The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.

# Subchapter 9. Criteria and Standards for County Office of Education Budgets and Interim Reports

## Article 1. Budget Review

### § 15467. General.

#### (a) County offices of education shall use the following criteria and standards (beginning with section 15468) and supplemental information (beginning with section 15475) in the development of their annual budgets. The State Superintendent of Public Instruction (SSPI) will review the county office of education's budget to determine whether it complies with the criteria and standards.

#### (b) The budget review includes an analysis of eight criteria, with standards, and additional information about the status of the budget. The eight criteria are ADA, local control funding formula (LCFF) revenue, salaries and benefits, other revenues and expenditures, facilities maintenance, deficit spending, fund and cash balances, and reserves. County office budgets are measured against a standard for each of these criteria. In addition to the criteria and standards, the review must identify additional information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, use of ongoing revenues for one-time expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, status of labor agreements, local control and accountability plan (LCAP), and LCAP expenditures. Deviations from the standards must be explained, and may affect the approval of the budget.

#### NOTE: Authority cited: Sections 1621, 1622, 1623, 33127 and 33129, Education Code. Reference: Sections 33128 and 52066, Education Code.

### § 15468. Average Daily Attendance.

(a) Projected countywide ADA has not been overestimated in the first prior fiscal year or in two or more of the previous three fiscal years by more than the following percentage levels:

3.0% for counties with under 7,000 ADA

2.0% for counties with 7,000 through 59,999 ADA

1.0% for counties with over 59,999 ADA

(b) Projected funded ADA for county operated programs for any of the budget year or two subsequent fiscal years has not increased from the historical average from the three prior fiscal years by more than two percent each year.

NOTE: Authority cited: Sections 1621, 1622, 1623, 33127 and 33129, Education Code. Reference: Sections 1205 and 33128, Education Code.

### § 15469. Local Control Funding Formula (LCFF) Revenue.

(a) Projected LCFF revenue for any of the budget year or two subsequent fiscal years has not changed from the prior fiscal year by more than the change in population, plus the county office's ~~gap funding or~~ cost-of-living adjustment (COLA), plus or minus one percent.

(b) For excess property tax counties, projected LCFF revenue has not changed from the prior fiscal year by more than the percent change in property tax revenues plus or minus one percent.

~~(c) For purposes of this section, county offices that are already at or above their LCFF target funding level receive no gap funding. These county offices have a COLA applied to their LCFF target, but their year-over-year revenue increase might be less than the statutory COLA due to certain local factors and components of the funding formula.~~

NOTE: Authority cited: Sections 1621, 1622, 1623, 33127 and 33129, Education Code. Reference: Section 33128, 2574 and 2575, Education Code.

### § 15471. Salaries and Benefits.

Projected total salaries and benefits for any of the budget year or two subsequent fiscal years has not changed from the prior fiscal year amount by more than the change in funded COLA plus or minus five percent.

~~For purposes of this section, it is likely that for many county offices the 2014-15 and 2015-16 change from the historical average ratio will exceed the standard because certain revenues that were restricted prior to the LCFF are now unrestricted within the LCFF.~~

NOTE: Authority cited: Sections 1621, 1622, 1623, 33127 and 33129, Education Code. Reference: Section 33128, Education Code.

### § 15471.1. Other Revenues and Expenditures.

(a) Projected operating revenues (including federal, other state and other local) or expenditures (including books and supplies, and services and other operating) for any of the budget year or two subsequent fiscal years, have not changed from the prior fiscal year amount by more than the change in funded COLA plus or minus ten percent.

(b) For each major object category, changes that exceed the percentage change in funded COLA plus or minus five percent must be explained.

NOTE: Authority cited: Sections 1621, 1622, 1623, 33127 and 33129, Education Code. Reference: Section 33128, Education Code.

### § 15471.2. Facilities Maintenance.

Confirm that the annual contribution for facilities maintenance funding is not less than the amount required pursuant to Education Code section 17070.75, if applicable, and that the county office is providing adequately to preserve the functionality of its facilities for their normal life in accordance with Education Code sections 52066(d)(1) and 17002(d)(1).

NOTE: Authority cited: Sections 1621, 1622, 1623, 33127 and 33129, Education Code. Reference: Sections 17002, 17070.75, 33128 and 52066, Education Code.

### § 15472. Deficit Spending.

(a) Unrestricted deficit spending (total unrestricted expenditures and other financing uses is greater than total unrestricted revenues and other financing sources) as a percentage of total unrestricted expenditures and other financing uses, has not exceeded one-third of the county office's available reserves as a percentage of total expenditures and other financing uses in two out of three prior fiscal years.

(b) For purposes of this section, the following shall apply:

(1) Available reserves are the unrestricted amounts in the Reserve for Economic Uncertainties, the Stabilization Arrangement, and the Unassigned/Unappropriated accounts in the County School Service Fund and Special Reserve Fund for Other Than Capital Outlay Projects. Available reserves will be reduced by any negative ending balances in restricted resources in the County School Service Fund.

(2) A county office of education that serves as the AU of a SELPA may exclude from its expenditures the distribution of funds to its participating members.

NOTE: Authority cited: Sections 1621, 1622, 1623, 33127 and 33129, Education Code. Reference: Section 33128, Education Code.

### § 15473. Fund and Cash Balances.

(a) Budgeted beginning unrestricted county school service fund balance has not been overestimated for two out of three prior fiscal years by more than the following percentage levels:

1.7% for counties with total expenditures and other financing uses of less than $7,073,000~~$4,895,000~~.

1.3% for counties with total expenditures and other financing uses of $7,073,000~~$4,895,000~~ through $17,684,999~~$12,235,999~~.

1.0% for counties with total expenditures and other financing uses of $17,685,000~~$12,236,000~~ through $79,581,000~~$55,064,000~~.

0.7% for counties with total expenditures and other financing uses of over $79,581,000~~$55,064,000~~.

(b) For purposes of this section, the following shall apply:

(1) A county office of education that serves as the AU of a SELPA may exclude from its expenditures the distribution of funds to its participating members.

(2) Percentage levels equate to a rate of deficit spending which would eliminate recommended reserves for economic uncertainties over a three year period.

(3) The dollar amounts are to be adjusted annually by the prior year statutory cost-of-living adjustment calculated pursuant to Education Code section 2574~~2557~~, rounded to the nearest thousand.

(c) Projected county school service fund cash balance will be positive at the end of the current fiscal year.

NOTE: Authority cited: Sections 1621, 1622, 1623, 33127 and 33129, Education Code. Reference: Sections 2574~~2557~~ and 33128, Education Code.

### § 15474. Reserves.

(a) Available reserves for any of the budget year or two subsequent fiscal years are not less than the following percentages or amounts as applied to total expenditures and other financing uses:

the greater of 5% or $80,000~~$55,000~~ for counties with total expenditures and other financing uses of less than $7,073,000~~$4,895,000~~.

the greater of 4% or $354,000~~$245,000~~ for counties with total expenditures and other financing uses of $7,073,000~~$4,895,000~~ through $17,684,999~~$12,235,999~~.

the greater of 3% or $707,000~~$489,000~~ for counties with total expenditures and other financing uses of $17,685,000~~$12,236,000~~ through $79,581,000~~$55,064.000~~.

the greater of 2% or $2,387,000~~$1,652,000~~ for counties with total expenditures and other financing uses of over $79,581,000~~$55,064,000~~.

(b) For purposes of this section, the following shall apply:

(1) Available reserves are the unrestricted amounts in the Reserve for Economic Uncertainties, the Stabilization Arrangement, and the Unassigned/Unappropriated accounts in the County School Service Fund and Special Reserve Fund for Other Than Capital Outlay Projects. Available reserves will be reduced by any negative ending balances in restricted resources in the County School Service Fund.

(2) A county office of education that serves as the AU of a SELPA may exclude from its expenditures the distribution of funds to its participating members.

(3) The dollar amounts are to be adjusted annually by the prior year statutory cost-of-living adjustment calculated pursuant to Education Code section 2574~~2557~~, rounded to the nearest thousand.

NOTE: Authority cited: Sections 1621, 1622, 1623, 33127 and 33129, Education Code. Reference: Sections 2574~~2557~~ and 33128, Education Code.

### § 15475. Supplemental Information.

(a) County offices of education shall provide supplemental information in the following general areas:

(1) Provide the methodology and assumptions used to estimate ADA, enrollment, revenues, expenditures, reserves and fund balance, and multiyear commitments (including cost-of-living adjustments).

(2) Provide information on additional indicators as requested.

(b) County offices of education shall provide supplemental information in the following specific areas:

(1) Contingent Liabilities. Identify any known or contingent liabilities from financial or program audits, state compliance reviews, litigation, etc., that may impact the budget.

(2) Use of One-time Revenues for Ongoing Expenditures. Identify any ongoing county school service fund expenditures in excess of one percent of the total county school service fund expenditures that are funded with one-time resources in the budget year, and explain how the one-time resources will be replaced to continue funding the ongoing expenditures in the following fiscal years.

(3) Use of Ongoing Revenues for One-time Expenditures. Identify any large nonrecurring county school service fund expenditures that are funded with ongoing county school service fund revenues.

(4) Contingent Revenues. Identify projected revenues for the budget year and two subsequent fiscal years that are contingent on reauthorization by the local government, special legislation, or other definitive act (e.g. parcel taxes). If any of these revenues are dedicated for ongoing expenses, explain how the revenues will be replaced or the expenditures reduced.

(5) Contributions. Provide information regarding contributions as follows:

(A) Identify projected contributions from unrestricted resources in the county school service fund to restricted resources in the county school service fund for the budget year and two subsequent fiscal years. Provide an explanation if contributions have changed from prior fiscal year amounts by more than $20,000 and more than ten percent. An explanation should include whether contributions are ongoing or one-time in nature.

(B) Identify projected transfers to or from the county school service fund to cover operating deficits in either the county school service fund or any other fund for the budget year and two subsequent fiscal years. Provide an explanation if transfers have changed from the prior year amounts by more than $20,000 and more than ten percent. An explanation should include whether transfers are ongoing or one-time in nature.

(C) Estimate the impact of any capital projects on the county school service fund operational budget.

(6) Long-term Commitments. Provide information regarding long-term commitments as follows:

(A) Identify all existing and new multiyear commitments (include multiyear commitments, multiyear debt agreements, and new programs or contracts that result in long-term obligations) and their annual required payment for the budget year and two subsequent fiscal years.

(B) Explain how any increase in annual payments will be funded. Also explain how any decrease to funding sources used to pay long-term commitments will be replaced.

(7) Unfunded Liabilities. Provide information regarding unfunded liabilities as follows:

(A) Estimate the unfunded liability for post employment benefits other than pensions (OPEB) based on an actuarial valuation, if required, or other method; identify or estimate the actuarially determined~~annual required~~ contribution, if applicable; and indicate how the obligation is funded (pay-as-you-go, amortized over a specific period, etc.).

(B) Estimate the unfunded liability for self-insurance programs such as workers' compensation based on an actuarial valuation, if required, or other method; identify or estimate the required contribution; and indicate how the obligation is funded (level of risk retained, funding approach, etc.).

(8) Analyze the status of all labor agreements, including the following:

(A) Identify new labor agreements, as well as new commitments provided as part of previously ratified multiyear agreements; and include all contracts, including all administrator contracts (and including all compensation). For new agreements, indicate the date of the required board meeting.

(B) Compare the increase in new commitments to the projected increase in ongoing revenues, and explain how these commitments will be funded in future fiscal years.

(C) If salary and benefit negotiations are not finalized at budget adoption, upon settlement with certificated or classified staff:

(1) The county office must determine the cost of the settlement, including salaries, benefits, and any other agreements that change costs, and provide the California Department of Education (CDE) with an analysis of the cost of the settlement and its impact on the operating budget.

(2) The CDE shall review the analysis relative to the criteria and standards, and may provide written comments to the president of the governing board and the county superintendent of schools.

(9) Local Control and Accountability Plan (LCAP). Confirm that the county office~~'s~~ of education’s governing board has adopted an LCAP or ~~approved~~ an update to the LCAP effective for the budget year.

(10) LCAP Expenditures. Confirm that the county office of education’s budget includes the expenditures necessary to implement the LCAP or annual update to the LCAP.

NOTE: Authority cited: Sections 1621, 1622, 1623, 33127 and 33129, Education Code. Reference: Sections 33128 and 52068, Education Code; Sections 3540.2 and 3547.5, Government Code.

## Article 2. Interim Report Review

### § 15480. General.

(a) County offices of education shall conduct a review of their budgets at Interim Report time in accordance with the following criteria and standards and supplemental information (beginning with section 15481) and supplemental information (beginning with section 15493). The SSPI will review the county office's Interim Report using the criteria and standards.

(b) The county superintendent of schools shall submit two interim reports to its governing board during each fiscal year. Both interim reports shall be reviewed by the county board of education and approved by the county superintendent of schools, who shall certify whether their county office of education is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecast, for two subsequent fiscal years. The certification shall be based on the criteria and standards and shall be classified as positive, qualified, or negative.

(1) A positive certification indicates that, based on current projections the county office of education will meet its financial obligations for the current fiscal year and two subsequent fiscal years.

(2) A qualified certification indicates that, based on current projections the county office of education may not meet its financial obligations for the current fiscal year or two subsequent fiscal years.

(3) A negative certification indicates that, based on current projections the county office of education will be unable to meet its financial obligations for the remainder of the current fiscal year or the subsequent fiscal year.

(c) The review includes an analysis of eight criteria, with standards, and supplemental information about the status of the budget at Interim Report time. The eight criteria are fund and cash balances, reserves, deficit spending, ADA, local control funding formula (LCFF) revenue, salaries and benefits, other revenues and expenditures, and facilities maintenance. Each of these criteria has a standard by which it is measured. In addition to the criteria and standards, the review must identify additional information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, temporary interfund borrowings, the status of labor agreements, and the status of other funds. Deviations from the standards must be explained, and may affect the interim certification.

NOTE: Authority cited: Sections 1240(l), 33127 and 33129, Education Code. Reference: Section 33128, Education Code.

### § 15481. Fund and Cash Balances.

Projected county school service fund balances will be positive at the end of the current fiscal year and two subsequent fiscal years and the projected county school service fund cash balance will be positive at the end of the current fiscal year.

NOTE: Authority cited: Sections 1240(l), 33127 and 33129, Education Code. Reference: Section 33128, Education Code.

### § 15483. Reserves.

(a) Available reserves for any of the current fiscal year or two subsequent fiscal years are not less than the following percentages or amounts as applied to total expenditures and other financing uses:

the greater of 5% or $80,000~~$55,000~~ for counties with total expenditures and other financing uses of less than $7,073,000~~$4,895,000~~.

the greater of 4% or $354,000~~$245,000~~ for counties with total expenditures and other financing uses of $7,073,000~~$4,895,000~~ through $17,684,999~~$12,235,999~~.

the greater of 3% or $707,000~~$489,000~~ for counties with total expenditures and other financing uses of $17,685,000~~$12,236,000~~ through $79,581,000~~$55,064,000~~.

the greater of 2% or $2,387,000~~$1,652,000~~ for counties with total expenditures and other financing uses of over $79,581,000~~$55,064,000~~.

(b) For purposes of this section, the following shall apply:

(1) Available reserves are the unrestricted amounts in the Reserve for Economic Uncertainties, the Stabilization Arrangement, and the Unassigned/Unappropriated accounts in the County School Service Fund and the Special Reserve Fund for Other Than Capital Outlay Projects. Available reserves will be reduced by any negative ending balances in restricted resources in the County School Service Fund.

(2) A county office of education that serves as the AU of a SELPA may exclude from its expenditures the distribution of funds to its participating members.

(3) The dollar amounts are to be adjusted annually by the prior year statutory cost-of-living adjustment calculated pursuant to Education Code section 2574~~2557~~, rounded to the nearest thousand.

NOTE: Authority cited: Sections 1240(l), 33127 and 33129, Education Code. Reference: Sections 2574~~2557~~ and 33128, Education Code.

### § 15484. Deficit Spending.

(a) Unrestricted deficit spending (total unrestricted expenditures and other financing uses is greater than total unrestricted revenues and other financing sources) as a percentage of total unrestricted expenditures and other financing uses, has not exceeded one-third of the county office's available reserves as a percentage of total expenditures and other financing uses in any of the current fiscal year or two subsequent fiscal years.

(b) For purposes of this section, the following shall apply:

(1) Available reserves are the unrestricted amounts in the Reserve for Economic Uncertainties, the Stabilization Arrangement, and the Unassigned/Unappropriated accounts in the County School Service Fund and the Special Reserve Fund for Other Than Capital Outlay Projects. Available reserves will be reduced by any negative ending balances in restricted resources in the County School Service Fund.

(2) A county office of education that serves as the AU of a SELPA may exclude from its expenditures the distribution of funds to its participating members.

NOTE: Authority cited: Sections 1240(l), 33127 and 33129, Education Code. Reference: Section 33128, Education Code.

### § 15485. Average Daily Attendance.

(a) Projected countywide ADA has not changed for any of the current fiscal year or two subsequent fiscal years by more than two percent since budget adoption.

(b) Projected funded ADA for county operated programs has not changed for any of the current fiscal year or two subsequent fiscal years by more than two percent since budget adoption.

(c) For purposes of this section, first interim reports will be compared to adopted budgets; second interim reports will be compared to first interim projections.

NOTE: Authority cited: Sections 1240(l), 33127 and 33129, Education Code. Reference: Section 33128, Education Code.

### § 15486. Local Control Funding Formula (LCFF) Revenue.

(a) Projected LCFF revenue for any of the current fiscal year or two subsequent fiscal years, has not changed by more than two percent since budget adoption.

(b) For purposes of this section, first interim reports will be compared to adopted budgets; second interim reports will be compared to first interim projections.

NOTE: Authority cited: Sections 1240(l), 33127 and 33129, Education Code. Reference: Section 33128, 2574 and 2575, Education Code.

### § 15488. Salaries and Benefits.

a) Projected total salaries and benefits for any of the current fiscal year or two subsequent fiscal years has not changed by more than five percent since budget adoption.

(b) For purposes of this section, first interim reports will be compared to adopted budgets; second interim reports will be compared to first interim projections.

NOTE: Authority cited: Sections 1240(l), 33127 and 33129, Education Code. Reference: Section 33128, Education Code.

### § 15489. Other Revenues and Expenditures.

(a) Projected operating revenues (including federal, other state and other local) or expenditures (including books and supplies, and services and other operating) for any of the current fiscal year or two subsequent fiscal years, have not changed by more than five percent since budget adoption.

(b) Changes that exceed five percent in any major object category must be explained.

(c) For purposes of this section, first interim reports will be compared to adopted budgets; second interim reports will be compared to first interim projections.

NOTE: Authority cited: Sections 1240(l), 33127 and 33129, Education Code. Reference: Section 33128, Education Code.

### § 15490. Facilities Maintenance.

(a) Identify changes that have occurred since budget adoption in the projected contributions for facilities maintenance funding as required pursuant to Education Code section 17070.75, or in how the county office is providing adequately to preserve the functionality of its facilities for their normal life in accordance with Education Code sections 52066(d)(1) and 17002(d)(1).

(b) For purposes of this section, the first interim reports will be compared to adopted budgets; second interim reports will be compared to first interim projections.

NOTE: Authority cited: Sections 1240(l), 33127 and 33129, Education Code. Reference: Sections 17002, 17070.75, 33128 and 52066, Education Code.

### § 15493. Supplemental Information.

(a) County offices of education shall provide supplemental information in the following general areas:

(1) Provide the methodology and assumptions used to estimate ADA, enrollment, revenues, expenditures, reserves and fund balance, and multiyear commitments (including cost-of-living adjustments).

(2) Provide information on additional indicators as requested.

(b) County offices of education shall provide supplemental information in the following specific areas:

(1) Contingent Liabilities. Identify any known or contingent liabilities from financial or program audits, state compliance reviews, litigation, etc., that have occurred since budget adoption that may impact the budget.

(2) Use of One-Time Revenues for Ongoing Expenditures. Identify the ongoing county school service fund (CSSF) expenditures funded by one time revenues that have changed by more than five percent since budget adoption. (For this purpose, the first interim reports will be compared to adopted budgets; the second interim reports will be compared to first interim projections.)

(3) Contingent Revenues. Identify projected revenues for the current fiscal year and two subsequent fiscal years that are contingent on reauthorization by the local government, special legislation, or other definitive act (e.g., parcel taxes). If any of these revenues are dedicated for ongoing expenses, explain how the revenues will be replaced or the expenditures reduced.

(4) Contributions. Provide information regarding contributions as follows:

(A) Identify projected contributions from unrestricted resources in the CSSF to restricted resources in the CSSF for the current year and two subsequent fiscal years. Provide an explanation if contributions have changed by more than $20,000 and more than five percent since budget adoption. (For this purpose, the first interim reports will be compared to adopted budgets; the second interim reports will be compared to first interim projections.)

(B) Identify projected transfers to or from the CSSF to cover operating deficits in either the CSSF or any other fund for the current year and two subsequent fiscal years. Provide an explanation if transfers have changed by more than $20,000 and more than five percent since budget adoption. (For this purpose, the first interim reports will be compared to adopted budgets; the second interim reports will be compared to first interim projections.)

(C) Identify capital project cost overruns that have occurred since budget adoption that may impact the CSSF budget. (For this purpose, first interim reports will be compared to adopted budgets; second interim reports will be compared to first interim projections.)

(5) Long-Term Commitments. Provide information regarding long-term commitments as follows:

(A) Identify all existing and new multiyear commitments (include multiyear commitments, multiyear debt agreements, and new programs or contracts that result in long-term obligations) and their annual required payment, for the current fiscal year and two subsequent fiscal years.

(B) Explain how any increase in annual payments will be funded. Also explain how any decrease to funding sources used to pay long-term commitments will be replaced.

(6) Unfunded Liabilities. Identify any changes in estimates for unfunded liabilities since budget adoption and indicate whether the changes are the result of a new actuarial valuation. (For this purpose, first interim reports will be compared to adopted budgets; second interim reports will be compared to first interim projections.)

(7) Temporary Interfund Borrowings. Identify projected temporary borrowings between funds (refer to Education Code section 42603).

(8) Status of Labor Agreements. Analyze the status of all employee labor agreements, including the following:

(A) Identify new labor agreements that have been ratified since budget adoption, as well as new commitments provided as part of previously ratified multiyear agreements; and include all contracts, including all administrator contracts (and including all compensation). For new agreements, indicate the date of the required board meeting.

(B) Compare the increase in new commitments to the projected increase in ongoing revenues and explain how these commitments will be funded in future fiscal years.

(C) If salary and benefit negotiations are not finalized, upon settlement with certificated or classified staff:

1. The county office of education must determine the cost of the settlement, including salaries, benefits, and any other agreements that change costs, and provide the CDE with an analysis of the cost of the settlement and its impact on the operating budget.

2. The CDE shall review the analysis relative to the criteria and standards and may provide written comments to the president of the governing board and county superintendent of schools.

(9) Status of Other Funds. Analyze the status of other funds that may have negative fund balances at the end of the current fiscal year. If any other fund has a projected negative fund balance, prepare an interim report and multiyear projection for that fund. Explain plans for how and when the negative fund balance will be addressed.

NOTE: Authority cited: Sections 1240(l), 33127 and 33129, Education Code. Reference: Sections 33128 and 42603, Education Code; and Sections 3540.2 and 3547.5, Government Code.

05-09-2023 [California Department of Education]