERS – Remittance

1. PERS requires a payment of 90% of the total of the employees' and employers' contributions within 15 calendar days after the close of a service period.
2. The remaining amount is paid by the 30th calendar day after the close of a service period.

III. CHARTER SCHOOLS

- A. Education Code Section 47611 provides guidance regarding charter schools that make CalSTRS and CalPERS available to their employees.
- B. Education Code Section 47611.3 requires the chartering authority to create the reports needed for CalSTRS and CalPERS.
 1. The county superintendent of schools, employing agency, or school district that reports to CalSTRS or CalPERS must submit the required reports on behalf of the charter school.
 2. These agencies may charge the charter school for the actual costs of the reporting services.
- C. Sample documents used by one county office of education for charter schools are shown at the end of this section.

IV. LEGAL CITATIONS

- A. Education Code

CalPERS and CalSTRS

- Title 1, Division 1, Part 13

B. Government Code

- Title 2, Division 5, Part 3

PERS and STRS • Charter Schools

Sample Document

Charter School STRS Reporting Requirements

_____ requires the following for _____ County Charter Schools STRS reporting:

These requirements and/or associated fees and charges may be changed at any time subject to the sole discretion of _____.

TESTING REQUIREMENTS:

Prior to _____ setting a date for STRS processing the following conditions must have been met:

The charter must submit:

- A. The required board adopted resolution (See Attachment A.)
- B. The Charter School Self-Assessment Checklist for Participation in STRS (See Attachment B.)
- C. An acceptable test electronic data submission in accordance with the STRS file format prescribed in Attachment C.
- D. An original signed copy of this document.

CONTRIBUTIONS:

1. A check payable to _____ in the amount of total STRS contributions (employee/ employer) must be received by third working day of the month following the pay period.

REPORTING REQUIREMENTS:

1. The following required documentation is due by the third working day of the month following the pay period:
 - a. STRS report via electronic data submission and a hard copy of the report. The electronic data must be readable and submitted in the required format. Attach a spreadsheet stating total STRS earnings, creditable earnings, employee contributions, employer contributions, “buy backs” (if non-sheltered) and any arrears.
 - b. Monthly Payroll Register.
 - c. Copies of all teacher/management contracts.
 - d. Compensation/salary schedule.
2. The charter school is responsible for correcting all exceptions reported on the Monthly Contribution Report Exception Corrections (Notification), which must be included on the next electronic data submitted.
3. STRS may impose penalties for a reporting timeline violation or whenever the county-wide reported line errors exceed 4.5% or the ID errors exceed 2.0%. Any penalties incurred due to a charter school violation of required timelines or allowable error percentages will be deducted from the next state apportionment.
4. At least thirty (30) days prior to the last working day of the month the charter must request approval by STRS to report as credible salary any one time payments (refer to STRS manual).
5. Two times a year (September and April), STRS requires a member address submission. The charter school will be notified when the address data submission is due to the county office. The data will be merged and one submission will be forwarded to STRS.

PERS and STRS • Charter Schools Sample Document

6. The charter school is required to work directly with the sponsoring employer or county office.

STRS FORMS:

1. STRS retirement, refund, death, and disability forms must be completed by the charter school and submitted to the county office for signature.
2. MR-87 forms must be submitted to the county office for processing.
3. The charter school must order all STRS refund, retirement packets, booklets and forms directly from STRS.

FEES:

1. Electronic data submission fee is \$88.00 per data file submitted. Payment must be submitted with each data submission.
2. MR-87 submission fee is \$5.00 per MR-87 submitted. Payment must be submitted with MR-87.
3. Other charges – COE will invoice charter school. Payments not received within 30 days of invoice will be deducted from next State Apportionment.

Programming Support – \$100 per hour

Technical Support – \$ 90 per hour

Acknowledgement:

_____ Charter School hereby agrees to all of the foregoing terms and conditions of STRS reporting in _____ County.

Date _____ Signature _____
Authorized Charter School Representative

Attendance Accounting

I. OVERVIEW

A. The Role of Attendance Accounting

Local educational agencies (LEAs) keep records of pupils' daily attendance and absences for two main reasons:

1. To ensure the proper allocation of state funds.
2. To document compliance with state compulsory attendance laws.

B. Average Daily Attendance

The basic measure of attendance in California's school system is known as average daily attendance, commonly referred to as ADA.

1. ADA is computed as the number of student-days of creditable attendance divided by the number of days school was in session. For certain programs there are fixed divisors established in law.
2. For each unit of verified ADA, as of a specified date, LEAs receive an amount of apportionment funding from the state.

C. Recordkeeping

1. LEAs maintain their attendance records:
 - a. Using software designed specifically to track daily attendance and compute periodic totals, or
 - b. Using the *State School Register*, which is a manual record book that teachers use to record daily attendance.
2. LEAs are required to have their attendance systems approved by the California Department of Education (CDE) if they are using any system other than the *State School Register* in a self-contained K-8 classroom.

D. Reporting

1. The school year begins on the first day of July and ends on the last day of June (Education Code Section 37200).

Attendance Accounting

2. A school month is 20 days or four weeks of five days each, including legal holidays but excluding weekend makeup classes. For the purposes of counting attendance only in providing for a school calendar, a school district may exclude the winter vacation period, or any portion thereof, in the definition of a school month (Education Code Section 37201).
3. Education Code Section 41601
 - a. LEAs are required to report to the superintendent of public instruction (SPI) their ADA for all full school months during the fiscal year, using the following three periodic reports:
 - i. A report for the period between July 1 and December 31, inclusive. This is known as the first period report for the first principal apportionment or P-1.
 - ii. A report for the period between July 1 and April 15, inclusive. This is known as the second period report for the second principal apportionment or P-2.
 - iii. A report for the period between July 1 and June 30. This is known as the annual period.
 - b. LEAs report attendance through the last full school month on or before the identified dates.
4. Education Code Section 41601 requires LEAs to prepare each attendance report in accordance with instructions on forms prescribed and furnished by the SPI.

E. Holidays

1. Education Code Sections 37220 through 37222 prescribe the holidays for public schools.
2. The governing board of a school district, by adopting a resolution, may revise the date on which the district's schools close in observance of any holiday identified in Education Code Section 37220, except for Veterans Day.

F. Emergencies and Apportionment Credit

1. When emergency conditions force schools to close, or when an emergency materially decreases attendance at schools that remain open, districts can apply to the SPI to receive normal apportionment credit and to be credited as complying with instructional time requirements for longer day and year incentive funding.

Attendance Accounting

2. Education Code Section 41422 allows a district to file a *Request for Allowance of Attendance Due to Emergency Conditions* (Form J13-A) if it was prevented from maintaining its schools during a fiscal year for at least 175 days or is required to operate sessions of shorter length than otherwise prescribed in law because of any of the following:
 - a. Fire, flood, earthquake, or epidemic.
 - b. Any order of any military officer of the United States or of the state to meet an emergency created by war, of any civil officer of the United States, of the state, of any county, city and county, or city authorized to issue that order to meet any emergency created by war.
 - c. Other extraordinary conditions.
 - d. Inability to secure or hold a teacher.
 - e. Illness of the teacher.

These facts must be shown to the satisfaction of the SPI by affidavits from members of the school district's governing board and the county superintendent of schools.

3. Education Code Section 46390 allows a district to file a *Request for Allowance of Attendance Because of Emergency Conditions* (Form J-13A) in the following cases:
 - a. When a school district maintaining more than one school is closed for a part of a term by order of a city or county board of health or of the State Board of Health, or
 - b. Because of fire, flood, impassable roads, epidemic, or other emergency, or
 - c. By an order provided for in Education Code Section 41422.
4. Education Code Section 46391 allows a district to file a *Request for Allowance of Attendance Because of Emergency Conditions* (Form J-13A) in the following circumstances:
 - a. Whenever any attendance records of any district have been lost or destroyed making it impossible to produce an accurate report on ADA for any fiscal year.
 - b. These facts must be shown to the satisfaction of the SPI by affidavits from the members of the school district's governing board and the county superintendent of schools.

Attendance Accounting

5. Education Code Section 46392 allows a school district, county office of education (COE), or regional occupational center or program to file a *Request for Allowance of Attendance Because of Emergency Conditions* (Form J-13A) whenever the ADA has been materially decreased during any fiscal year because of any of the following:
 - a. Fire
 - b. Flood
 - c. Impassable roads
 - d. Epidemic
 - e. Earthquake
 - f. The imminence of a major safety hazard as determined by the local law enforcement agency.
 - g. A strike involving transportation services to pupils provided by a nonschool entity.
 - h. An order provided for in Education Code Section 41422.
 - i. In the event of a state of emergency declared by the governor in a county, any decrease in ADA in the county below the approximate total average daily attendance that would have been credited to a school district, COE, or regional occupational center or program had the emergency not occurred is deemed material.

The law requires these facts to be established to the satisfaction of the SPI by affidavits from the members of the governing board of the school district or the COE, and from the county superintendent of schools.

6. California Code of Regulations (CCR) Title 5, Section 428 establishes that a decrease in ADA is material for the purposes of Education Code Section 46392 when at least 10% of the students who would normally attend school do not attend on any one day. Any decrease in attendance at a necessary small school is material for the same purpose.

Attendance Accounting

II. COUNTY RESPONSIBILITIES

A. Reporting Attendance

1. Beginning with the 2014-15 fiscal year, the California Department of Education (CDE) provided new software to school districts, COEs, and charter schools to collect, consolidate, and edit local attendance data required by the CDE for determining the apportionment for K-12 programs. The software collects both attendance and other data required for the principal apportionment.
2. This software is available to download from the CDE's website at <http://www.cde.ca.gov/fg/sf/pa/>.
3. Principal Apportionment Data Collection software
 - a. This software is used to report school districts' and charter schools' attendance data to the COE.
 - b. Some small school districts continue to submit hard copy forms to the COE. The COE then enters this data into the software for the district. If the COE enters the data on behalf of a school district or charter school, the certification forms are printed and forwarded to the district superintendent or charter school administrator for review and signature (see item c below).
 - c. The Certification Form
 - i. A certification form is printed and signed by the district superintendent or charter school administrator.
 - ii. The certification form is identified with a certification number.
 - iii. For charter schools, the chartering entity's superintendent also signs the certification form.
 - iv. The signed certification form is forwarded to the COE for review. The county superintendent signs the certification form and maintains it on file in the county office.
 - d. The county office staff verify the certification number on the certification form and review the attendance data received from school districts and charter schools.
 - i. If the COE revises the attendance data, the COE prints a new certification form with a new certification number.
 - ii. The revised attendance data and the new certification form are forwarded to the school district or charter school.

Attendance Accounting

- A) The district superintendent (and charter school administrator if appropriate) signs the new certification form and returns it to the county office of education.
- B) The county superintendent signs the new certification form and maintains it on file in the county office.
- e. The COE staff export the attendance and other principal apportionment data to the CDE. The CDE establishes the due dates. These dates may change slightly from year to year but are approximately as follows:
 - i. The P-1 report is due to the state no later than January 15.
 - ii. The P-2 report, including class size penalties, is due to the state no later than May 1.
 - iii. The annual report is due to the state no later than July 15.
 - iv. Audit adjustments to California Longitudinal Pupil Achievement Data System (CALPADS) data are due to state no later than October 1.
 - v. The annual Necessary Small School selection is due no later than November 16.
- f. County offices of education use this software to import or enter the data from all school districts and charter schools for which they are responsible, as well as to enter their own attendance data.

B. Attendance Analysis

1. County offices of education are not required to perform any specific analysis of the attendance data before it is submitted to the CDE.
2. The types of analysis that COEs perform may include the following:
 - a. A comparison of the total P-1, P-2, and annual attendance to the total attendance reported for the same period in the prior year.
 - b. Comparison of CALPADS Fall 1 data to P-1 and P-2 using historical ratios.
 - c. A review of any categories of attendance with no ADA reported, or any ADA in categories not previously reported, to determine whether the information is reasonable.

Attendance Accounting

3. Some COEs have a staff member assigned to review the attendance information each month for all districts in the county. This person may also provide training and make visits to districts and/or schools to answer questions and review attendance documents.

C. Emergency Waivers

1. School districts request approval for apportionment credit for school closure or a material decrease in ADA by completing the Form J-13A, *Request for Allowance of Attendance Because of Emergency Conditions*.
2. CDE Management Advisory 90-01, which provides information on filing a request using Form J-13A, is available on the CDE website at <http://www.cde.ca.gov/fg/sf/aa/> under Attendance Correspondence.
3. When district staff have completed the information on the form, a majority of the governing board members sign the *Affidavit of Governing Board Members* on the form.
4. The completed form is then submitted to the COE. The county superintendent completes the *Affidavit of County Superintendent of Schools* section and forwards the completed form to the CDE.

I. OVERVIEW

A. Introduction

The Local Control Funding Formula (LCFF) was adopted by the State of California in June 2013 to replace the previous K-12 finance system of revenue limit funds and categorical programs. This is the largest change to California school finance in almost 40 years. The LCFF was designed to be simple and transparent while allowing maximum flexibility in allocating resources to meet local needs. As under the revenue limit formula, the LCFF is funded by a combination of local property taxes, the Education Protection Account (EPA), and general-purpose state aid. LCFF funding constitutes the majority of unrestricted revenue in a school district's budget. The new formula began in 2013-14, but will be phased in until the state's economy recovers sufficiently to fully fund the LCFF; full implementation is projected to take eight years.

B. Funding Provisions

1. Average Daily Attendance (ADA)

Funding for districts and charter schools is provided based on average daily attendance (ADA) rather than enrollment. An amount of funding is provided per unit of ADA, but may also include some add-on amounts. Funded ADA for districts is usually based on prior year second period (P-2) ADA or current year P-2 ADA, whichever is greater. A few programs — such as nonpublic school, community day school and extended year special education ADA — are funded based on annual ADA. Charter schools are funded based on current year ADA.

2. Target

The LCFF calculation begins with estimating the LCFF under full funding — otherwise known as the target. The LCFF target is the total of an LEA's base grant and/or necessary small school (NSS) allowance, supplemental grant, concentration grant, and add-on funding.

Base Grant

Under LCFF, all districts and charter schools receive uniform base grants, by grade span, for grades K-3, 4-6, 7-8, and 9-12. An additional grade span adjustment to the base is provided for grades K-3 (10.4% of the base amount) and grades 9-12 (2.6% of the base amount). Each year the target base rates will be updated for cost-of-living adjustments.

Necessary Small Schools (NSS)

Districts with qualifying schools that serve a small population of students and are geographically isolated are provided a necessary small schools allowance in lieu of

Local Control Funding Formula

the base grant and grade span adjustment. Some schools that previously qualified as an NSS may no longer qualify under new LCFF requirements.

Supplemental Grant

Additional funding is provided based on the unduplicated count of pupils who are eligible for free and reduced-price meals, or who are classified as English learners, or who are foster youth. The supplemental grant is equal to 20% of the adjusted grade span base grant multiplied by the unduplicated pupil percentage (UPP).

Concentration Grant

If the LEA's unduplicated pupil count percentage (UPP) exceeds 55%, the district or charter school will receive a concentration grant. The concentration grant is equal to 50% of the adjusted grade span base grant multiplied by the amount by which the UPP exceeds 55%. For charter schools, the UPP for concentration grants is capped at the lesser of the charter school's UPP or the highest UPP of school districts in which the charter school is physically located.

Add-on Funding

Under LCFF, funding for transportation and for the Targeted Instructional Improvement Grant (TIIG) is maintained as permanent add-ons.

3. Economic Recovery Target (ERT)

Some districts or charter schools would have received more funding under the old funding model than under the LCFF. In this case, they are eligible for an economic recovery target (ERT) payment if the per-ADA funding under the old system (undeficit and projected to 2020-21) is below the 90th percentile. One-eighth of the ERT payment total is added to the LCFF target or LCFF transitional entitlement in 2013-14, and an additional one-eighth of the total is added each subsequent year until the full ERT payment amount is reached, at which time the full payment becomes a permanent addition.

4. Transition

Floor

Once the target is known, it is compared to an LEA's historical funding level as adjusted for changes in student population. The LCFF floor is based on the current year funded ADA multiplied by the 2012-13 revenue limit and prior year gap funding rates, plus the 2012-13 categorical funding subsumed into LCFF.

Gap Funding

If an LEA's LCFF floor is lower than the LCFF target, the difference is multiplied by the percentage available in that year's state budget to increase funding for the LCFF. This determines the current year gap funding. Once funded, LEAs will continue to receive gap funding in subsequent years, included in their floor as prior year

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gap funding adjusted for changes in ADA. LEAs with an LCFF floor that exceeds their target will receive no gap funding and will be funded at target from that point forward.

ERT Funding

Beginning in 2013-14, LEAs receiving ERT payments will receive one-eighth of the total ERT, and this amount will increase by an additional one-eighth each subsequent year until the full ERT amount is reached.

LCFF Transition Entitlement

For most LEAs the LCFF transition entitlement is the sum of their floor, gap funding, and ERT funding. When an LEA's floor funding equals or exceeds their LCFF target, or if the LEA had no gap in the previous year, the LCFF transition entitlement is composed of the LCFF target and, if eligible, ERT funding.

Additional State Aid for Minimum State Aid (MSA)

LEAs will receive minimum state aid (MSA) funding of no less than the total received in 2012-13 from revenue limits, as adjusted for changes in ADA and property taxes, and 2012-13 categorical funding subsumed in the LCFF. If applicable, the LCFF state aid is increased to reach the minimum level of state aid. For schools that previously qualified as an NSS but no longer qualify under the new LCFF requirements, the amount of NSS funding received in 2012-13 will be included in the district's MSA calculation. Beginning in 2014-15, if a charter school's total transfer in lieu of property taxes plus MSA exceeds its LCFF entitlement, the charter school's MSA will be reduced by the excess amount.

C. Funding Sources

The LCFF is funded from a combination of local tax revenue, EPA, and state aid.

Local Property Taxes

Local property taxes consist primarily of the district's share of the maximum 1% property tax assessed on the secured and unsecured tax rolls, but could include any of the following additional property taxes:

- a. Homeowners' exemptions
- b. Timber yield taxes
- c. Other subventions
- d. Prior years' taxes
- e. Supplemental taxes
- f. Penalties and interest from delinquent taxes
- g. Education Revenue Augmentation Fund (ERAF)

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- h. Remaining distributions from former redevelopment agencies (RDAs)
- i. In-lieu of property tax transfers to charter schools

Education Protection Account (EPA)

EPA provides state aid funding pursuant to Proposition 30, which increased the sales tax by 0.5% through June 30, 2021 and increased the income tax rate on the highest 1% of earners through December 31, 2018. EPA is based on an LEA's proportionate share of adjusted revenue limit or charter school general-purpose entitlement in the LCFF floor and is a minimum of \$200 per ADA.

General Purpose State Aid

State aid is calculated by subtracting property taxes and EPA from the LCFF transition entitlement. If applicable, the state aid is increased to reach the LCFF minimum state aid level.

D. Basic Aid

1. Determining Basic Aid Status

The definition of basic aid or community-funded has not changed in essence with the introduction of the LCFF. Under the revenue limit model, local property taxes were applied against a districts' entitlement to determine if any amount remained to be funded with state aid. If the district's property taxes equaled or exceeded the entitlement, the district was considered community-funded and eligible for basic aid of \$120 per student.

Under the LCFF, the same method is applied: property taxes are the first source of funding, with state aid making up any difference. The LCFF differs in that it provides an element of minimum state aid for community-funded districts, which must be subtracted from the LCFF transition entitlement before applying local property taxes. If local property taxes equal or exceed the remaining entitlement, the district is considered community-funded (basic aid).

2. Minimum State Aid

The LCFF includes a provision that no district or charter school shall receive less state aid, as adjusted for changes in ADA, than was received in 2012-13. For community-funded districts this provision translates into minimum state aid equal to the amount received in 2012-13 for the categorical programs that have been subsumed into the LCFF, less the fair share reduction.

The fair share reduction was recalculated by the California Department of Education (CDE) for 2014-15 and will remain fixed at this rate for the duration of the transition to full LCFF implementation. Beginning in 2014-15, the fair share reduction is limited to a maximum of the total categorical funding subsumed into the LCFF.

3. Miscellaneous Basic Aid Revenues

The adoption of the LCFF did not eliminate any of the programs that previously provided general-purpose state aid outside of the revenue limit formula. The LCFF does, however, change the manner in which the state aid entitlement is calculated for these miscellaneous basic aid revenues.

The following basic aid miscellaneous revenues all provide state aid equal to 70% of the district of residence LCFF base grants transitional or funded amount (excluding supplemental and concentration grants) until full implementation of the adjusted base grant when LCFF is fully implemented.

- a. Basic Aid District of Choice
- b. Basic Aid Court-Ordered Voluntary Pupil Transfer
- c. Basic Aid Charter School Supplement
- d. Basic Aid Open Enrollment
- e. Basic Aid Supplement Calculation

During transition, when the district of residence is not funded based on the target formula in the prior year, the calculation for the adjusted base grant is to multiply the ratio of the district of residence's total base grant to its LCFF entitlement.

The basic aid supplement funding amount continues to be limited by the percentage of nonresident ADA in the charter multiplied by the in-lieu of tax transfer for nonresident ADA, reduced by the district's state aid for LCFF.

E. Data Sources

1. Principal Apportionment Data Collection (PADC)

The PADC software is provided by CDE and is used to report data that is used to calculate funding for the LCFF and special education (AB 602) including:

- Attendance data for school districts, charter schools, and county schools and programs
- Amount of ADA that shifted between a district and its charter school(s) from the prior year to the current year
- School district and county tax data
- Special education infant and extraordinary cost pool data
- Charter school physical location
- Necessary small school ADA and number of teachers/FTE

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- Necessary small school funding selection

The CDE PADC Software is available on the CDE website in the *Finance and Grants* section under *Software and Forms* (<http://www.cde.ca.gov/fg/sf/pa/>).

2. California Longitudinal Pupil Achievement Data System (CALPADS)

CALPADS is the state's longitudinal data system used to maintain individual-level data including student demographics, course data, discipline, assessments, staff assignments, and other data. The unduplicated student count used in LCFF calculations is derived from information reported in CALPADS as part of the Fall 1 submission based on the count of students on the first Wednesday in October. The deadline for the Fall 1 certification is in mid-December, and there is one amendment window, usually from mid-December through mid-February.

3. Statute

Several data elements used in LCFF calculations are specified by statute including:

- Base grant amounts
- COLA
- Grade span adjustment percentages
- Supplemental and Concentration percentages
- Economic Recovery Target COLA rates

The gap funding appropriation amount is determined each year in the Budget Act. When the CDE certifies LCFF calculations, the total gap funding is divided by the statewide LCFF gap to determine the gap funding percentage rate. Each year's gap funding rate is final as of the second period (P-2) certification. The Department of Finance provides estimated gap funding rates for future years.

4. CDE Certified Data

The LCFF floor calculations use 2012-13 Revenue Limit and categorical program entitlement amounts as of the 2012-13 annual certification period.

F. Calculations

1. LEA Projections

School districts, charter schools and COEs calculate LCFF estimates to use in budget projections. The LCFF Calculator located on the FCMAT website is the tool recommended for calculating and assessing a district's sensitivity to risk factors.

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The calculator provides input fields for various scenarios, allowing districts to create multiple models when building multiyear projections.

2. California Department of Education (CDE) Certifications

The CDE calculates the LCFF amounts for LEAs in a series of apportionment calculations that adjust the flow of state funds throughout the year as information becomes known.

Advance Principal Apportionment

Certified by July 20. Primarily based on prior fiscal year funding and establishes monthly state aid payments for July through January.

First Principal Apportionment (P-1)

Certified by February 20. Based on the first period (P-1) data reported in November through January and establishes monthly state aid payments for February through May.

Second Principal Apportionment (P-2)

Certified by July 2. Based on second period (P-2) data reported in April and May and determines the final state aid payment for the year in June.

Annual Principal Apportionment (Annual)

Certified by February 20 of the subsequent year. Based on annual data reported in July through November for the prior year. Determines the state aid payments for prior year adjustments based on the difference between the annual and P-2 amounts to be paid in February through May.

Recertified Principal Apportionment (R-1, R-2, and R-3)

Each year's principal apportionment is recertified three times: R-1 is certified by July 2 of the subsequent year, R-2 by February 20 of the second subsequent year, and R-3 by July 2 of the second subsequent year. State aid differences are sent as prior year adjustments on the same timeline as the other principal apportionments.

G. Use of LCFF Funding

1. Local Control Accountability Plan (LCAP)

LEAs must prepare an LCAP, developed through a community process, which describes how they intend to meet annual goals for students and address state and local priorities. The LCAP aligns goals with the annual budget and guides the use of LCFF funding.

2. Spending Requirements for Supplemental and Concentration Grants

Based on the unduplicated count of low-income, English learner, and foster youth students, the LCFF provides additional funding in the form of supplemental and concentration grants. LEAs must demonstrate in their LCAP how they will increase or improve services to these students in proportion to the increase in funds. The State Board of Education approved regulations that detail how to calculate the minimum level of increased or improved services as a percentage, known as the Minimum Proportionality Percentage (MPP). The FCMAT LCFF Calculator includes a tool to help LEAs calculate the supplemental and concentration grants and the MPP.

H. Compliance Requirements

1. Transitional Kindergarten (TK) and K–3 Class Size Averages

The base grant for the K-3 grade span increases by 10.4% of the base amount. The intent of this adjustment is to cover the costs associated with smaller class sizes in grades K-3, including transitional kindergarten (TK), to an average student-to-teacher ratio of no more than 24-to-1 (or a locally bargained alternative ratio) at each school site upon full implementation of the LCFF.

During implementation of the LCFF, and as a condition of receipt of this adjustment, districts will be required to do one of the following:

1. Have a class size ratio of 24-to-1 or less at each school site in 2013-14 and maintain that ratio in the future.
2. Collectively bargain an alternative class size ratio for this grade span.
3. Show adequate progress toward meeting the goal of 24-to-1 each year until full implementation of the LCFF.

Charter schools are not subject to this condition of apportionment.

2. Necessary Small Schools (NSS)

In order to receive the NSS allowance, all necessary small schools must meet distance eligibility requirements, including unified districts with a single high school and elementary districts with a single school. Under LCFF the definition of the nearest other public elementary or high school, for NSS eligibility based on distance, is amended to include charter schools. A review of the determinative factors to maintain necessary small high school status is required every two years (the prior legal requirement was every five years).

3. Transportation

Of the funds received for home-to-school transportation, a school district is required to expend no less than the amount it expended for home-to-school transportation in the 2012-13 fiscal year or the amount of revenue received in 2012-13, whichever is less. The maintenance of effort requirement applies only to spending up to the amount of the transportation entitlement received in 2012-13; contributions to transportation programs above the amount of the entitlement are not subject to the maintenance of effort requirement.

II. COUNTY OFFICE OF EDUCATION RESPONSIBILITIES

A. Principal Apportionment Data Collection

1. Certified Data Files

The COE is responsible for collecting and certifying to the CDE any data used to calculate funding for the LCFF as part of the Principal Apportionment Data Collection (PADC) software submission. The COE will receive principal apportionment data from school districts and the county auditor/controller (local taxes), review this data, complete additional data entry as appropriate, and submit certified data to the CDE. The amount of review that COE staff perform on the collected data may vary by county. A calendar of deadlines is available annually from the CDE and is posted on the CDE website.

2. Necessary Small School Certification Selection

The COE is responsible for certifying the selection of schools to which the NSS funding model applies. The COE will specify the Education Code section (from sections 42280 through 42286) that qualifies the selected school for the NSS funding formula. These education codes contain both distance and size requirements for qualifying for NSS funding. Three items must be completed for each school to receive NSS funding:

- a. School district reports data in the NSS entry screen.
- b. School district completes the NSS funding selection.
- c. COE completes the NSS certification selection.

3. Signed Certification Pages

Districts and charter schools must sign their certification page and submit it to their school district or COE. The COE is responsible for signing the certification pages submitted by their district(s) and/or charter school(s) and keeping them on file.

B. LCFF Spending Plans

County offices of education are responsible for oversight and approval of district LCAPs using three criteria for LCAP approval:

1. Adherence to the State Board of Education (SBE) template.
2. Sufficient expenditures in the budget to implement actions in the LCAP, based on projected costs included in the plan.
3. Adherence to the SBE expenditure regulations for funds apportioned on the basis of the number and concentration of unduplicated pupils.

III. LEGAL CITATIONS

Education Code

- Sections 42238–42251 Apportionments and Revenue Control (LCFF)
- Sections 42280–42289.6 Funding for Small School Districts
- Section 47635 In-lieu of Property Tax Transfers
- Sections 52060–52077 Local Control and Accountability Plans

California Code of Regulations

- CCR Title 5, sections 15494–15497
Local Control and Accountability Plan and Spending Requirements for Supplemental and Concentration Grants
- CCR Title 5, sections 15498–15498.3
LCFF Kindergarten and Grades 1-3 Grade Span Adjustment (Class Size Requirements of the LCFF)

Constitution of the State of California

- Article XIII, Section 36
Proposition 30, The Schools and Local Public Safety Protection Act of 2012 (Education Protection Account)

I. OVERVIEW

A. IDEA

1. The federal Individuals with Disabilities Education Act (IDEA, Public Law 105-17) governs special education. This is the legislation that provides that all students who are eligible for special education must be provided with a free appropriate public education in the least restrictive environment.
2. All special education programs must adhere to the procedural safeguards and standards in IDEA.

B. SELPAs

1. In California, local educational agencies join together in Special Education Local Plan Areas (SELPAs) to achieve sufficient size and scope to effectively provide the full continuum of placement and program options called for in federal law.
 - a. The service area covered by the local plan is known as the special education local plan area.
 - b. The SELPA is responsible to administer local plans and administer the allocation of funds (Education Code Section 56195).
 - c. SELPAs are responsible for planning and coordinating services for all children with disabilities, from birth to 22 years of age.
 - d. The SELPA is responsible for ensuring that each district within the local plan area develops and implements content and performance standards appropriate to pupils requiring special education services that are aligned to state standards and guidelines.
2. There are 58 counties in California and more than 122 SELPAs in the state.
 - a. Every district in the state is in a SELPA.
 - b. In some counties, the county office of education also serves as the SELPA. In other counties, there may be more than 10 SELPAs in the county.
 - c. SELPA governance structures vary in form, such as:
 - i. Multidistrict SELPAs
 - ii. Multidistrict/county office SELPAs
 - iii. Single-district SELPAs

- iv. Multidistrict/multicounty SELPAs
- v. Countywide SELPAs with joint powers agreements (JPAs)
- vi. All charter school local educational agency (LEA) SELPA(s)
- d. If the county office also serves as the SELPA, the county office of education (COE) will operate special education programs in addition to their responsibilities as the county SELPA.
- e. A single-district SELPA must have 30,000 or more pupils in grades kindergarten through 12.
- f. Each SELPA has a policy-making body that is designated in the local plan and makes policy decisions, approves the SELPA budget, and establishes the guidelines for decisions such as staffing patterns, etc.

C. AB 602

1. On October 10, 1997, Special Education Reform Act, Assembly Bill (AB) 602 was signed into law.
2. AB 602 reformed California's funding formula for special education.
3. Education Code sections 56836-56845 govern the computation of the apportionments to local plan areas for special education programs operated by, and services provided by, districts, COEs and SELPAs.
4. AB 602 requires that SELPAs submit an annual service and budget plan to the state as an amendment to their local plan.
5. For multidistrict SELPAs, the budget plans are a collection of the budgets of member local educational agencies that support the services described in the annual service plan.

D. The Administrative Unit (AU)

1. Each SELPA must have an administrative unit (the responsible local agency).
 - a. The administrative unit (AU) is the legal entity that receives funds and is responsible for ensuring that every eligible student receives services.
 - b. The member districts determine which entity will serve as the AU when the SELPA is formed.

2. Education Code Section 56836.01-56836.05 prescribes the responsibilities of the administrator of each SELPA.
3. These duties include:
 - a. Ensuring program availability for all children with disabilities.
 - b. Ensuring that a system exists at the regional level for identification, assessment and placement of disabled students.
 - c. Community advisory committee support.
 - d. The fiscal administration of the annual budget plan and annual allocation plan for multidistrict SELPAs.
 - e. The allocation of state and federal funds allocated to the SELPA.
 - f. The required reporting and accounting requirements.
4. The AU may be a school district or the COE; most frequently the AU is a COE.
5. An AU may serve more than one SELPA; some COEs serve as the AU for more than one SELPA in their county.

II. COUNTY OFFICE RESPONSIBILITIES

A. Education Code Section 56140

The COE is required to:

1. Initiate and submit to the Superintendent of Public Instruction (SPI) a countywide plan for special education that demonstrates the coordination of all local plans submitted pursuant to Education Code Section 56205 and which ensures that all individuals with exceptional needs residing within the county will have access to appropriate special education programs and related services.
 - The county office is not required to submit a countywide plan when all the districts within the county elect to submit a single local plan.
2. Within 45 days, approve or disapprove any proposed local plan submitted by a district or group of districts within the county or counties. The COE approval will be based on the capacity of the district or districts to ensure that special education programs and services are provided to all individuals with exceptional needs.
 - a. If approved, the COE will submit the plan with comments and recommendations to the SPI.

Special Education

- b. If disapproved, the COE will return the plan with comments and recommendations to the district.
 - i. The district may appeal to the SPI to overrule the COE's disapproval.
 - ii. The SPI will make a decision on an appeal within 30 days of receipt of the appeal.
- c. Local educational agencies are not authorized to implement the plan without approval of the COE or a decision by the SPI to overrule the disapproval of the COE.
3. Participate in the state on-site review of the district's implementation of an approved local plan.
4. Join with districts in the county that elect to submit a plan or plans pursuant to subdivision (c) of Education Code Section 56195.1. Any plan may include more than one county, and districts located in more than one county.

B. Education Code Section 56195.5

1. Each COE has authority over the special education program it directly maintains, consistent with the local plan submitted pursuant to Education Code Section 56195.1.
2. Any COE may provide for the education of individual pupils in special education programs maintained by other districts or counties.

C. Education Code Section 48850(b)

Every COE is required to make available to agencies that place children in licensed children's institutions information on educational options for children residing in licensed children's institutions within the jurisdiction of the county office.

Special Education Maintenance of Effort

I. OVERVIEW

- A. Under federal law, a local educational agency (LEA) is eligible for assistance under Part B of the Individuals with Disabilities Education Act (IDEA) if it submits a plan that provides assurances to the state educational agency that it meets specified funding conditions, one of which is maintenance of effort (MOE). (ref. 20 U.S.C. Sec. 1413)
- B. The MOE requirement is that Part B funds:
- Shall be used only to pay the excess costs of providing special education and related services to children with disabilities;
 - Shall be used to supplement state, local, and other federal funds and not to supplant such funds; and
 - Shall not be used, except in specified cases, to reduce the level of expenditures for the education of children with disabilities, on an aggregate or per capita basis, made by the LEA below the level of those expenditures for the preceding fiscal year. (ref. 34 Code of Federal Regulation (CFR) Section 300.203)
 - Final LEA MOE regulations were published in the Federal Register on April 28, 2015 and became effective on July 1, 2015. The major changes in the final regulations include: (1) clarification of the eligibility standard; (2) clarification of the compliance standard; (3) explanation of the subsequent years rule; and (4) specification of the consequences of an LEA's failure to maintain effort.

The **eligibility standard** in §300.203(a) requires that, in order to find an LEA eligible for an IDEA Part B subgrant for the upcoming fiscal year, the state educational agency (SEA) must determine that the LEA has budgeted for the education of children with disabilities at least the same amount of local, or state and local, funds, as it actually spent for the education of children with disabilities during the most recent fiscal year for which information is available. The eligibility standard is measured in the standardized account code structure (SACS) software budget versus actual MOE calculation (SEMB) form.

The **compliance standard** in §300.203(b) prohibits an LEA from reducing the level of expenditures for the education of children with disabilities made by the LEA from local, or state and local, funds below the level of those expenditures from the same source for the preceding fiscal year. In other words, an LEA must maintain (or increase) the amount of local, or state and local, funds it spends for the education of children with disabilities when compared to the preceding fiscal year. The compliance standard is measured in the SACS software year-to-year actual vs. actual MOE calculation (SEMA) form.

Special Education Maintenance of Effort

The **subsequent years rule** prescribes the level of effort an LEA must meet in the year after it fails to maintain effort at the level that would have been required in the absence of that failure. The rule does not use the LEA's actual reduced level of expenditures for the fiscal year in which it failed to meet the compliance standard.

Failure to meet the MOE eligibility standard (SEMB): If the California Department of Education (CDE) determines that an LEA does not meet the MOE eligibility standard, the CDE must provide the LEA with reasonable notice that it has determined the LEA not eligible for an IDEA Part B subgrant and provide the LEA an opportunity for a hearing, pursuant to §300.221. The regulations further state if the SEA (which in California is the CDE) determines that the LEA is not eligible to receive a Part B subgrant for that fiscal year, the SEA retains the Part B subgrant the LEA would have received, and the SEA is required to provide special education and related services directly to children with disabilities residing in the area served by that LEA, pursuant to §300.227.

Failure to meet the MOE compliance standard (SEMA): If an LEA fails to meet the MOE compliance standard, the SEA is liable to repay the funds to the federal government and the LEA is therefore liable to repay funds to CDE using non-Federal funds, in an amount equal to the amount by which the LEA failed to maintain its level of expenditures in that fiscal year, or the amount of the LEA's IDEA Part B subgrant in that fiscal year, whichever is less.

C. Reductions to special education expenditures under specific circumstances:

1. MOE is met on **either** a per capita **or** an aggregate basis. Therefore, if an LEA's special education population decreases, the total state and local special education expenditures can be lowered as long as the LEA can meet the MOE requirement based on a per capita test.
 - The per capita test can be met using either the state and local expenditures test, or the local expenditures test.
2. Under federal regulations, an LEA or SELPA may reduce the level of MOE expenditures by not more than 50% of any increases in IDEA Part B Section 611 funding, minus the amount of Part B funds used for early intervening services (IDEA of 2004, Sec. 613(a)(2)(C)). *The LEA must use local funds equal to the reduction, to carry out activities that could be supported with funds under the Elementary and Secondary Education Act (ESEA), regardless of whether the LEA is using ESEA funds for those activities.*

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- D. Under 34 CFR §300.204, an LEA may reduce the level of expenditures where such reduction is attributable to:
- The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.
 - A decrease in the enrollment of children with disabilities.
 - The termination of the obligation of the agency to provide an exceptionally costly program of special education to a particular child with a disability, as determined by the state educational agency, because the child:
 - Has left the jurisdiction of the agency;
 - Has reached the age at which the obligation of the agency to provide a free and appropriate public education (FAPE) to the child has terminated; or
 - No longer needs the program of special education.
 - The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities (must have a per-unit cost of \$5,000 or more).
 - The assumption of cost by the high cost fund operated by the SEA under 34 CFR Sec. 300.704(c).
- E. The CDE requires two tests annually to determine if the SELPAs and LEAs receiving Part B funds meet the MOE requirements for the level of expenditures.
- F. The Special Education Maintenance of Effort Reports (SEMOE) are part of the unaudited actuals data set in the SACS software.
1. The first test is made using the SEMB form and compares the budgeted special education expenditures with the prior year's actual special education expenditures. This test is performed using the unaudited actuals SACS software and establishes eligibility to receive the grant award. The test is performed at both the SELPA and LEA level.
 - a. The CDE determines whether the SELPA is eligible to receive IDEA Part B funds.
 - b. The SELPA administrative units (AUs) for multiagency SELPAs must in turn determine if participating LEAs have passed the budget to actual test.
 - c. Any LEA that does not pass the test is not eligible to receive an allocation of AB602 or IDEA funds.

Special Education Maintenance of Effort

2. The second test is performed using the SEMA form in the unaudited actuals SACS software and compares the actual special education expenditures for the unaudited actuals with the prior year's actual special education expenditures. This test is performed at both the SELPA and the LEA levels.
 - a. If either an individual LEA or the SELPA as a whole does not meet the MOE requirement, the CDE will invoice the SELPA in the fiscal year following the fiscal year in which the MOE requirement is not met. The invoice amount will be equal to either the amount by which the state and local spending was reduced, or the IDEA Part B subgrant in that fiscal year, whichever is less, and must be paid using non-federal funds.
3. The eligibility and compliance (SEMB and SEMA) standards must be measured using all four of the following methods; however, as long as maintenance of effort is met according to any one of the four methods, it is considered met under all four and compliance is achieved.
 - i. Local funds only
 - ii. The combination of state and local funds
 - iii. Local funds only on a per capita basis (total local expenditures divided by pupils served)
 - iv. The combination of state and local funds on a per capita basis

II. DATA USED FOR MEASURING MAINTENANCE OF EFFORT

- A. The definition of state and local special education expenditures using the state standardized account codes includes all expenditures, *except* certain expenditures coded in the 7xxx object code series, paid from state and local resources and charged to goals 5001 through 5770 in funds 01, 09 and 62, plus the total contributions from unrestricted revenues, Object 8980, credited to federal resources, plus the special education program's share of unallocated costs.
 1. For purposes of the MOE comparison, Object 714x (Other Tuition), commonly used for payments of excess costs to another LEA, is excluded, as is Object 7110 (tuition to another district), and any costs coded to objects 7200-7299 (Transfers to Agencies).
 2. For purposes of the MOE comparison, the California State Accounting Manual (CSAM) identifies federal resources that are considered state-funded and that are treated as such for this comparison.

Special Education Maintenance of Effort

- a. The only federal resource treated as state-funded in the state's MOE comparison for 2014-15 is 3385. As of this writing there are no changes for the 2015-16 year.
3. In addition to the actual expenditures coded in the LEA's financial reports, state and local expenditures include costs allocated to special education on the program cost report that is filed as part of the SACS year-end unaudited actuals.
 - a. The allocation of program costs is not used in the budget to actual comparisons because of the inability to project the cost in the budget process.
- B. The portion of special education expenditures that is considered paid from local sources only consists of expenditures in Resources 0000-1999 and 8000-9999, in special education goals (5000-5999) for objects 1000-6999, 7130, 7310, 7350 and 7430-7439, plus contributions from unrestricted revenues (Object 8980) credited to federal resources, plus contributions from unrestricted revenues (Object 8980) to state special education program resources (3385, 6500, 6510 and 7240), plus contributions from unrestricted revenues (Object 8980) to resources 2000-2999 and 6010-7810 (except 6500, 6510 and 7240) using any special education goal (5000-5999).
- C. The student count used for the per capita comparison is the December 1 unduplicated pupil count of special education students filed annually by each SELPA.
- D. Fifty percent of the increase in federal Part B funding from the prior to current year, which is used to determine any allowable reduction in expenditures.

III. MAINTENANCE OF EFFORT TESTS

- A. Test 1 (Section 3 Part A in the SACS state software) is the combined state and local expenditures test.
 1. This test compares combined state and local expenditures from the prior year to the current year on an aggregate and per capita basis.
 2. The per-capita calculation is completed by dividing the total state and local expenditures by the December special education unduplicated count for each respective year.
 3. If the difference between the two years for one or both of the comparisons, in total or per capita, is positive, the LEA *or* the SELPA meets the MOE requirement.

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- B. Test 2 (Section 3 Part B in the SACS state software) is the local expenditure test only.
 - 1. This test compares local expenditures from the prior year to the current year on an aggregate and per capita basis.
 - 2. The per-capita calculation is completed by dividing the total local expenditures by the December special education unduplicated count for each respective year.
 - 3. If the difference between the two years, in total or per capita, is positive, the LEA *or* the SELPA meets the MOE requirement.
- C. Both the state and local and the local only expenditure comparisons are performed after adjusting for possible exempt reductions — through an increase in federal funds from the prior year (Section 1 in the SACS state software) or through one of the allowable expenditure reductions (Section 2 in the SACS state software) as described in Part I, paragraphs C and D above.
- D. After reviewing all sections included in the MOE calculation (forms LMC-A), an LEA must select the method used to meet MOE.

IV. STATE REPORTING REQUIREMENTS

- A. To help LEAs and SELPAs meet the reporting requirement, the CDE developed state software that provides the reports to be completed and submitted to the SELPA. The software also includes the reports a multiagency SELPA needs to complete for reporting the SELPA MOE to the CDE. These reports are included as part of the SACS20xxALL year-end reporting software. The software uses extracts from an LEA's financial systems and manual entries as described below:
 - 1. The prior year actual data *for the actual to actual test* needs to be manually entered from the prior year's actual to actual test (Report SEMA) submitted the preceding fall.
 - 2. *For LEA reports*, most of the data is extracted from the unaudited actuals:
 - a. For the actual to actual test, financial data extracted from the unaudited actuals for the year just closed is compared with the prior year (entered in step 1) to determine if MOE is met for the year just closed.
 - b. For the budget to actual test, the financial data extracted from the unaudited actuals for the year just closed becomes the prior year and is compared with the financial data extracted from the unaudited actuals for the budget year to determine if MOE is being met for the budget year.

Special Education Maintenance of Effort

3. *For LEA reports*, the budget information for the actual-to-budget comparison is extracted from the unaudited actuals file for the subsequent year's budget in the SACSALL software.
 4. The special education unduplicated pupil count is entered manually.
 - a. The count used for each year is the December 1 count of the year for which the data is being reported. The budget year MOE (report SEMB) is prepared prior to collecting the pupil count for the year. It may be practical to use the pupil count for the unaudited actuals year for the budget year as well unless the LEA is aware of a material change in the count.
 5. The total IDEA Part B Section 611 funding received for each year is entered manually into Section 1 of the MOE Calc. The software calculates the increase.
 6. Exempt reductions must be entered manually in Section 2 of the MOE Calc. Any reductions entered in this section must be accompanied by the detailed worksheet(s) using the Excel template provided by the CDE's special education division (Click [here to view or download this Excel file](#)).
- B. Every LEA and SELPA administrative unit for a multiagency SELPA completes two reports: SEMB and SEMA. These reports consist of three LEA worksheets and three SELPA worksheets. The LEA (including the SELPA AU with regard to its own MOE data) completes the three LEA worksheets based on its financial data in SACS, and the SELPA AU prepares the SELPA worksheets based on the SELPA members' LEA worksheets to determine if MOE requirement was met SELPAwide.

A single-agency SELPA does not need to prepare the SELPA worksheets; its LEA worksheets are submitted to the CDE as the SELPA MOE reports.

1. SEMB — Special Education MOE Actual vs. Budget (Eligibility Standard) Comparison
 - a. This report is used to accumulate the information needed to determine if an LEA or SELPA budgeted to meet the MOE for the fiscal year that is just beginning.
 - b. If the LEA is a member of a multiagency SELPA, it submits the worksheets to the SELPA AU; if it is a single-agency SELPA, it submits them (either digitally using pdf files or in hard copy form) to the CDE.
 - c. The SELPA AU is responsible for reviewing its members' worksheets and determining the LEAs' compliance with the MOE requirement and eligibility to receive Part B funding.

Special Education Maintenance of Effort

- d. The SELPA AU prepares the SELPA worksheets and submits them to the CDE. The submittal to CDE should include the SELPA worksheets, the LEA worksheets for each member district, and the detailed worksheets required for exempt expenditure reductions. The CDE verifies that the SELPA met the MOE test and is eligible to receive IDEA Part B funds.
- 2. SEMA — Special Education MOE Actual vs. Actual (Compliance Standard) Comparison
 - a. This report is used to accumulate the information needed to determine if an LEA or SELPA met the MOE for the fiscal year that was just completed.
 - b. If the LEA is a member of a multiagency SELPA, it submits the worksheets to the SELPA AU; if it is a single-agency SELPA, it submits them (either in digital (pdf) or hard copy form) to the CDE.
 - c. The SELPA AU has the responsibility of reviewing its members' worksheets and verifying the LEAs' compliance with the MOE requirement.
 - d. The SELPA AU prepares the SELPA worksheets and submits them to the CDE. The submittal to the CDE should include the SELPA worksheets, the LEA worksheets for each member district, and the detailed worksheets required for exempt expenditure reductions. The CDE verifies that the SELPA met the MOE test and that it is not liable for any reduction in actual special education expenditures paid from combined state and local sources or local sources only.
- C. The due dates for the maintenance of effort reports are as follows:
 - 1. Report SEMB (actuals vs. budget)
 - a. LEA report is due to the SELPA AU by October 15
 - b. The SELPA report is due to the CDE by November 15
 - 2. Report SEMA (actuals vs. actuals)
 - a. LEA report is due to the SELPA AU by October 15
 - b. The SELPA report is due to the CDE by November 15

Special Education Maintenance of Effort

V. MONITORING MOE

- A. To help LEAs and SELPAs monitor their MOE compliance during the year, the SACS software also includes an MOE reporting feature for the interim periods. The report, SEMAI-Special Education MOE-Projected vs. Actual MOE Calculation, compares the current year projected special education expenditures with the prior year actual expenditures to determine if the required level of fiscal effort will be met at the end of the year.
- B. This report is not required to be submitted to the CDE.

VI. CHARTER SCHOOLS MOE REPORTING

- A. Charter schools are subject to special education MOE requirements. They will submit SEMOE or similar reports either to their SELPA AU or to their authorizing LEA. The reporting will depend on the following factors, pursuant to Education Code Section 47641: whether the charter school is participating as an LEA in a special education plan approved by the State Board of Education; whether the charter school is a public school of the LEA that granted the charter; and whether the charter school's financial data is included in the authorizing LEA's unaudited actual SACS reports or reported separately, and whether a charter school that is reporting separately from the authorizing LEA is using SACS or the Alternative Form for reporting their financial data.
 - 1. If the charter school is part of the authorizing LEA and its financial data is included in the authorizing LEA's unaudited actuals SACS submission to CDE:
 - No SEMOE is needed from the charter school
 - 2. If the charter school is part of the authorizing LEA and is reporting its financial data to CDE, separate from its authorizing LEA:
 - The charter school prepares the SEMOE or similar reports, depending on whether it is using the SACS software or the Alternative Form, and submits them to its authorizing LEA. The authorizing LEA provides both their own and the charter school's SEMOE reports to the SELPA AU.
 - 3. If the charter school is participating as an LEA in the SELPA and is reporting its financial data to the CDE in SACS, separate from its authorizing LEA:
 - The charter school prepares the SEMOE reports from the SACS software and submits them to its SELPA AU.
 - 4. If the charter school is participating as an LEA in the SELPA and is reporting using the Alternative Form, separate from its authorizing LEA:

Special Education Maintenance of Effort

- The charter school manually prepares hard copies of, or reports similar to, the SACS software SEMOE worksheet required of LEAs and submits them to the SELPA AU.
5. If the charter school is participating as an LEA in the SELPA and its data is included in the authorizing LEA's unaudited actuals SACS submission to CDE:
- The charter school (or the district, since the charter school is part of the district for financial reporting purposes and is included in the district's unaudited actuals) manually prepares hard copies of the SEMOE for the charter school.
- B. The district deletes the charter school expenditures from the LEA's SEMOE report using the adjustments columns/lines in the SEMOE worksheets and provides an explanation.

Special Education Maintenance of Effort

Sample Document

Click on the title of the sample document below to view or download it.

[MOE Calculation Exemption Reductions Template \(Excel file\)](#)

I. OVERVIEW

A. Direct Service Districts

Various sections of the Education Code refer to “direct service districts.” These districts are:

1. Elementary school districts with less than 901 units of average daily attendance (ADA).
2. Unified school districts with less than 1,501 units of ADA.
3. High school districts with less than 301 units of ADA.

B. Instructional Supervision, Attendance Supervision, Health Supervision, and Guidance Services

Education Code sections 1730 through 1762 authorize the county superintendent, with the approval of the county board of education, to provide various services to the districts in their county and to recover the cost of the service(s) as necessary.

1. Instructional Supervision
 - a. Education Code Section 1730 authorizes the county superintendent, with the approval of the county board of education, to employ supervisors to supervise instruction in the elementary school districts under their jurisdiction if a district is not providing adequate supervision. This applies to elementary school districts with less than 901 units of ADA and the elementary schools of unified school districts with less than 1,501 units of ADA during the preceding fiscal year.
 - b. Education Code Section 1731 authorizes the county superintendent, with the approval of the county board of education, to enter into an agreement with the governing board of any elementary school district under their jurisdiction for the supervision of instruction in the district. The agreement will provide for the district to pay for the cost of the service. This section authorizes the county to transfer the funds from the district for the cost of the service.

Services to Districts

2. Supervision of Attendance

- a. Education Code Section 1740 authorizes the county superintendent, with the approval of the county board of education, to employ personnel to supervise the attendance of pupils in the elementary school districts under their jurisdiction if the districts are not served by any direct supervisor of attendance. This applies to elementary school districts with less than 901 units of ADA, high school districts with less than 301 units of ADA, and unified school districts with less than 1,501 units of ADA during the preceding fiscal year.
- b. Education Code Section 1741 authorizes the county superintendent, with the approval of the county board of education, to provide for the supervision of the attendance of pupils in school districts under their jurisdiction other than specified in section 1740. This section authorizes the county superintendent to transfer funds from the district to the county to pay for the actual cost of the service.

3. Health Supervision

- a. Education Code Section 1750 authorizes the county superintendent, with the approval of the county board of education, to employ one or more supervisors of health to provide health services to pupils in the school districts under their jurisdiction. This applies to elementary school districts with less than 901 units of ADA, high school districts with less than 301 units of ADA, and unified school districts with less than 1,501 units of ADA during the preceding fiscal year.
- b. Education Code Section 1752 authorizes the county superintendent, with the approval of the county board of education, to enter into an agreement with the governing board of any school district under their jurisdiction for the provision of any or all health services to the district. The agreement will provide for the payment of the cost of providing the services. This section authorizes the county superintendent to transfer funds from the district to the county to pay for the costs specified in the agreement.

4. Guidance Services

- a. Education Code Section 1760 authorizes the county superintendent, with the approval of the county board of education, to employ personnel to provide necessary guidance services to pupils in the school districts under their jurisdiction provided the district does not furnish adequate guidance services. This applies to elementary school districts with less than 901 units of ADA, high school districts with less than 301 units of ADA, and unified school districts with less than 1,501 units of ADA during the preceding fiscal year.

Services to Districts

- b. Education Code Section 1761 authorizes the county superintendent, with the approval of the county board of education, to enter into an agreement with the governing board of any district under their jurisdiction for the provision of guidance services. This section authorizes the county to provide for the payment of the services in the agreement and authorizes the county superintendent to transfer funds from the district to the county to pay for costs specified in the agreement.

C. Direct Service Funding

Effective with the implementation of the Local Control Funding Formula (LCFF) in 2013-14, Direct Service funding is no longer calculated separately.

II. SERVICES TO DISTRICTS

- A. In the past, county superintendents received funding for direct services and other purposes under the Revenue Limit formula. With the implementation of LCFF, the funding counties receive to provide services is based on the count of school districts in the county and the total countywide ADA, pursuant to Education Code Section 2574(a). The types of services California county offices of education provide to their districts vary by county.
- B. It is at the county superintendent's discretion to provide or not provide any or all of the services (supervision of instruction, and health, attendance, and guidance services) listed in Education Code Section 14054(a), which describes the computation of the county office's allowance for these services.

I. OVERVIEW

- I. School district and county office financing can be accomplished by a variety of different debt instruments; however, COEs do not currently have access to voter-approved debt instruments. When determining the best type of financing, many factors need to be considered including cost, time line, market conditions, community support and the complexity of the debt instrument. Although issuing debt can be an appropriate method of financing specific projects, prudent fiscal management and consistent monitoring of debt is required to preserve a district's creditworthiness, budget and fiscal solvency.
- II. Types of debt financing include the following:
 - a. Voter-approved (not available to COEs)
 - i. General obligation bonds
 - ii. School facilities improvement district (SFID)
 - iii. Mello-Roos/ Community Facility District (CFD)
 - iv. Parcel taxes
 - b. Non-Voter-Approved
 - i. Certificates of participation (COPs)
 - ii. Lease purchases secured by real property
 - iii. Qualified zone academy bonds (QZABs) or other similar funding mechanisms such as qualified school construction bonds, QSCBs)
 - iv. Revenue Bonds
 - v. Any other debt instrument secured by real property and not subject to voter approval

II. NON-VOTER-APPROVED DEBT

- I. According to Education Code Section 17150 and Assembly Bill (AB) 2197 (Chaptered 128/2008), a school district is required to disclose all issuances of non-voter-approved debt secured by real property to the county superintendent of schools and the county auditor at least 30 days prior to the district's governing board's approval of any such issuances, including the following:
 - Certificates of participation (COPs)
 - Lease purchases secured by real property
 - Qualified zone academy bonds (QZABs) or other similar funding mechanisms (such as qualified school construction bonds, QSCBs)
 - Revenue bonds
 - Any other debt instrument secured by real property and not subject to voter approval
- II. School districts are required to furnish information regarding the debt issuance, including the following:
 - Repayment schedules
 - Evidence of ability to repay
 - Information needed to assess the anticipated effect of the debt issuance, including the cost of issuance
 - A. Within 15 days of receipt of the information, the county superintendent of schools and the county auditor are authorized to comment publicly to a district's governing board regarding the district's capacity to repay the debt obligation, based on the information provided.
 - B. Whenever possible, the county office of education should work with the county auditor to ensure that both entities are requesting the same information from local school districts.
- III. County boards of education have a similar disclosure obligation, and the state superintendent of public instruction (SPI) has a similar ability to comment publicly.
 - A. County offices of education are required to notify the SPI at least 30 days prior to the county board of education's approval of the issuance of COPs or other non-voter-approved debt instruments secured by real property. County offices of education are required to furnish information regarding the debt issuance, including the following:
 - Repayment schedules
 - Evidence of ability to repay

- Information needed to assess the anticipated effect of the debt issuance, including the cost of issuance
- B. Within 15 days of receipt of the information, the SPI is authorized to comment publicly to the county board of education regarding the county office's capacity to repay the debt obligation, based on the information provided.
- IV. The proceeds from COPs and other non-voter-approved debt secured by real property cannot be used for a district's general operations, regardless of the district's budget certification.
- V. County Office Responsibilities
 - A. The county office of education is encouraged to work with the county auditor's office to create a form that is acceptable to both for the district's reporting requirements. A debt issuance disclosure worksheet is available on FCMAT's Web site at: <http://wwwstatic.kern.org/gems/fcmat/DisclosureofNVADebtFINAL2.xls>. The worksheet asks for the following:
 - Amount and date of issuance
 - List of all parties involved in the transaction
 - Projects to be financed/purpose of issuance
 - Dates funds are needed
 - Repayment sources
 - Contingency plan if the repayment sources do not materialize or the final agreement costs more than originally anticipated
 - Loan information
 - Amount to be financed
 - Term
 - Amortization schedule
 - Cost of issuance
 - Interest rate
 - Multiyear projections
 - Effect of proposed debt in subsequent years
 - Preliminary official statement
 - Debt repayment schedule
 - Interim financing
 - Effect of debt on unrestricted reserves

- B. Before issuing any non-voter-approved debt, districts with qualified or negative budgets must obtain COE approval, and COEs with qualified or negative budgets must obtain SPI approval.

III. VOTER-APPROVED DEBT— DEBT SERVICE FUNDS

- A. The California School Accounting Manual identifies two debt service funds that local educational agencies (LEAs) are required to use under certain circumstances.

- 1. Tax Override Fund
- 2. Bond Interest and Redemption Fund

B. Tax Override Fund

- 1. The tax override fund is used to account for the repayment of voted indebtedness levies (other than bond interest and redemption fund repayments) that are financed from ad valorem tax levies.
- 2. Taxes are levied and recorded in this fund for the following purposes:
 - a. State school building loan repayments (Education Code Section 16090).
 - b. Payments to the original district for the acquisition of property (Education Code Section 35576).
 - c. Compensatory education housing repayments (Education Code Section 16214).
 - d. Lease-purchase payments (Education Code Section 17409).
 - e. Construction of exceptional children's facilities repayments (Education Code Section 16196).
- 3. The board of supervisors of the county computes and levies taxes on the property in the district sufficient to raise for the district the amount of money needed to cover the annual debt payments.
- 4. As the tax levies are collected, they are deposited in the tax override fund.
- 5. When the payments come due, they are paid from the taxes that have been collected and deposited into the tax override fund.

C. Bond Interest and Redemption Fund

- 1. The bond interest and redemption fund is used for the repayment of bonds issued for an LEA (Education Code Sections 15125-15262).

2. The principal and interest payments are paid by the county treasurer from the taxes levied by the board of supervisors and deposited into the bond interest and redemption fund.
3. Education Code Section 15140 (c) requires the governing board of the school district or community college district to transmit the resolution authorizing the sale of the bonds and the debt service schedule to the county auditor and county treasurer in sufficient time to permit the county to establish tax rates and necessary funds or accounts for the bonds.

II. COUNTY OFFICE RESPONSIBILITIES

- A. The tax levies deposited into the tax override fund and the bond interest and redemption fund are used to make the debt service payments on general obligation bonds and other obligations.
- B. The county board of supervisors is responsible to levy the tax based on debt service schedules from the district or other repayment schedules.
- C. The county auditor will maintain the books for the bond interest and redemption fund during the year.
 1. In some counties, the county auditor records the year-end balances on the SACS forms and the county office of education enters this information into the SACS software on behalf of the districts.
 2. In other counties, the county auditor provides an end of the year financial report to the county office of education. The county office of education will then enter the information into the SACS software for the districts or provide the financial report to the districts to enter the data.
 3. The county office of education should caution the districts to confirm that the payments made from the bond interest and redemption fund agree to the debt service amounts on the amortization schedules.
- D. The district usually maintains the books for the tax override fund.

LEGAL CITATIONS

Education Code

Sections 17150 – 17150.1, 42133.5

Reimbursements to COEs

I. BACKGROUND

- A. The annual Budget Act provides funds for reimbursement to county offices of education (COEs) for expenses incurred in carrying out certain financial oversight responsibilities.
- B. The Fiscal Crisis and Management Assistance Team (FCMAT) is the entity designated to administer the reimbursements, subject to approval by the Department of Finance (DOF) and the Superintendent of Public Instruction (SPI).

II. CATEGORIES FOR REIMBURSEMENT

- A. The California Department of Education (CDE) has identified categories for reimbursement, which include the following:
 1. Audit – Extraordinary Costs – EC 1241.5 (b) & (c)
 2. Disapproved Budget by COE – EC 42127 (d)
 3. Disapproved Budget by SPI (following BRC or waiver) – EC 42127.3 (b) (4)
 4. Disapproved Budget by SPI (following BRC or waiver) – EC 42127.3 (b) (6)
 5. Qualified Certification – EC 42127.6 (a) (1) (A)
 6. Qualified Certification – EC 42127.6 (a) (1) (B)
 7. Negative Certification – EC 42127.6 (e) (5)

Additional information on each category, as well as the percentages that may be reimbursed, is listed in the following table and in the attachments to this procedure.

***Reimbursable Categories for County Office of Education Claims
Pursuant to AB 1200, AB 139, and AB 2756***

EC Section	Circumstance	Allowable Actions	SPI Approval Needed	% COE Must Pay	Legal Reimbursement Rate
1241.5(b) & (c)	Audit-Extraordinary costs	Audit due to fraud, misappropriation of funds, illegal practices, etc.	N	100%	100%
42127(d)	Disapproved Budget by COE	Appoint fiscal advisor to assist in developing revised budget.	N	100%	* 25%
42127.3(b)(4)	Disapproved Budget by SPI (following BRC or waiver)	Employ additional assistance or expertise to validate financial information.	Y	25%	100%

Reimbursements to COEs

EC Section	Circumstance	Allowable Actions	SPI Approval Needed	% COE Must Pay	Legal Reimbursement Rate
42127.3(b)(6)	Disapproved Budget by SPI (following BRC or waiver)	Employ CPA firm to investigate financial problems.	Y	25%	100%
42127.6(a)(1)(A)	Qualified Certification	Assign fiscal expert to advise district.	N ¹	100%	* 25%
42127.6(a)(1)(B)	Qualified Certification	Employ additional assistance or expertise, including CPA firm, to assist COE in conducting financial and budgetary study, including review of internal controls.	Y	25%	100%
42127.6(e)(5)	Negative Certification	Appoint fiscal advisor to act on behalf of COE.	N ²	25%	100%
¹ If COE enters into contract, it is subject to the approval of the SPI. ² Actions taken must be “in consultation with” the SPI. * Only 25% reimbursement allowed pursuant to language in the Budget Act.					

III. REIMBURSEMENT FORMS

- A. The forms COEs must submit are available on the FCMAT website at www.fcmat.org, under the “Publications” and then the “Fiscal Documents.”
- B. The COE must obtain prior approval from the SPI or the SPI’s designee for claims for contracting and paying for short-term analytical assistance or expertise to validate financial information if the district staff does not have the expertise, or for using and paying existing staff on a short-term basis.
- C. The COE must obtain prior approval from the SPI or the SPI’s designee for claims for any contract and payment to a fiscal expert to advise a district regarding its financial problems.
- D. County office staff must submit two sets of all claims for reimbursement to FCMAT quarterly, and the reimbursement is paid semiannually.
 1. County office staff must submit all claims for the previous fiscal year no later than August 15 of each year.
 2. Claims must include two Reimbursement Request forms, each with original signatures and documentation to support payment of all costs subject to reimbursement.

Reimbursements to COEs

3. Claims for AB 139 extraordinary audits, examinations or reviews must include a copy of the signed contract entered into by the COE, the audit report, and the actual costs billed to the COE. Backup documentation including the rate of pay, number of days, hours worked, details of expenses, and proof of payment must be provided.
4. Each claim must cite the code section(s) that provides the authority for reimbursement under one or more of the seven categories.
5. Each claim must include a description of the circumstances that led to the COE involvement.
6. FCMAT is responsible for reviewing and approving the claims and submitting them to the DOF and the SPI for reimbursement and final approval.

District Reorganization

I. OVERVIEW

A. School districts are not permanent governments.

1. School district boundaries may change.
2. School districts may transfer territory from one school district to another.
3. School districts may combine with other districts or divide.

B. Basic types of reorganization

There are three common types of reorganization:

1. Transfer of a portion or portions of one district to another district. Annexations and unionizations are instances in which an entire district is transferred to another district.
2. Unification that involves reorganizing entire elementary and high school districts or portions of them into unified districts serving kindergarten through grade twelve or reorganizing or splitting existing unified districts.
3. Unifications where one of the feeder elementary school districts is completely within a high school district and is excluded from action to unify the portion of the high school district in which it is contained. The governing board of the elementary school district must receive approval for exclusion from the State Board of Education.

C. Early organization

1. School district organization began with the provisions for school support established by the framers of the California Constitution in 1849.
2. By 1932, there were over 3,500 school districts in the State.
3. In the 1930s, new laws made it possible to combine elementary and high school districts into a single district under one board of education defined as a “unified “school district.

D. There have been significant and numerous changes in the laws related to school district organization since the 1930s.

E. Since 1932, the number of school districts has declined to roughly 960.

- Most of this decline occurred between 1932 and the 1960s.

District Reorganization

II. THE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

- A. In each county, except a county that is also a city and county (e.g., San Francisco), there is a county committee on school district organization.
- B. The county committee on school district organization has a major role in the review and approval of proposals to change school district organization in the county.
- C. The county committee:
 - 1. Is the local coordinator, analyst, facilitator and arbitrator for the reorganization of school districts. The committee also may initiate proposals to reorganize school districts.
 - 2. Responds to petitions, conducts public hearings, develops and releases information, formulates plans, and analyzes proposals throughout the approval process of a reorganization.
 - 3. Gives final approval or disapproval for petitions for transfers of territory and certain unification proposals, where state approval is not required. This is subject only to appeal to the State Board of Education. In some situations, elections are required.
 - 4. Has other responsibilities, as established in the Education Code, related to committee membership, trustee areas and methods of electing governing boards.
- D. Education Code Section 4020 allows the duties of the county committee to be transferred to the county board of education.
 - In more than 30 of the counties in the State, the county board of education serves as the county committee on school district organization.
- E. The county committee's role in lapsed school districts is defined within Education Code Sections 35780-35787. A lapse is defined as an action to dissolve a school district and annex the entire territory of that district to one or more adjoining school districts.
 - An action to lapse a school district is subject to specified general statutory provisions of Chapter 3, commencing with Education Code Section 35500.

District Reorganization

III. RESOURCES

- A. Detailed information on school district reorganization is available in the California Department of Education's *District Organization Handbook*.
 - 1. This handbook is a comprehensive reference on school district reorganization.
 - 2. The handbook describes the step-by-step process of forming or abolishing school districts, consolidating school districts, transferring territory from one district to another and unifying school districts.
 - 3. The handbook also includes checklists to aid county office staff and county committees in tracking the required tasks associated with district reorganization.
 - 4. The handbook is available on the California Department of Education's website at <http://www.cde.ca.gov/re/lr/do/>.
- B. School district reorganizations are extremely complex; therefore, county staff should consult with legal counsel whenever school district reorganization issues arise.

Working with the County

I. OVERVIEW

A. The County

1. The state is divided into 58 counties.
2. A county is the largest political division of the state having corporate powers.
3. The county may:
 - a. Sue and be sued.
 - b. Purchase, receive by gift or bequest, and hold land within its limits, or elsewhere when permitted by law.
 - c. Make contracts and purchase and hold personal property necessary to the exercise of its powers.
 - d. Manage, sell, lease, or otherwise dispose of its property, as the interests of its inhabitants require.
 - e. Levy and collect taxes authorized by law.
4. The county may exercise its powers only through the board of supervisors or through agents and officers acting under the authority of the board or authority conferred by law.

B. County Officers

1. Government Code 24000 establishes the officers in the county.
2. These officers include, but are not limited to, the following:
 - a. A controller
 - b. An auditor, who shall be ex-officio controller
 - c. A treasurer
 - d. A license collector
 - e. A tax collector, who shall be ex-officio license collector
 - f. An assessor
3. Government Code Section 24009:

Working with the County

- a. Except as provided in subdivision (b), the county officers to be elected by the people are the treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, public administrator, and coroner.
- b. 24009 (b) Any county office that is required to be elective may become an appointive office pursuant to this subdivision. Any county office changed from elective to appointive in accordance with this subdivision may be changed back from appointive to elective in the same manner.
4. Government Code Section 24300 allows the board of supervisors to, by ordinance, consolidate duties of certain of the county offices in one or more of these combinations:
 - a. County clerk, auditor, and recorder
 - b. Treasurer and tax collector
 - c. Treasurer and assessor

C. The Board of Supervisors

1. Government Code Section 25000 states that each county shall have a board of supervisors consisting of five members.
 - a. Not more than three members shall be elected at the same general election.
 - b. The term of office of each member is four years.
2. Government Code Section 25209.1 states that the board of supervisors of any county or city and county may upon the recommendation of the county auditor authorize the county treasurer to make a temporary transfer from the funds in their custody to any school district in the county or city and county.
 - a. The temporary transfer shall not exceed an amount computed to be equal to 50% of the school district's entitlement for payment of Public Law 81-874 funds for the immediately preceding fiscal year.
 - b. School districts may repay such temporary transfers of funds without any interest to the county on or before June 1 of the fiscal year in which the funds were transferred.
3. Government Code Section 29100 requires the board of supervisors, on or before October 3 of each year, to adopt by resolution the rates of taxes on each secured roll, not to exceed the 1% limitation specified in Article XIII A of the Constitution and Sections 93 and 100 of the Revenue and Taxation Code.

Working with the County

- For voter-approved indebtedness, the board shall adopt the rates on the secured roll by determining the percentage of full value of property on the secured roll legally subject to support the annual debt requirement.
- 4. Government Code Section 29101 states that after adopting the rates, the board shall levy the taxes on the taxable property of the county. Each rate is upon the full-assessed valuation of property and only upon property that is legally subject to such tax.

D. The County Auditor or County Auditor-Controller

1. Government Code sections 26880–26886 describe the duties of the county auditor or county auditor-controller.
2. This position is the chief accounting officer of the county.
3. Government Code Section 26920 requires the county auditor to perform, or cause to be performed, a review of the treasurer’s statement of assets in the county treasury at least once in each quarter.
 - a. The treasurer is required to prepare a statement showing the amount and type of assets in the county treasury as of the date of the review.
 - b. The review shall include:
 - i. Counting the cash in the county treasury.
 - ii. Verifying that the records of the county treasurer and auditor are reconciled pursuant to Government Code Section 26905.
4. Government Code Section 29043 requires the auditor to provide the estimates for bonded debt service requirements. They shall also provide or furnish to the responsible authority, as applicable, the estimates for bonded debt service requirements of school districts.

E. The County Treasurer

1. Government Code Section 27000 requires the county treasurer to receive and keep safely all money belonging to the county and all other money directed by law to be paid to him or her and apply and pay it out, rendering the account as required by law.
2. Government Code Section 27000.1 authorizes the board of supervisors to delegate to the county treasurer the authority to invest or reinvest the funds of the county and the funds of other depositors in the county treasury.

Working with the County

- The county treasurer thereafter assumes full responsibility for those transactions until the board of supervisors either revokes its delegation of authority or decides not to renew the annual delegation.
3. Government Code Section 27000.3 establishes that the board of supervisors is the agent of the county, serves as the fiduciary, and is subject to the prudent investor standard, unless the board of supervisors has delegated authority to the county treasurer.
 4. Government Code Section 27000.5 states that when investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, the primary objective of the county treasurer, or the board of supervisors, as the case may be, is to safeguard the principal of the funds under the treasurer's or the board's control.
 - a. The secondary objective is to meet the liquidity needs of the depositor.
 - b. The third objective is to achieve a return on the funds under their control.
 5. Government Code Section 27005 requires the treasurer to disburse the county money and all other money placed in their custody only on county warrants, checks, or electronic fund transfers issued by the county auditor, except for the making of legal investments.
 6. Government Code Section 27006 requires the treasurer to disburse money in the treasury on county warrants only when they are based on orders of the board of supervisors, upon order of the superior court, or as otherwise provided by law. In the payment of the warrants the treasurer may issue an order, check, or draft drawn upon proper funds that are on deposit in any bank.
 7. Government Code Section 27011 states that any county officer who knowingly accepts or allows any deposit in the county treasury of money from any private and unofficial source is guilty of a misdemeanor, punishable by imprisonment in the county jail for not less than six months nor more than one year, or by a fine of not less than five hundred dollars (\$500) and not more than five thousand (\$5,000), or by both fine and imprisonment, and shall forfeit their office.
 8. Government Code Section 27013 states that any treasurer, or other authorized county officer who invests, deposits or otherwise handles funds for public agencies for the purpose of earning interest or other income on such funds as permitted by law, may deduct from such interest or income, before distribution thereof, the actual administrative cost of such investing, depositing or handling of funds and of distribution of such interest or income. Such cost reimbursement shall be paid into the county general fund.

Working with the County

9. Government Code Section 27136 requires any local agency, public agency, public entity, or public official that has funds on deposit in the county treasury pool and that seeks to withdraw funds to invest or deposit those funds outside the county treasury pool, to first submit the request for withdrawal to the county treasurer before withdrawing funds from the county treasury pool.
 - The county treasurer shall evaluate each proposed withdrawal for its consistency with the criteria adopted pursuant to subdivision (h) of Section 27133. Prior to approving a withdrawal, the county treasurer shall find that the proposed withdrawal will not adversely affect the interests of the other depositors in the county treasury pool.
10. Government Code Section 53630.1 states that the Legislature finds that the solvency and creditworthiness of each individual local agency can impact the solvency and creditworthiness of the state and other local agencies within the state. Therefore, to protect the solvency and creditworthiness of the state and all of its political subdivisions, the Legislature declares that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern.
11. Government Code Section 53637 states that the money a local agency has authority to invest shall be deposited in any bank, savings association or federal association, state or federal credit union, or federally insured industrial loan company, with the objective of realizing maximum return, consistent with prudent financial management, except that money shall not be deposited in any state or federal credit union if a member of the legislative body of a local agency, or any person with investment decision making authority of the administrative office, manager's office, budget office, auditor-controller's office, or treasurer's office of the local agency, also serves on the board of directors, or any committee appointed by the board of directors, or the credit committee or supervisory committee, of the state or federal credit union.
12. Government Code Section 53649 states that the treasurer is responsible for the safekeeping of money in their custody and shall enter into any contract with a depository relating to any deposit which in his or her judgment is to the public advantage.

The depository, and the agent of depository to the extent the agent of depository has been notified of deposits and the amount thereof, are responsible for securing moneys deposited pursuant to such a contract in accordance with Section 53652.

One copy of each contract shall be filed with the auditor, controller, secretary, or corresponding officer of the local agency. The contract shall:

- a. Fix the duration of deposits, if appropriate.
- b. Fix the interest rate, if any.

Working with the County

- c. Provide conditions for withdrawal and repayment.
- d. Provide for placement of pooled securities in a named agent of depository in accordance with Section 53656.
- e. Grant authority for agent or depository to place securities for safekeeping in accordance with Section 53659.
- f. Set forth in accordance with Section 53665 the conditions upon which the administrator shall order pooled securities converted into money for the benefit of the local agency, and the procedure thereof.
- g. Provide for compliance in all respects with the provisions of this article and other applicable provisions of law.
- h. Provide, upon notice to the treasurer from the administrator, that a treasurer may withdraw deposits in the event a depository fails to pay the assessments, fines, or penalties assessed by the administrator or may withdraw authorization for the placement of pooled securities in an agent of depository in the event the agent of depository fails to pay the fines or penalties assessed by the administrator.

F. County Treasury Oversight Committee

1. Government Code Section 27130 is about establishing a county treasury oversight committee.
 - In this section, the Legislature finds and declares that the creation of the oversight committee will promote the public interest by involving depositors in managing their funds and by enhancing the security and investment return on their funds by providing a more stable and predictable balance for investment by establishing criteria for the withdrawal of funds.
2. Government Code Section 27131 authorizes the board of supervisors in each county or city and county to establish a county treasury oversight committee if the county or city and county is investing surplus funds.
 - a. The board of supervisors, in consultation with the county treasurer, shall determine the exact size of the committee, which shall consist of from 3 to 11 members.
 - b. Members are nominated by the treasurer and confirmed by the board of supervisors.
3. Government Code Section 27132 establishes that the committee shall consist of members appointed from the following:

Working with the County

- a. The county treasurer.
 - b. The county auditor, auditor-controller, or finance director, as the case may be.
 - c. A representative appointed by the county board of supervisors.
 - d. The county superintendent of schools or their designee.
 - e. A representative selected by a majority of the presiding officers of the governing bodies of the school districts and community colleges in the county.
 - f. A representative selected by a majority of the presiding officers of the legislative bodies of the special districts in the county that are required or authorized to deposit funds in the county treasury.
 - g. Up to five members of the public.
4. These committee meetings are open to the public and subject to the Ralph M. Brown Act.
 5. Government Code Section 27133 requires any county that establishes a county treasury oversight committee subject to this article to annually prepare an investment policy that the county treasury oversight committee will review. This investment policy will include all of the following:
 - a. A list of the securities or other instruments in which the county treasury may invest, according to law, including the maximum allowable percentage by type of security.
 - b. The maximum term of any security purchased by the county treasury.
 - c. The criteria for selecting security brokers and dealers from, to, or through whom the county treasury may purchase or sell securities or other investments.
 - d. Limits on the receipt of honoraria, gifts, and gratuities from advisors, brokers, dealers, bankers, or other persons with whom the county treasury conducts business by any member of the county treasury oversight committee.
 - e. A requirement that the county treasurer provide the county treasury oversight committee with an investment report as required by the board of supervisors.
 - f. The manner of calculating and apportioning the costs, authorized by Section 27013, of investing, depositing, banking, auditing, reporting, or otherwise handling or managing funds.

Working with the County

- g. The terms and conditions under which local agencies and other entities that are not required to deposit their funds in the county treasury may deposit their funds for investment purposes.
 - h. Criteria for considering requests to withdraw funds from the county treasury, pursuant to Section 27136. The criteria shall include an assessment of the effect of a proposed withdrawal on the stability and predictability of the investments in the county treasury.
6. Government Code Section 27134 requires the county treasury oversight committee to cause an annual audit to be conducted to determine the county treasury's compliance with this article. The audit may include issues relating to the structure of the investment portfolio and risk.

G. Interest Earnings

1. Government Code Section 53647 (a) states that interest on all money deposited belongs to, and shall be paid quarterly into the general fund of, the local agency represented by the officer making the deposit, unless otherwise directed by law.
 - a. Notwithstanding the provisions of subdivision (a), and except as otherwise directed by law, Section 53647 (b) allows the governing body of the local agency represented by the officer making the deposit to direct the interest to be paid into the fund that contains the principal on which the interest accrued.
2. Government Code Section 53684:
 - a. Allows the treasurer of any local agency, or other official responsible for the funds of the local agency, to invest funds not needed for immediate use.
 - b. Section (b) requires the county treasurer to, at least quarterly, apportion any interest derived from the investment of funds pursuant to this section in an amount proportionate to the average daily balance of the amounts deposited by the local agency and to the total average daily balance of deposits in the investment pool. In apportioning and distributing that interest or increment, the county treasurer may use the cash method, the accrual method, or any other method in accordance with generally accepted accounting principles.

Prior to distributing that interest or increment, the county treasurer may deduct the actual costs incurred by the county in administering this section in proportion to the average daily balance of the amounts deposited by the local agency and to the total average daily balances of the investment pool.

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- c. Section (c) requires the county treasurer to disclose to each local agency that invests funds pursuant to this section the method of accounting used, and to notify each local agency of any proposed changes in the accounting method at least 30 days before the proposed changes take effect.
- 3. Government Code Section 53686 requires the county treasurer or other responsible official to provide a copy of any audits (related to the investment of local agency funds and other funds by the county treasurer) to the treasurer or other official responsible for the funds of any local agency that has funds on deposit in the county treasury.

II. COUNTY OFFICE OF EDUCATION RESPONSIBILITIES

- A. There is nothing in the law that establishes the terms of the business relationship between the county and the county office of education (COE).
- B. In many ways, the COE acts to protect the interests of the other local educational agencies (LEAs) in the county.
- C. As an additional service to districts, the COE may consider taking on an oversight role in ensuring that the relationship between the county and the COE meets certain standard business practices.

For example:

- 1. Most business relationships are based on a written agreement that identifies the terms of the agreement and includes standards for determining performance.
 - a. Many COEs do not have a written agreement with their county that defines how the interest is calculated and which funds earn interest.
 - b. To ensure that the interests of the LEAs are protected, the COE may want to obtain written representations from the county government each year that define which funds earn interest, how the interest is calculated, and how the interest is allocated to the entities.
 - c. The COE may want to consider hiring a certified public accounting (CPA) firm on behalf of all LEAs to periodically determine whether the interest calculations and allocations are in agreement with the terms of the written representations from the county.

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2. Government Code Section 27133 requires the county treasurer in any county that establishes a treasury oversight committee to annually prepare an investment policy that will be reviewed and monitored by the county treasury oversight committee. The policy is to include the manner of calculating and apportioning the costs of investing, depositing, and banking, auditing, reporting, or otherwise handling or managing funds.
 - a. For those counties that charge these costs to the LEAs, the COE should consider reviewing the investment policy to determine whether it is reasonable.
 - b. The COE may want to consider hiring a CPA firm on behalf of all LEAs to periodically determine whether costs charged to the LEAs are determined in accordance with the county's investment policy.
3. Government Code Section 27134 requires the county treasury oversight committee to cause an annual audit to be conducted to determine the county treasury's compliance with the law related to the investment policy. The audit may include issues relating to the structure of the investment portfolio and risk.
 - a. On behalf of the LEAs, the COE may want to obtain copies of all relevant audit reports performed under this code section, as well as the county's annual audit.
 - b. On behalf of the LEAs, the COE staff could review the annual audits to determine if any issues identified in the audit report affect the LEAs.

III. LEGAL CITATIONS

Government Code

Sections 23000 – 23027

- Laws about the powers of the county; provides the names of the counties within the state.

Sections 24000 – 24012

- Establishes the officers of the county and the qualifications for the offices.

Sections 24300 – 24308

- Establishes positions that the board of supervisors may consolidate.

Sections 25000 – 25008, 25040 – 25042, 25200 – 25209.6

- The duties of the board of supervisors.

Working with the County

Sections 26880 – 26886

- The duties of the county auditor and auditor-controller.

Sections 26920 – 26922

- At least once each quarter, the county auditor shall perform a review of the treasurer's statements of assets in the county treasury.

Sections 27000 – 27013

- The duties of the county treasurer.

Sections 27080 – 27082

- The laws related to specific types of deposits into the county treasury.

Sections 27100 – 27101

- The fiduciary relationship of the county treasurer.

Sections 27130 – 27137

- The county treasury oversight committee.

Sections 29040 – 29045

- Responsibilities to provide debt service information for school districts.

Sections 29100 – 29109

- The procedures for determining the tax levies.

Sections 29800 – 29808

- The laws applicable to warrants issued by the county auditor.

Sections 29820 – 29828

- The procedures for paying warrants and registered warrants.

Sections 53600 – 53609

- Standards for persons investing public funds.

Sections 53630 – 53686

- Defines terms, responsibilities of county treasurer, laws on deposits with county treasurer, and eligible securities.

Cash Flow Procedures

I. OVERVIEW

- A. Each school district is required to provide a general fund cash flow projection as part of its first and second interim reports and end-of-year projection (third interim). School districts can use Form CASH in the standardized account code structure (SACS) software or use their own cash flow format.
- B. Cash flow projections can be developed for other funds as necessary, including capital funds, cafeteria fund and child development fund.
- C. Cash flow projections can also be used as a fiscal management tool to accomplish the following:
 - 1. Ensure that a school district can meet its financial obligations.
 - 2. Maximize investment opportunities and interest revenue.
 - 3. Identify timelines for cash receipts.
 - 4. Identify the possible need for short-term borrowing.
 - 5. Provide information for negotiations.
- D. The budget can be very different from cash because of the timing of cash inflows and outflows. The ending cash balance is also different from the ending fund balance, which includes receivables and payables.

II. COUNTY OFFICE RESPONSIBILITIES

- A. County offices of education (COEs) should consider reviewing general fund cash flow projections at each review cycle (budget adoption, first interim, second interim, and end-of-year projection).
- B. COEs may choose to coordinate a tax revenue anticipation notes (TRANs) pool to reduce school districts' borrowing costs.
- D. COEs may loan cash to a school district with the approval of the county board of education (Education Code (EC) 42621 and 42622).
- E. Some COEs develop monthly general fund cash flow projections for their school districts as part of the AB 1200 fiscal oversight process. These cash flows can be sent to districts to be revised with district-specific information.

Cash Flow Procedures

III. DETAILED PROCEDURES

This section discusses how a COE or district can set up a cash flow model. The components of cash inflows and outflows are covered in detail in sections A and B, respectively; section C discusses the technical details of how to set up a model using Microsoft Excel.

A. General Fund Cash Inflows

A school district has numerous revenue sources from both governmental and nongovernmental entities. A thorough analysis is required to convert this varied multiyear revenue information into reliable cash inflow amounts. It is common practice to start with projections of annual revenue, then break these down to monthly cash flow streams based on payment schedules or contracts. When using this approach, it is important to differentiate between cash attributable to current year and prior year revenues.

1. Principal Apportionment

The following are included in the principal apportionment:

- Local Control Funding Formula (LCFF) state aid
- School District Basic Aid (choice, court-ordered voluntary pupil transfer, and open enrollment)
- Adults in correctional facilities
- Special education AB 602
- Special education infants (0-2)
- Transfer of funds for county-served district funded ADA
- New or expanding charter advance payments
- School district advance payments of in-lieu property tax transfers for new or expanding charter schools
- Amount charter overpaid
- Prior year amount charter overpaid
- Adjustments and prior year recomputations

The principal apportionment distribution schedule, available from the California Department of Education (CDE), shows the entitlement percentage a school district can expect to receive each month based on Education Code (EC) 14041. The percentages on the schedule are before any deferrals are applied. There are three different types of payment plans for the principal apportionment distribution; a school district must use the correct type. The apportionment schedule is included in Table 1 below. Users may download the latest principal apportionment distribution schedule from the CDE's website at: <http://www.cde.ca.gov/fg/aa/pa/index.asp>.

Cash Flow Procedures

Table 1: Principal Apportionment Distribution Schedule

	Payment Plan Type			Period
	1	2	3	
	EC 14041(a)(2)	EC 14041(a)(7)	EC 14041(a)(8)	
July	5%	15%	15%	Advance
August	5%	15%	30%	
September	9%	15%	30%	
October	9%	15%	15%	
November	9%	0%	0%	
December	9%	0%	0%	
January	9%	6%	6%	
February 1	1/5	1/5	0%	P-1
March 1	1/5	1/5	0%	
April 1	1/5	1/5	0%	
May 1	1/5	1/5	0%	
June 2	Balance Due	Balance Due	Balance Due	P-2

¹ Based on the difference between the first principal apportionment certification and payments through January

² Based on the difference between the second principal apportionment certification and payments through May

The California State Controller's Office (SCO) maintains a schedule of the planned payment dates that shows exactly what day of each month a school district can expect to receive the apportionment. This schedule may be downloaded from the controller's office website at http://www.sco.ca.gov/ard_local_apportionments.html.

When the principal apportionment is certified each period (advance, first and second), the CDE posts the calculations letter and a planned monthly payment schedule for that period on its website. It is a good practice to verify that the monthly amounts in a school district's cash flow match the CDE's planned payments. The periods are as follows:

- Advance Principal Apportionment – certified in July for July to January payments
- First Principal Apportionment (P-1) – certified in February for February to May payments
- Second Principal Apportionment (P-2) – certified in June for the June payment

Cash Flow Procedures

2. Proposition 30, Education Protection Account (EPA)

Proposition 30, The Schools and Local Public Safety Protection Act of 2012, approved by the voters on November 6, 2012, temporarily increases the state's sales tax rate for all taxpayers and the personal income tax rates for upper-income taxpayers. The temporary sales tax increase of 0.25% began on January 1, 2013 and ends on December 31, 2016. The temporary personal income tax increase for upper-income earners began in the 2012 tax year and ends in the 2018 tax year. For K-12 schools, Proposition 30 revenues end after fiscal year 2018-19. Each local educational agency (LEA) receives at least \$200 per unit of average daily attendance (ADA) in EPA funds annually.

EPA funds are allocated quarterly in September, December, March, and June.

3. Other State Revenues

Lottery is a quarterly apportionment issued by the SCO. For detailed information related to Lottery apportionment, visit the following websites: <http://www.cde.ca.gov/fg/aa/lo/> and http://www.sco.ca.gov/ard_payments_lottery.html

Special Education AB 602, Special Education Infants (0-2) apportionments are paid through the principal apportionment process.

Various state agencies also offer grants that may be competitive and included on a reimbursement or other distribution schedule.

4. Federal Revenues

Federal funds flow differently depending on the funding source. In California, a school district can receive federal funding in one of two ways:

- Directly from the federal government via a wire transfer (Federal Grants Administration and Payment System (GAPS)).
- From the CDE, which apportions funds to county treasurers or to a school district by warrant after receiving a statewide apportionment from the federal government.

In either of these cases, the federal funding may be allocated differently depending on the grant:

- By a specific schedule, e.g. 40% in November, 40% in February, 20% in June.
- By reimbursement after expense has been incurred, e.g. monthly, quarterly, annually, other.

Cash Flow Procedures

If a school district neglects to report annual expenditures on the consolidated application, funding for the following year could be affected.

Federal Cash Management Guidelines

For certain programs, school districts must report cash balances to the CDE quarterly. This information is used to allocate apportionments. For each quarter, the amount apportioned is 25 percent of the district's entitlement, minus the reported cash balance, subject to a maximum payment equal to the unpaid entitlement amount. A school district must submit cash management data each reporting period to be eligible to receive funds in that period. Following are two options for showing this in the cash flow:

- If program expenditures are consistent from year to year, a full year of revenue receipts for a program subject to federal cash management can be used to project future years based on prior year trends.
- If program expenditures are not consistent, expenses must be estimated based on program expectations for the year. The expected expenses are applied to estimate quarterly cash in order to project what percent of scheduled apportionments might be expected.

Reimbursement Grants

Reimbursement funding implies a negative cash flow; expenses must be incurred before revenue can be requested. Some of the factors to consider are the time it takes to compile the reimbursement request and the time from request submittal to receipt of reimbursement. If these factors are consistent from year to year, prior year trends can be used when preparing cash flow projections. Types of reimbursement requests include the following:

- Submission of expenditure report
 - Online or paper submission
 - Reporting period can be monthly, quarterly, or other
 - GAPS
 - Requests can be made as often as desired.
 - A school district must certify that the amount requested has either already been expended or will be expended within a specified short time.
 - Revenue is normally deposited with the county treasurer within two days.

Cash Flow Procedures

Pass-Through Grants

A school district can be the lead, primary, or sub-grantee, but in all cases a set funding schedule or method should be detailed in the grant or memorandum of understanding (MOU). These grants can be reimbursement-based, adhere to federal cash management guidelines, or be forward-funded.

5. Local Revenues

Property Taxes

The property tax apportionment schedule is produced by the property tax department of the county auditor and controller's office and is distributed to school districts. Each component of the property tax revenue (e.g. current secured, current unsecured, etc.) will have a different distribution schedule. One method to project cash flow is to break the projected property tax revenue into the individual components and then apply the appropriate distribution percentages. Another method is to use the prior year's monthly inflows as a percentage of the annual amount received. The largest payments are usually in December and April. The property tax apportionment schedule is an estimated distribution, but the actual property tax cash flow to a school district depends on the actual tax received by the county auditor and controller's office.

The county auditor and controller's office provides the property tax revenue estimate for each school district as follows:

- P-1 (estimate) certified by November 15.
- P-2 (estimate) certified by April 15.
- For the annual period, the final taxes are certified by August 15 of the following fiscal year.

In most counties the assessor's office will provide the estimated assessed property valuations in May, which can help a school district estimate the property tax revenues for the coming year. The final assessed valuations are available in July.

All Other Local Revenues

Other local revenues can come from many sources and are usually unique to each school district. They may include the following:

- Contract revenue

This category includes school district contracts with other school districts or outside entities. The contracts should provide specifics on the cash receipt schedule.

Cash Flow Procedures

- Interest revenue
The county treasurer apportions the interest quarterly, usually one month after the end of the quarter.
- Miscellaneous sources
Examples of miscellaneous revenues are school and district sales, donations, and ticket sales. A school district might find it best to use prior year trends to project these uncertain revenue sources.

6. Special Education AB602

The special education program has many funding streams that can vary depending on situations unique to each district. This section will cover AB602, which is the main funding model and consists of state, federal and local amounts.

The state portion of the AB602 special education funding will follow the principal apportionment distribution to each special education local plan area (SELPA), which is discussed above in section III, A, 1. The federal Individuals with Disabilities Education Act (IDEA) Local Assistance entitlement portion is also distributed to each SELPA and will follow a federal grant schedule that is broken into three payments (initial, midyear, and final) that usually span two fiscal years. The local funding consists of property tax that is transferred from the county superintendent of schools. The timing of these transfers can be different in each county and should be confirmed every year.

The SELPA has an important role in AB602 cash flow. For member districts of a multidistrict SELPA, the funding will be received based on the SELPA's funding model and policy for revenue disbursement. Following are two methods:

- A school district may receive SELPA funding based on the same revenue receipt schedule as the SELPA.
- A school district may receive SELPA funding based on a set schedule of apportionment adopted by that SELPA.

Refer to the SELPA's policy when incorporating this funding into a school district's cash flow.

If a school district is a single-district SELPA, the district will receive its AB602 funding directly from the CDE and the COE.

Additional special education programs such as mental health services, infant programs and transportation follow their own cash disbursement schedules and are covered in other sections.

Cash Flow Procedures

7. Interfund Transfers In

Interfund transfers are permanent and differ from the short-term borrowing between funds that is described below.

Some examples of interfund transfers to the general fund are:

- Transfers from the special reserve funds.
- Transfer of the ending balance of a closed fund (usually a small amount).

The activities in the interfund transfer object codes are unique to each school district and in most cases should be well documented in advance.

8. Short-Term Borrowing from Other Funds

During the year the general fund might need a short-term loan from another fund, often to cover payroll at the end of a month. This is very common for the Child Nutrition fund. The school district should review the cash flow of other funds before loaning cash to the general fund. Internal borrowing is usually the lowest cost alternative for a school district because interest cost/earnings stay within the district.

Internal borrowing or interfund loans are also known as due to/due froms and are covered by EC 42603. Amounts borrowed must be repaid within the same fiscal year, or in the following fiscal year if the funds were borrowed within the final 120 calendar days of a fiscal year. No more than 75% of the cash available in the lending fund may be borrowed.

A school district should check to determine whether any bond language might prevent short-term borrowing from a bond fund.

9. Other Cash Inflows

Accounts Receivables

Cash received in the current year can be the result of a receivable set up in the prior period. There should be no offset to cash projections based on current year revenue when receiving cash from a prior period receivable. Receivables can be from multiple sources: principal apportionment, federal, state, and local. The timing of each of these types of revenues can be estimated in the cash flow. Ensure that any state or federal expenditure reports are completed in a timely manner to ensure prompt receipt of cash.

Cash Flow Procedures

B. Cash Outflows

The timing of cash outflows varies by type of expenditure. This section discusses methods for estimating each type of expenditure.

1. Salaries and Benefits

Salaries and benefits are the single largest item in a school district's general fund expenditure budget and cash outflow. A good method for estimating salaries and benefits is to use historical trends for each month. Identify and remove any one-time occurrences in the prior year, such as retroactive raises all paid in one month. Other factors that may cause the current year outflows to be different include the following:

- The number of paychecks for employees may change due to budget reductions.
- A major portion of the workforce may have reduced hours in the summer months and only receive 10 or 11 regular/full paychecks.
- The size of a summer school program may change.
- Early retirement/separation incentives will only be paid over a limited time.

Timing is another issue a school district should consider when developing a cash flow. State teachers' retirement system (STRS), public employee retirement system (PERS), and state unemployment insurance are usually paid in the period following the period in which the expense is incurred (e.g., STRS for June is paid in July). In this situation, the expense is accrued in the prior year but the cash outflow is in the current year. Health and welfare benefit rates may be based on the calendar year, and a school district might expect a premium increase or a move to enrollment in a lower cost plan in January.

2. Supplies and Services

Some services have set monthly, quarterly or annual billing cycles. Operational issues at the school district will also affect the timing of payments. In addition, the cost of items such as utilities may be cyclical. The purchase of supplies and services can vary greatly by school district, but prior year and seasonal trends can provide good insight when estimating the cash outflow. Some things to consider include:

- Large cash payments can occur in the early months of a fiscal year because supplies are being ordered to start the new school year, large purchases are being made (e.g. textbooks), and prior year invoices are being paid.
- June can have high cash outflows because of efforts to spend categorical funds and pay bills to avoid having to make accruals.
- Purchasing deadlines can affect the timing of payments to vendors.

Cash Flow Procedures

- One-time payments should be taken into account.

3. Transfer of Direct Costs

Direct costs may include maintenance, photocopying, or vehicle use and are often accumulated in certain accounts. Transfers are made periodically to charge other funds that use these services. A school district could improve its cash position by reviewing the timing of these charges between funds. It may be necessary to review the cash balances of other funds prior to making these types of transfers.

4. Capital Outlay

Capital expenditures are for the acquisition of land or buildings, site improvements, and equipment purchases. Because these costs are usually large and infrequent, it is important to work with the manager(s) in charge of capital projects when estimating these items.

5. Other Outgo

Tuition/Interagency Transfers

Interagency costs are the costs a school district incurs from other governmental agencies. Examples include the cost of contracted educational services provided by another school district, transfers of pass-through revenue, and other apportionment transfers.

Transfers of Indirect Costs

Indirect costs between funds can be charged when the general fund supports another fund. This will show as a negative expenditure in the general fund. School districts may consider making these transfers during the fiscal year to increase general fund cash flow.

Debt Service

Debt service expenditures are recorded to show the payment of principal and interest needed to service a school district's debt. A school district should review schedules for debt service payments because these payments are usually large and are often determined at the time of borrowing.

6. Interfund Transfer Out

As discussed in section III, A, 6, interfund transfers are permanent and differ from short-term borrowing and lending. Examples of transfers from the general fund to other funds are:

Cash Flow Procedures

- Contractually required contributions to retiree/post-employment benefits funds. The timing and amounts should be known and/or accessible.
- Funding of an ongoing program operated in another fund, such as a bus replacement program in fund 15.
- Contributions to other funds such as the cafeteria fund.

The activities in the interfund transfer object codes are unique to each school district and should be well documented in advance in most cases.

7. Short-Term Lending to Other Funds

Information on short-term lending to other funds is covered above in section III, A, 7, Short Term Borrowing from Other Funds.

8. Other Cash Outflows

Accounts Payable and Accruals

Accounts payable liabilities are created when expenses are recognized and accrued in the previous fiscal year but the cash payment is made in the current year. These liabilities should be included in cash flow projections.

Most payables should be cleared by the first interim reporting period. If balances remain in these accounts, staff should analyze the amounts to see if they are still valid payables and take steps to clear them.

Stores

Purchases for stores should be included in the cash flow. The timing of these payments will depend on whether supplies are ordered early in the year or if the district uses just-in-time purchasing.

Prepaid expenditures

Most prepaid expenditures occur at the end of a school year. Examples of prepaid expenditures include conference expenditures and insurance premiums.

Cash Flow Procedures

C. Setting Up a Cash Flow Template/Model

1. Layout

Cash flows are usually in data table format with months listed horizontally left to right at the top of the columns and cash flow categories listed at the left of each row below. In the rows, a school district can set up cash flows using any of several different methods, including using the full account string, object codes or object code ranges, or organizing by program. The SACS Form CASH assigns an object code range to each row. For each month, the data can be organized as follows: the prior period's beginning balance; revenues/cash inflows with a subtotal; expenditures/cash outflows with a subtotal; and an ending cash balance.

2. Excel as a Tool

Cash flow templates should be set up to minimize data entry as much as possible. To accomplish this, the spreadsheet could have embedded formulas and, whenever possible, use standard data downloads that feed into schedules with links, VLOOKUP, HLOOKUP, SUMIF and/or other Excel functions. Always have balancing totals for error checking. The assumptions used in the cash flow template should be consolidated in one assumptions tab for easy reviewing and updating rather than embedded in formulas throughout the spreadsheet. The cash flow formulas should be linked to the appropriate assumptions so that when an assumption is changed it will automatically flow to all the linked formulas.

Maintain major programs/items, such as LCFF and property taxes, in separate tabs or workbooks with links to the master cash flow. When using links to other workbooks, change the workbook settings to "Prompt user on automatic update for workbook links" so the master cash flow does not automatically update links with external content. This will prevent the numbers from changing until you want them to be updated.

3. Trends and Averages

Often the best method for projecting future cash outflows is to look at past trends and activity. Trends provide better information when they draw from a larger amount of data (e.g., multiple years rather than a single year). A simple average formula can be used, or a weighted average formula can be used that applies more weight to the more recent periods than to older periods. This implies that the recent and current periods are more representative of what will happen in the future.

Cash Flow Procedures

Implementation of the LCFF in the 2013-14 school year moved cash flow from Other State Revenues to Principal Apportionment and COE transfers from a negative revenue stream to an expenditure or other outgo. In addition, there have been continuing changes in deferrals of principal apportionment and in salary outgo as districts reversed cuts made during the recession. Because of these changes since implementation of the LCFF, cash flow schedules based on trends will be best focused on the most recent data available rather than a historical average.

Table 2 provides an example of a simple average and a weighted average for a school district's expenditures as a percentage of annual expenditures by year (formulas are below the columns):

Table 2: Example of simple average and weighted average expenditures by year.

May			
Year	Simple	Weighted	Weight
2010/11	11.3%	11.3%	1
2011/12	9.2%	9.2%	1
2012/13	7.8%	7.8%	1
2013/14	6.2%	12.4%	2
2014/15	6.1%	18.3%	3
Average	8.1%	7.4%	8

In column C of this example, the recent periods of 2013-14 and 2014-15 were given weights of 2 and 3, respectively. This produced an average more heavily influenced by these periods. In contrast, a simple average (column B) weights all periods equally.

Table 3 below shows one example of how a table can be set up to calculate monthly or seasonal percentages. Apply resulting monthly percentages to the annual projections to calculate the expected cash outflows for each month. With the initial setup of the cash flows, the sum of the percentages will add up to 100. As months pass and the actual outflows are used instead of the projections, the total will be more or less than 100%. To account for 100% of the annual projection, June can be used as the catch-up month.

Cash Flow Procedures

Table 3: Example of table to calculate monthly or seasonal percentages

Salaries & Benefits Data Table													
FY	July	August	September	October	November	December	January	February	March	April	May	June	Totals
2008/09	\$7,235,680	\$9,290,802	\$10,918,042	\$11,290,378	\$11,441,634	\$11,377,776	\$11,149,332	\$11,524,555	\$11,449,727	\$11,560,751	\$11,382,219	\$11,535,813	\$130,156,708
2009/10	8,002,682	9,488,105	11,431,390	2,309,694	19,871,850	13,128,228	11,806,245	11,317,612	11,985,912	12,081,359	12,000,123	12,108,754	135,531,955
2010/11	8,296,944	10,097,322	12,308,996	12,449,154	12,333,245	12,389,372	12,281,731	12,476,970	12,556,692	13,166,170	12,353,929	12,710,856	143,421,380
2011/12	8,434,390	10,409,378	13,381,836	12,739,670	12,731,145	12,775,761	12,225,552	12,799,443	12,808,240	12,134,068	12,612,491	12,967,192	146,019,165
2012/13	8,199,698	15,882,393	13,677,433	17,034,307	14,798,341	14,071,443	13,812,409	13,728,589	14,459,180	13,815,352	14,805,690	14,033,671	168,318,507
2013/14	9,055,443	11,456,132	13,485,783	13,868,711	13,961,665	13,412,105	13,512,587	13,660,728	13,734,235	13,891,942	13,626,825	13,719,388	157,385,544
2014/15	13,554,516	12,993,960	13,638,147	13,639,210	13,565,648	13,678,497	13,585,735	13,403,953	13,673,112	13,567,913	13,671,162	13,530,430	162,502,283
Total	\$62,779,353	\$79,618,092	\$88,841,627	\$83,331,124	\$98,703,529	\$90,833,182	\$88,373,591	\$88,911,849	\$90,667,098	\$90,217,555	\$90,452,438	\$90,606,103	\$1,043,335,541
% of Total	6.0%	7.6%	8.5%	8.0%	9.5%	8.7%	8.5%	8.5%	8.7%	8.6%	8.7%	8.7%	
Monthly Outflows as a Percentage of Total													
FY	July	August	September	October	November	December	January	February	March	April	May	June	Total
2008/09	5.6%	7.1%	8.4%	8.7%	8.8%	8.7%	8.6%	8.9%	8.8%	8.9%	8.7%	8.9%	
2009/10	5.9%	7.0%	8.4%			9.7%	8.7%	8.4%	8.8%	8.9%	8.9%	8.9%	
2010/11	5.8%	7.0%	8.6%	8.7%	8.6%	8.6%	8.6%	8.7%	8.8%	9.2%	8.6%	8.9%	
2011/12	5.8%	7.1%	9.2%	8.7%	8.7%	8.7%	8.4%	8.8%	8.8%	8.3%	8.6%	8.9%	
2012/13	4.9%	9.4%	8.1%	10.1%	8.8%	8.4%	8.2%	8.2%	8.6%	8.2%	8.8%	8.3%	
2013/14	5.8%	7.3%	8.6%	8.8%	8.9%	8.5%	8.6%	8.7%	8.7%	8.8%	8.7%	8.7%	
2014/15	8.3%	8.0%	8.4%	8.4%	8.3%	8.4%	8.4%	8.2%	8.4%	8.3%	8.4%	8.3%	
Average	6.0%	7.6%	8.5%	8.9%	8.7%	8.7%	8.5%	8.5%	8.7%	8.7%	8.7%	8.7%	100.2%
Population													
Variance	0.01%	0.01%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	

Cash Flow Procedures

Another method for projecting cash outflows is to use the percent of change from the prior month. Table 4 shows how a table can be set up to calculate the percent of change from one month to the next. According to Table 4, September cash outflows for supplies and services average 8.1% less than August. As Table 4 shows, there can be large changes from one year to the next for a given month. With the initial setup of the cash flows, the sum of the percentages will not add up to 100%. To account for 100% of the annual projection, use June as the catch-up month.

Cash Flow Procedures

Table 4: Sample of Table to show percent of change from month to month

Supplies & Services													
FY	July	August	September	October	November	December	January	February	March	April	May	June	Totals
2010/11	\$1,435,317	\$2,302,448	\$2,149,274	\$1,837,362	\$1,702,527	\$1,567,597	\$1,858,400	\$1,338,477	\$2,634,965	\$1,542,258	\$2,717,291	\$2,907,012	\$23,992,927
2011/12	2,114,405	2,417,368	1,778,644	2,415,403	1,341,566	1,420,431	2,008,986	2,223,011	1,689,641	1,754,387	2,176,189	2,437,728	23,777,759
2012/13	4,163,259	3,859,997	2,726,476	2,363,240	1,827,105	3,258,312	2,568,259	1,808,237	2,100,600	2,897,310	2,575,180	2,945,022	33,092,997
2013/14	3,133,698	3,233,398	2,859,571	2,712,522	2,186,759	2,172,973	2,631,333	2,094,722	1,827,766	3,028,904	1,966,667	3,778,605	31,626,917
2014/15	2,510,031	1,982,910	2,651,035	2,203,813	1,988,931	2,118,855	5,046,810	1,792,655	2,857,760	1,781,146	2,148,212	3,278,935	30,361,092
Totals	\$13,356,711	\$13,796,121	\$12,165,000	\$11,532,339	\$9,046,888	\$10,538,169	\$14,113,788	\$9,257,102	\$11,110,732	\$11,004,005	\$11,583,539	\$15,347,301	\$142,851,692
Average	2,671,342	2,759,224	2,433,000	2,306,468	1,809,378	2,107,634	2,822,758	1,851,420	2,222,146	2,200,801	2,316,708	3,069,460	28,570,338
% of Total	9.4%	9.7%	8.5%	8.1%	6.3%	7.4%	9.9%	6.5%	7.8%	7.7%	8.1%	10.7%	100%
Change from Prior Month													
FY	July	August	September	October	November	December	January	February	March	April	May	June	
2010/11		867,131	(153,174)	(311,912)	(134,835)	(134,930)	290,803	(519,923)	1,296,488	(1,092,707)	1,175,034	189,721	
2011/12		302,963	(638,724)	636,759	(1,073,837)	78,866	588,554	214,025	(533,370)	64,745	421,802	261,539	
2012/13		(303,262)	(1,133,521)	(363,236)	(536,135)	1,431,207	(690,053)	(760,022)	292,363	796,710	(322,130)	369,842	
2013/14		99,700	(373,827)	(147,048)	(525,763)	(13,786)	458,360	(536,612)	(266,956)	1,201,139	(1,062,237)	1,811,938	
2014/15		(527,121)	668,125	(447,222)	(214,882)	129,925	2,927,954	(3,254,154)	1,065,104	(1,076,614)	367,066	1,130,723	
Totals		439,410	(1,631,121)	(632,660)	(2,485,451)	1,491,281	3,575,619	(4,856,686)	1,853,630	(106,727)	579,534	3,763,762	
Average		87,882	(326,224)	(126,532)	(497,090)	298,256	715,124	(971,337)	370,726	(21,345)	115,907	752,752	
Percent Change from Prior Month													
FY	July	August	September	October	November	December	January	February	March	April	May	June	Totals
2010/11		60.4%	-6.7%	-14.5%	-7.3%	-7.9%	18.6%	-28.0%	96.9%	-41.5%	76.2%	7.0%	153.1%
2011/12		14.3%	-26.4%	35.8%	-44.5%	5.9%	41.4%	10.7%	-24.0%	3.8%	24.0%	12.0%	53.1%
2012/13		-7.3%	-29.4%	-13.3%	-22.7%	78.3%	-21.2%	-29.6%	16.2%	37.9%	-11.1%	14.4%	12.2%
2013/14		3.2%	-11.6%	-5.1%	-19.4%	-0.6%	21.1%	-20.4%	-12.7%	65.7%	-35.1%	92.1%	77.2%
2014/15		-21.0%	33.7%	-16.9%	-9.8%	6.5%	138.2%	-64.5%	59.4%	-37.7%	20.6%	52.6%	161.3%
Totals		3.3%	-11.8%	-5.2%	-21.6%	16.5%	33.9%	-34.4%	20.0%	-1.0%	5.3%	32.5%	37.5%
Average		9.9%	-8.1%	-2.8%	-20.7%	16.4%	39.6%	-26.4%	27.1%	5.7%	14.9%	35.6%	91.4%

Cash Flow Procedures

4. Population Variance

When using averages and trends, it is important to determine if there are one-time occurrences that are outside the normal data. For example, assume that Table 3 shows that in fiscal year 2009-10 the October cash outflow for the payroll was posted to the bank account on November 1 instead of October 31. Because these types of variances skew the trend and have a low probability of recurring, they should be excluded. To help identify these instances, use the population variance function in Excel. The formula =VARPA(F1:F7) will calculate the population variance of the data in the range F1 to F7. Next, identify a reasonable population variance for each category. For example, the category of salaries and benefits will probably have a smaller acceptable variance than supplies and services. A common rule of thumb is that an acceptable variance includes 95% of the population. When October and November of fiscal year 2009-10 are excluded from the calculation in Table 3, the remaining data set still has 97 percent of the population. Conditional formatting can be used to make it easy to see instances that are outside the population variance. Table 3 also shows the use of the population variance.

A school district will most likely have large payments one or two times each year, such as TRANs repayments or early retirement incentive payments. These items should be excluded from the trend analysis and should be projected separately.

D. Borrowing Options

In some cases a monthly cash flow is not enough and daily monitoring is required to determine if there is enough cash in a fund to cover the planned outflows. If temporary borrowing is required, a school district might have the option of borrowing internally from other funds or externally from other entities. Unlike internal borrowing, external borrowing includes costs to the district such as interest, issuance costs and other expenses.

1. Interfund Borrowing

Internal borrowing from other funds is covered in section III, A, 7 above.

2. Tax Revenue Anticipation Notes (TRANs)

Government Codes 53850 to 53858 authorize a school district to issue notes and enumerate parameters for the indebtedness. No voter approval is necessary, but the governing board must adopt a resolution authorizing the issuance.

Cash Flow Procedures

TRANS are short-term interest-bearing notes issued by a school district in anticipation of taxes and other revenues. A TRANS may not exceed 85 percent of the estimated amount of the uncollected revenues available to repay the note; its maturity can be no greater than 15 months; and it is payable only from revenues received or accrued during the fiscal year it was issued. Federal tax laws governing positive arbitrage usually cause the maturity to be no greater than 13 months.

For the traditional TRANS issue, planning will usually start in spring, close in early July, and have two set-asides, one in January or February and the final in April. Midyear TRANS issuances are used when school districts are experiencing low cash situations later in the fiscal year. Many school districts participate in a TRANS pool that can be coordinated through the COE, which reduces the issuance costs to individual school districts. Various education industry associations and other private entities also offer TRANS.

3. County Treasury Loans

Education Code Section 42620 requires the county treasurer to loan money to a school district that does not have sufficient cash to meet current expenses. The county treasurer will usually require a resolution approved by a school district's board. A school district shall not borrow more than 85% of the revenues accruing to the district. The last transfer of funds must be made prior to the last Monday in April. Repayment must be made from the first monies received by a school district before any other obligation is paid. The county treasurer will usually take repayment directly from the incoming cash.

4. County Office of Education Loans

Education Code sections 42621 and 42622 allow the COE to loan funds to a school district with the approval of the county board of education, but this option is rarely used. The loan cannot exceed 85% of the amount of money accruing to the district at the time of transfer and is subject to the funds available at the COE. The loan must be repaid prior to June 30 or, with the county board of education's approval, in the subsequent fiscal year.

Waiver of State Apportionment Deferrals

I. OVERVIEW

- A. Due to the cash shortfalls the state has experienced, there have been a series of deferrals of state apportionments to local educational agencies (LEAs), including K-12 school districts, county offices of education and charter schools. Some deferrals have been enacted in lieu of budget reductions to education, while others are specifically to assist the state in resolving its own cash shortfalls.
 - 1. Some of the deferrals are ongoing, while others are enacted by the legislature to deal with a projected cash problem in the current fiscal year. The details of these deferrals are found in Education Code Section 14041 and Government Code Sections 16325-16326.
 - 2. The deferrals are stated as dollar amounts to be deferred during specified months. Based on the apportionment schedule in effect, the deferrals will generally first impact the principal apportionment.
 - i. However, if the principal apportionment funds to be disbursed during the month are insufficient to meet the enacted deferral, categorical apportionments may also be affected to achieve the deferral amounts.
 - 3. LEAs have been able to accrue the revenues for the deferrals even though the cash may not be received until the following fiscal year. Additionally these deferred amounts are included as part of the following fiscal year's state education funding.
- B. Since the availability of cash to meet financial obligations is the first test of fiscal solvency, LEAs have been forced to use temporary borrowing options to meet their cash commitments (See P-027 Cash Flow Procedures).
- C. LEAs have the option to file an application (EC 14041.7(a)(2)) for an exemption from specified apportionment deferrals
 - 1. For some state deferrals, the legislation specifies that LEAs can certify to the State Superintendent of Public Instruction (SSPI) and Department of Finance (DOF) that the deferrals will result in the inability to meet expenditure obligations by specified deadlines after exhausting all other forms of temporary borrowing.
 - 2. The application for deferral exemption is subject to approval by the Department of Finance (DOF), with concurrence by the State Superintendent of Public Instruction (SSPI), before being implemented.

Waiver of State Apportionment Deferrals

3. The California Department of Education (CDE) notifies the LEA administrators of the deferrals eligible to be exempted or waived, as well as the process to follow to file an application for exemption from the deferral.

II. EXEMPTION PROCESS

- A. The CDE outlines the process and format by which LEAs are to apply for the exemption as well as the due date for submittal.
 1. The application will include the submission of an “Application and Certification to Exempt a School District/County Office of Education/Charter School from the XXXX Apportionment Deferral.” This form and directions can be found on the CDE Web site <http://www.cde.ca.gov/fg/fi/ir/>.
- B. Approval for the exemption will be based on the following conditions:
 1. The LEA has exhausted all internal and external sources of borrowing including those pursuant to Education Code Sections 42603, 42621; the California Constitution, Article XVI, Section 6l; and Government Code Section 53850 et. seq. This includes temporary short-term borrowing from the following sources: district interfund borrowing; borrowing from the county treasurer; borrowing from the county office of education and/or borrowing from external financial institutions (Tax and Revenue Anticipation Notes or TRANS).
 2. The apportionment deferral will result in the LEA being unable to meet all of its financial obligations during the time frame of the deferral.
 3. If the LEA does not receive the exemption, it will require a State emergency loan.
 4. A cash flow demonstrating that the LEA will be unable to meet its expenditure obligations for the deferral’s time frame.
 - i. The cash flow should reflect the latest state apportionment schedule, which can be found on the CDE website under the link referenced above.
 5. A narrative that describes the fiscal condition of the LEA and any actions taken to avoid fiscal insolvency.
- C. Process for Submission of Application for the Deferral Exemption
 1. The process is the same for all LEAs.

Waiver of State Apportionment Deferrals

2. District requests must be signed by the district superintendent and chief business official. The county superintendent must certify the district's application as true and correct prior to submission.
3. Charter school requests must be signed by the charter school administrator and chief business official. The charter's authorizing agency must certify the charter school's information as true and correct prior to submission.
4. County office requests must be signed by the county superintendent and chief business officer as being true and correct.
5. The original application and supporting documentation is sent to the DOF with a copy to the CDE.
6. After the DOF approves the request, the CDE will post the lists of exempted LEAs on its website and a notification is sent to the COEs as apportionment schedules will be adjusted for those LEAs.

III. COUNTY OFFICE ROLE IN SUPPORT OF EXEMPTION FROM APPORTIONMENT DEFERRALS

- A. The county office should include the following in support of the district or charter school application for deferral exemption. The county office should provide as much documentation as possible to support the application for qualifying LEAs.
 1. Provide LEAs with adequate lead time in developing their applications for exemption.
 2. Validate the LEA's cash flow and ensure that the revenue forecasts are consistent with the latest apportionment and cash flow schedules provided by the CDE.
 - i. When forecasting state aid for cash flow, county offices should be cognizant that the assumptions the CDE and DOF use may be different than that recommended by county offices for cash projections during the budget or interim period. (e.g., DOF assumption that the cash flow will reflect only those cash changes that have been adopted by the Legislature. Proposed deferrals would be excluded from the forecast).
 - a. County offices may ask districts to use a different approach than that asked by the state, which could result in a significant change in the cash position for interim and budget reporting purposes.

Waiver of State Apportionment Deferrals

3. Instruct the LEA to submit all board resolutions authorizing temporary borrowing already utilized or planned for: district inter-fund borrowing; borrowing from the county treasurer; borrowing from the county office of education and/or external financial institution borrowing (TRANs).
 - i. Districts may have applied for a TRAN to bridge the cash shortfall. This should be stated in the narrative and if the TRAN has not been received, note that the TRAN is yet to be funded. Districts may not be eligible for a TRAN due to their fiscal status or high cost of borrowing and if this is the case, the county office should state that in the narrative.
4. Validate and provide the cash balance for all district funds as of the date of the application.
 - i. If available, a monthly cash flow for those funds with significant cash balances could also be submitted.
 - a. Provide a statement as to whether or not districts can borrow from those funds and any restrictions on borrowing (e.g., cannot borrow from the bond fund or the cash in a fund is needed for future fund obligations).
 - ii. Document any extenuating circumstances that the district may face that are not evident in the cash flow but that would justify the exemption. For example, at the end of the fiscal year, a district may end June with a positive fund balance but their payroll will run on July 1. However, because of direct deposit, the district will need to have the cash available for the July payroll prior to July 1 to avoid a negative fund balance.
5. Submit any county office letters from the budget, interim reports or other reports that document cash concerns in support of the district's request.

Current Expense Formula and Reporting—SACS Form CEA

I. OVERVIEW

- A. Education Code (EC) section 41372 requires that elementary, unified and high school districts expend at least 60%, 55%, and 50% of their current cost of education, respectively, for classroom teacher and aide salaries, plus associated benefits. Each school district is required to complete the Standardized Account Code Structure (SACS) Form CEA, “Current Expense Formula/Minimum Classroom Compensation – Actuals,” and submit it with their unaudited actuals report to allow their county office of education to determine whether the district complies with EC section 41372.

SACS also includes an optional Form CEB, “Current Expense Formula/Minimum Classroom Compensation – Budget,” supplemental report with budget adoption software. Both Form CEA and Form CEB are populated by the SACS software and allow the user to adjust (or override) the reduction amounts if necessary. Although it is optional, districts should be encouraged to complete the Form CEB report to help avoid problems meeting the required percentage levels at year-end.

- B. Form CEA (or CEB) calculates the total classroom compensation percentage (objects 1000-3999 and functions 1000-1999) of the total actual expenditures in the general fund 01. The SACS software excludes certain resources, objects, goals and functions, from both classroom compensation and total expenditures. These exclusions eliminate expenditures of any program that does not allow classroom compensation costs or any restricted resource for which the specified funding use precludes compliance with EC section 41372 requirements. A current list of SACS software expense reductions can be found in the *SACS Software User Guide* within the SACS software.
- C. Districts with less than 101 units of ADA in the previous year are excluded from the CEA requirement. In addition, EC section 41374 states that EC section 41372 shall not apply to districts that maintain all “individual class sessions” with equal to or less than the following number of pupils in attendance:
1. An elementary school district – 28 pupils
 2. A high school district – 25 pupils
 3. A unified school district:
 - a. Grades K-8 – 28 pupils
 - b. Grades 9-12 – 25 pupils
 - c. Grades 7-9 of a junior high school shall be deemed to be high school grades for the purposes of this section.

Current Expense Formula and Reporting—SACS Form CEA

“Individual class session” shall not include classes in grades K-8 in the following subjects: visual and performing arts, industrial arts, and physical education. In grades 9-12, classes in commercial arts, visual and performing arts, industrial arts, vocational arts, and physical education shall not be included. In addition, grades 9-12 shall not include any two or more classes that come together for joint lectures or demonstrations.

II. COUNTY OFFICE RESPONSIBILITIES

- A. County offices of education must review the Form CEA supplemental report to ensure that school districts comply with EC section 41372. Form CEA is a required component of a district’s unaudited actuals report. The SACS software also includes an optional Form CEB supplemental report. County offices of educations may request that the district also complete CEB forms at budget adoption.
- B. If, upon review of the district’s Form CEA report, it is determined that the district does not meet the required level of expenditure in classroom compensation, the board can apply in writing to the county superintendent of schools for a waiver no later than September 15th. The waiver can be granted for the following reasons:
 - 1. The application of EC section 41372 would result in a serious hardship to the district.
 - 2. The application of EC Section 41372 would result in the district paying its classroom teachers salaries that exceed those of other districts of comparable type and functioning under comparable conditions.
- C. The county superintendent of schools, upon receipt of the district’s application:
 - 1. Shall grant the waiver if the deficiency amount is less than \$1,000.
 - 2. May grant an exemption based on the merits of the application if the deficiency is more than \$1,000.
- D. If a waiver application is not received or is denied, the county office of education is required to designate an amount from apportionments made to the school district after April 15th in the current fiscal year equal to the apparent deficiency in district expenditures. The amount shall be deposited in the county treasury to the credit of the school district, but shall remain unavailable for expenditure by the district. The county superintendent shall order the designated amount (or amount not exempted) to be added to the amounts to be expended for classroom teachers’ salaries during the next fiscal year.
- E. The county superintendent of schools shall enforce the requirements prescribed by EC section 41372 and may adopt necessary rules and regulations to that end.

Current Expense Formula and Reporting—SACS Form CEA

III. COMPLETION OF FORM CEA AND POTENTIAL ISSUES

- A. Form CEA (or CEB) is completed automatically from data imported into SACS software.
- B. The only modification allowed to the amounts imported and calculated by SACS software is an optional adjustment in the “Reductions (Overrides)” column. This may be needed if expenditures that should be excluded are not already excluded by SACS software. For example, expenditures in the following resources, Other Federal – 5810, Other State – 7810, or Other Local – 9010, are not already excluded by an ineligible object, goal or function. An evaluation of the expenditures that roll up to these resources may be needed to determine if additional reductions are warranted based on the funding source or program they support (Ref. D7 below).

Districts should provide documentation or explain reduction override amounts, and these amounts should be verified by the county office of education.

- C. The district can enter an “X” on line 16 to indicate that it is exempt based on EC section 41374. The district should provide documentation regarding class size to support the determination.
- D. If the district does not meet the required percentage thus generating a deficiency in Part III, the district and/or county office of education should look for potential coding errors and other issues that would affect the CEA formula. The goal is to accurately reflect classroom compensation included in the formula (Part II – Minimum Classroom Compensation) and appropriately reduce or eliminate other costs from the total expenditures section (Part I – Current Expense Formula). Below are some examples of things to look for.
1. Classroom teachers and other classroom staff should be coded to function 1###, e.g., classroom aides, tutors, or other staff providing direct educational services.
 2. Whenever possible, classroom teachers and direct instructional support staff costs should not be coded to any resource excluded from the CEA calculation. Direct instructional support staff costs in Lottery RS 1100 are included in Part II.
 3. Expenditures coded to Lottery - RS 1100, are excluded in Part I. Review the possibility of reclassifying additional expenditures to this resource as appropriate. An increase in lottery expenditures will lower the total expenses in Part I.
 4. Review expenditures coded to functions 2100, 2130, 2140 to make sure that staff salaries or staff development costs, including substitutes, are not recorded here; these expenditures should be recorded as function 1000.

Current Expense Formula and Reporting—SACS Form CEA

The California School Accounting Manual (CSAM) states the following under function 2140:

A fee paid for an employee to attend a conference, or a salary stipend for attending a staff development conference, should follow the function of the employee. For example, the cost of a classroom teacher improving his or her ability to teach is an instructional cost, an “activity dealing directly with the interaction between teachers and students,” and should be charged to Function 1000.

5. Look for costs that should be coded to the goals and functions deducted in Part I (e.g. non-agency, community services, food services) but that currently are not. For example, for expenditures for shared staff and services among agencies, the contracted portion could be coded as non-agency. Also, if the district operates a child care program, that could be a community services goal. Coding to excluded goals or function codes reduces the total expenses in Part 1.
6. Review cost sharing between the district’s general fund and other funds or dependent charters. Are they using object 5750 to transfer program support costs or recording a fund transfer as payment for support costs? Using object 5750 will decrease costs in the general fund, thereby reducing total expenditures in Part 1.
7. Review expenditures coded to restricted “other” resources that are not included in the SACS software’s exemption list. Should they be in the formula? Are they restricted for a purpose that excludes their use for salaries and benefits of classroom staff (e.g. equipment, facilities, supplies only, staff development)? If so, manually removing them in column 4b would reduce overall expenses in Part 1.