

**California Department of Education / County Office of Education  
External Services Subcommittee (ESSCO)  
NOTES**

**California Department of Education  
1430 N Street, Room 1101**

**March 6, 2017  
10:00 a.m.**

**Co-Chair: Chris Lombardo, Region IX – Orange CDE  
Co-Chair: Christine Davis, California Department of Education  
Vice-Chair: Kate Lane, Region IV – Marin COE**

Lynette Kerr	I	Humboldt		Priscilla Quinn	VIII	Kern
Judy Thomson	I	Sonoma		Denice Cora	VIII	Santa Barbara
Adrian Barron	II	Butte		Paula Driscoll	VIII	Ventura
Jessica Tegerstrand	II	Shasta		Norma Fajardo	IX	Imperial
Debbie Towne	II	Tehama		Chris Lombardo	IX	Orange
Roslynn Manansala-Smith	III	El Dorado		Brent Watson	IX	San Diego
Rebecca Schaefer	III	Nevada		James Whittington	X	Riverside
Kathy Garrison	III	Placer		Thomas Cassida	X	San Bernardino
Teresa Stelzer	III	Placer		Keith Crafton	XI	Los Angeles
Debbie Wilkins	III	Sacramento		Tracy Minor	XI	Los Angeles
Von Canale	III	Sacramento		Peter Foggiato		CDE
Jennifer Stahlheber	III	Sutter		Christine Davis		CDE
Sandra Fowles	III	Yolo		Caryn Moore		CDE
Lori Carroll	III	Yuba		Elizabeth Dearstyne		CDE
Christine Rea	IV	Contra Costa		Bill Harkavy		CDE
Jenny Goodspeed	IV	Contra Costa		Blanche Katayama		CDE
Kate Lane	IV	Marin		Carolyn Nealon		CDE
Judy Kershaw	V	Santa Clara		Dee Salerno		CDE
Jeri Blote	VI	San Joaquin		John Miles		CDE
Julie Betschart	VI	Stanislaus		Lindsay Keyes		CDE
Darlene Hodge	VI	Tuolumne		Shawna Shepley		CDE
Cecilia Belmontes	VII	Merced		Thi Huynh		CDE
John Wilborn	VII	Tulare				

**1. Announcements**

a. Introductions

**2. BASC Report**

- Four special education stakeholder engagement sessions will be held in March.
  - March 3, 2017 @ California Department of Education
  - March 10, 2017 @ Los Angeles County Office of Education
  - March 17, 2017 @ San Mateo County Office of Education
  - March 24, 2017 @ Fresno County Office of Education
- The California School Dashboard will be released to the public next week. Detail reports with year over year comparisons will not be available in the public release. The data in the Dashboard is very important as it drives technical assistance for LCAP and local policy decisions.
- FCMAT shared that they will update the Legislature on fiscal solvency issues during the week of March 6-10.
- CDE shared that the US Department of Education visited with CDE regarding the Indirect Cost Proposal. Major discussion points were whether food costs should be included in base costs,

excluding heads of components from the indirect cost pool, and the use of unaudited as opposed to the audited financial data. Any Indirect cost changes would go into effect in 2017-18 for rates approved for use in 2019-20.

- Special Education – two bills directly tied to the recent reports– AB312 preschool related is co-sponsored by CASBO. AB1449 is a spot bill that proposes a LCFF special education grant.
- SB590 proposes a repeal of the reserve cap.

### **3. Audits**

- a. Do COEs track finding and corrective actions for (1) audit and/or any (2) management letter recommendations or observations identified?
- b. If you are tracking both, what authority is referenced for management letter issues?  
Only two counties reported that they require corrective action on both, citing internal controls as the authority for the request.

### **4. Proposition 30 Education Protection Account (EPA)**

- a. We are starting to see non-basic aid LEAs getting capped at \$200/ADA for Prop. 30 EPA. We have been under the assumption that only basic aid districts receive the minimum of \$200/ADA. Is this really possible or are we doing something wrong?  
CDE provided a handout. More and more districts will receive the \$200 minimum per ADA funding for EPA. This is largely due to the comparison of 2012-13 revenue limit funding to local taxes. As we go forward, more and more districts will be capped at \$200/ADA for EPA funding as local property taxes continue to grow against static 2012-13 base rates adjusted for current year ADA. For districts that are capped at \$200/ADA for EPA, but are not basic aid under LCFF calculations, the cap on EPA funding merely means general purpose LCFF state aid will increase. In other words, EPA funding continues to be an element of total funding for state funded districts rather than additional state aid. It does not impact the total LCFF funding a state aid district will receive.

### **5. ESSCO Accounting Subcommittee Update**

The committee is working on proposed language changes to Education Code Section 41372 to reflect the change in school funding brought about with the LCFF. The committee will be bringing the proposed language back to ESSCO next month. A suggestion was made to send the language out in draft form to the group prior to the next ESSCO meeting.

The committee is also working on how COEs receive their funding – lockbox etc. in relation to the question posed by the State Controller’s Office relative to the disbursement for Lottery funds. Many counties already receive lottery funding via the lockbox system. CDE will recommend that the SCO reach out to County Treasurers’ to get them all to participate in lockbox and remove the physical mailing of warrants.

### **6. Why are in-lieu taxes excluded from Form GANN?**

Charter in-lieu tax transfers will be excluded from the GANN form (line 15 of the district form and line 16 of the COE form) beginning with 2016-17 unaudited actuals. Concern was raised by one county office that if local revenue is no longer offset by in-lieu then the Form GANN will show more revenue than is reported in Fund 01. CDE responded that because charter schools are not required to complete a GANN form, the tax amount transferred to charter schools not reporting with the district is not being captured. Since all local property taxes are subject to the appropriations limit and there is no legal basis to exclude them, it is necessary to revise the form. This change could result in more districts exceeding their appropriations limit in the first year the change is implemented, requiring notification to the Department of Finance of the increase.

## **7. Special Education Proposal**

The first stakeholder engagement session relative to special education was filled to overcapacity. The feedback from participants was to not roll funding into LCFF and not to eliminate SELPAs as the structure would have to be recreated for service delivery. Some concerns were voiced that SELPAs create distance between students and services in their home districts. Lots of discussion and support for increased Special Education funding (infant and AB 602) as well as equalization of funding rates. Want to take focus away from PPIC report. Work on accountability etc. Was discussed that rolling special education into the LCFF will harm basic aid districts. Believe the conversation will continue and no proposal as yet. Do not expect a proposal in the May Revision. There are 130 SELPAs in California.

## **8. School level expenditure accounting**

- a. Has anyone gathered data from their districts?  
Some counties have started the conversation. School-level accounting is not consistent between districts. Some are based solely on direct site costs. Some are doing an allocation of district-wide instructional costs. Sense is that districts are willing to do whatever needed – but will need specific and clear instructions.
- b. Has CDE decided to apply for the one-year extension of the report card due date?  
CDE shared that the federal regulations that provide for the one-year extension of the due date for state and LEA report card dissemination, as well as the requirement that states develop a uniform methodology to calculate per-pupil expenditures at the LEA and school level, will most likely be repealed. As a result, we will need to be prepared to account for school-level expenditures in 2017-18. CDE may consider developing general guidelines. The State plan is moving forward (due end of March) assuming the regulations will be repealed.

## **9. Credentials**

- a. What are the CDE's official expectations of county offices in this area?  
Group confirmed that credentials must be monitored continuously.
- b. And if we are just underachieving, what are other COEs doing to monitor, inform, and police credentialing?  
The functionality of different software systems and associated pay-hold procedures was discussed. It was also noted that the COE could suffer a penalty if it failed to monitor credentials appropriately [AB2859 Sec 45037(c)]. El Dorado COE will share their procedure which includes the penalty provisions.

## **10. Fiscal Procedural Manual Update**

A call for volunteers for the 2018 manual update was made and responded to.

### **Roundtable Discussions:**

#### **1. Open Roundtable**

Fiscal Solvency issues increasing at Second Interim. CEA issues. Weather issues including a mandatory evacuation in areas surrounding Oroville Dam resulting in J-13A waiver requests. Large reductions planned at some districts for the coming year. Treasury issues – good to understand how the revolving funds work in your County. Overtime rate – how to calculate. Nevada COE moving from QSS to Escape

#### **2. SACS Criteria and Standards S8 Health Benefits**

What data should be used to complete the criterion? No right or wrong answer as to how to complete as it is a supplemental criterion. San Bernardino COE sends out a supplemental questionnaire to their districts.

#### **3. AB 312 Special Education and Preschool**

Proposal would roll special education funding into AB602 and equalize rates.

**4. Local Control Accountability Plans:** LCAP budgeted expenditures: What are COEs expecting to see for budgeted expenditures for the out-years in the three year plan when there are no changes in planned actions across the three years? Consensus is the budget focus in LCAP review is on the budget year as the criteria for approval is whether there are sufficient expenditures in the budget to implement the LCAP.

**Our next meeting is April 3, 2017**

2017 ESSCO agendas, handouts, and meeting notes will be posted at

<http://www.ocde.us/Business/Pages/ESSCO.aspx>.

**Item 4: EPA - We are starting to see non-basic aid LEAs getting capped at \$200/ADA for EPA. We have been under the assumption that only basic aid district receive the minimum of \$200/ADA. Is this really possible or are we doing something wrong?**

Answer: Yes, it is possible and here is why...

Education Protection Account (EPA) entitlements continue to be calculated using a local education agency's (LEA) 2012-13 Revenue Limit pursuant to law. As a result, an LEA's Basic Aid status under revenue limits is a component of the EPA entitlement calculation and the LEA's Basic Aid status under LCFF is not a factor. EPA was amended by Proposition 55 in November 2016 and the reference to revenue limits in the EPA entitlement calculation remains.

EPA Entitlement Calculation

- Determine Adjusted Revenue Limit for EPA (Sum of SD LCFF Transition Lines B-3, B-6 and B-7)
- Calculate Proportionate Share Ratio (Statewide Adjusted Revenue Limit for EPA divided by Total EPA Revenue Estimate)
- **Step A:** Calculate EPA Proportionate Share (Proportionate Share Ratio x Adjusted Revenue Limit)
- **Step B:** Calculate EPA Entitlement Cap (Adjusted Revenue Limit less Local Revenue (SD LCFF Transition Line F-2))
- **Step C:** Calculate EPA Minimum (\$200 x LEA's Average Daily Attendance (ADA))
- **Step D:** Calculate EPA Entitlement (A not to exceed B, but must be at least C)

Step		Example 1 Proportionate Share	Example 2 Capped*	Example 3 \$200/ADA Min
<b>A</b>	Adjusted Revenue Limit	\$100,000,000	\$100,000,000	\$100,000,000
	Proportionate Share Ratio	25%	25%	25%
	<b>EPA Proportionate Share</b>	<b>25,000,000</b>	<b>25,000,000</b>	<b>25,000,000</b>
<b>B</b>	Adjusted Revenue Limit	100,000,000	100,000,000	100,000,000
	Local Revenue	65,000,000	85,000,000	97,000,000
	<b>Cap on EPA Entitlement</b>	<b>35,000,000</b>	<b>15,000,000</b>	<b>3,000,000</b>
<b>C</b>	Current ADA	20,000	20,000	20,000
	Per ADA minimum	200	200	200
	<b>Minimum per ADA</b>	<b>4,000,000</b>	<b>4,000,000</b>	<b>4,000,000</b>
<b>D</b>	<b>EPA Entitlement</b> <small>(A not to exceed B and must be at least C)</small>	<b>\$25,000,000</b>	<b>\$15,000,000</b>	<b>\$4,000,000</b>

\*Local Revenue plus EPA Entitlement may not exceed Adjusted Revenue Limit

**When does an LEA receive the EPA \$200/ADA minimum?**

- Charter schools newly operational as of 2013-14 or later
- Local Revenue/in-lieu exceeds the adjusted revenue limit (charter schools use the general purpose base grant in place of adjusted revenue limit)
- The difference between the revenue limit and local revenue is less than the \$200 per ADA minimum (see example 3, above)

HISTORICAL DATA				
Category	2013-14 P2/Q4	2014-15 P2/Q4	2015-16 P2/Q4	2016-17 P1/Q3
<b>LCFF BA (Transition Entitlement - Categorical Minimum State Aid &gt; Local Revenue or In-Lieu)</b>				
School Districts	144	131	127	125
<b>EPA "BA" (Local Revenue or In-Lieu &gt; Adjusted Revenue Limit or General Purpose Base Grant)</b>				
School Districts	140	144	164	178
<b>EPA Entitlement Calculation Components</b>				
SD Adjusted Revenue Limit	29,601,520,592	29,529,378,969	29,354,076,900	29,263,160,792
% change		-0.24%	-0.59%	-0.31%
SD Local Revenue	12,221,872,002	13,010,398,293	14,797,772,086	15,634,858,583
% change		6.45%	13.74%	5.66%

Statutory References

**EPA law, Section 36 of Article XIII of the California Constitution**

(B) Eighty-nine percent of the moneys appropriated for education pursuant to this paragraph shall be allocated quarterly by the Superintendent of Public Instruction to provide general purpose funding to school districts, county offices of education, and state general-purpose funding to charter schools in proportion to the revenue limits calculated pursuant to Sections 2558 and 42238 of the Education Code and the amounts calculated pursuant to Section 47633 of the Education Code for county offices of education, school districts, and charter schools, respectively, as those sections read on November 6, 2012. The amounts so calculated shall be offset by the amounts specified in subdivision (c) of Section 2558 of, paragraphs (1) through (7) of subdivision (h) of Section 42238 of, and Section 47635 of, the Education Code for county offices of education, school districts, and charter schools, respectively, as those sections read on November 6, 2012, that are in excess of the amounts calculated pursuant to Sections 2558, 42238, and 47633 of the Education Code for county offices of education, school districts, and charter schools, respectively, as those sections read on November 6, 2012, provided that no school district, county office of education, or charter school shall receive less than two hundred dollars (\$200) per unit of average daily attendance.

**Determination of revenue limits for each school district; formula; apportionment, EC Section 42238(j):**

Commencing with the 2013-14 fiscal year, this section shall be used only for purposes of allocating revenues received pursuant to subparagraph (B) of paragraph (3) of subdivision (e) of Section 36 of Article XIII of the California Constitution.

**"Basic Aid" LCFF Definition, EC Section 42238.02(o):**

A school district that does not receive an apportionment of state funds pursuant to this section, as implemented pursuant to Section 42238.03, excluding funds apportioned pursuant to the requirements of subparagraph (A) of paragraph (2) of subdivision (e) of Section 42238.03, shall be considered a "basic aid school district" or an "excess tax entity."

*EC 42238.03(e)(2)(A) (referenced above) outlines the categoricals excluded from determination of Basic Aid status. Basic Aid = Transition Entitlement - Categorical MSA < Local Revenue/In-Lieu*



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## CREDENTIAL AUDIT PROCEDURES

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### 2017 Review:

- Jan/Feb - Internal reviewed procedure & made changes as needed
  - Feb/Mar – Review at CFO & Payroll Users Group meetings
  - May – Review at Human Resource Council meeting
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### BACKGROUND

Education Code 45034 prohibits a school district or County Office of Education from issuing a payroll warrant to any person employed in a position requiring certification (credential) unless they hold a valid document. Education Code 45037 imposes **serious financial penalties to districts relative** to paying teachers who do not possess valid certification documents. The penalties apply to the district employing the teachers as well as to the county office processing payroll checks for teachers not possessing valid credentials.

The legislation penalizes districts pro-rata for days taught by K-12 teachers who do not possess valid teaching credentials. Therefore, teachers who allow their credentials to lapse could cause districts to be in penalty situations.

### SUGGESTED BEST PRACTICES FOR DISTRICTS

We recognize that each district has a process in place for credential compliance for new hires and expired credentials, including substitute teachers. We suggest districts review their current practices to ensure 100% compliance.

### ANNUAL NOTIFICATION TO TEACHERS AND FOLLOW UP

- Before the start of a school fiscal year, districts should have a process in place to notify all teachers that their credential will expire in the next school year.
- We would recommend the QCC Credential Expiration Report (PPR375) be utilized to provide the data for this notification.
- This notification to teachers should remind them of the date and the consequences should they fail to renew in a timely fashion (e.g., no paycheck).
- Additional follow up letters are suggested as the expiration date approaches.

## MONTHLY REVIEW

- Prior to the start of each month, districts should run a credential expiration report (PPR375). If a teacher is teaching in the upcoming month and their credential expires that month, the situation should be reviewed to determine if the expiration/renewal has been resolved.
- If there is a question about eligibility, a determination should be made about allowing that teacher to continue teaching in the classroom and thereby risking a district penalty
- If district receives notification from the Commission on Teacher Credentialing (CTC) Division of Professional Practices of an action to revoke/suspend a teaching credential – immediate action to remove teacher should be taken. EDCOE Credentials Analyst should be notified. If EDCOE receives notification prior to district, EDCOE will notify district.

## FINAL PAYROLL REVIEW

- Prior to payroll being submitted each month, the credential expiration report (CRD132) is required to be run and any issues resolved **prior to submission** of the payroll to EDCOE for processing.
- Please note that the 1xxx object series of account codes must be used for positions requiring certification. Teachers in a position requiring certification cannot be paid from a 2xxx object series account code. This is important because the expired credential report used to determine if there is a valid credential is ONLY run on people who are paid in the 1xxx object series of accounts. If you were to use an incorrect 2xxx object series account code in error for a teaching position, the position will not be screened for a valid credential.

## SUBSTITUTE TEACHERS

There is no exception for substitute teachers. The substitute calling system automatically prevents substitute teachers from being utilized if their credential has expired. We highly recommend the substitute calling system be used because if your staff contacts substitutes without using the system, a teacher with an invalid/expired credential could be used.

## COUNTY OFFICE ACTIONS

### ANNUAL NOTIFICATION TO TEACHERS AND DISTRICTS

As noted previously, districts are expected to have a notification process in place for teachers. However, due to the extreme penalty situation that exists for districts and COE, we have added additional checks and balances into the system. The EDCOE Personnel Services department will run a report in July listing teachers whose credentials will expire within the next school year. Additionally a credential expiration letter will be sent by the Executive Director of Personnel Services with credential renewal information to each teacher whose credential will expire in that school year. A copy of this letter will be sent to the district. In December and April the report is run listing teachers whose credentials will expire within the remainder of the school year. The report is sent to the designated district credential contact by email notifying them of the expiring credentials.



## MAINTAINING ACCURATE DATABASE

The County Office has taken a number of steps to ensure the QCC credential database is up to date, with a goal of 100% accuracy. The County has implemented a cross-check procedure of all credential information. Current practice is for the Credentials Analyst to download documents each week directly from the CTC through the QCC interface or enter them manually.

## TRAINING

EDCOE trains payroll/personnel staff to ensure that all QCC reports/features are used effectively in monitoring credentials. Human Resource Council will annually review procedures.

## PAYROLL

With each payroll, a final expired credentials report (CRD132) is run. EDCOE payroll staff notifies the Business Services Assistant II and the Credential Analyst of any credential issues. If the Credential Analyst determines that the teacher did not possess a valid teaching credential, **EDCOE holds the affected employee's or substitute's paycheck**. If applicable, the automatic payroll deposit (APD) feature is cancelled and converted to a payroll check that can be held.

## WITHHOLDING / RELEASE OF WARRANT

When it is necessary for a teacher's paycheck to be held, the following procedures should be followed:

- The Business Services Assistant II contacts district payroll staff to gather worksite and date information related to the affected employee.
- The EDCOE Credential Analyst notifies the district personnel office, EDCOE Executive Director of Personnel Services, and EDCOE Business Services Assistant II.
- The EDCOE Executive Director of Personnel Services notifies the district's Superintendent and/or the appropriate personnel administrator, County Superintendent, Deputy Superintendent (Educational Services), and Deputy Superintendent (Administrative Services).
- The Business Services Assistant II notifies the district payroll office, district CFO, and EDCOE External Director of Business Services.
- The district personnel office contact will initiate completion of the CTC CL-224 form (Validation of Service Request) to be signed by the district superintendent. The completed form will be forwarded to the EDCOE Credential Analyst to review and submit to the CTC.
- Once the district receives approval of the CL-224 by email from the CTC, the district will forward the notification to the EDCOE Credential Analyst and Business Services Assistant II who will release the warrant.

EC 45034 provides clear authority to withhold payroll checks:

**45034.** *No order for a warrant, and no warrant drawn pursuant to Section 42647, shall be drawn in favor of any person employed in a position requiring certification qualifications, unless such person is at the time the holder of a proper certification document in full force for the full time for which the requisition or warrant, as the case may be, is drawn, and on file or registered as required by law at the time and unless he is employed by the governing board of the unified school district, or district with over 10,000 average daily attendance or by the county superintendent of schools as provided in this code.*

## PENALTIES

EC 45037 (shown below) established a single penalty in place of three existing penalties for over claimed average daily attendance, shortfalls in instructional time, and K-3 class-size reduction requirements. The single penalty applies to cases when a teacher lacks a valid certification document. A sample formula is shown below that indicates the impact of a teacher who taught an entire year without a valid credential. The district would be penalized \$122,500 and the county office would be penalized over \$61,000. Additional information about the penalty is provided in a CDE letter available at <http://www.cde.ca.gov/fg/au/ag/teachercredpenalty.asp>.

### Formula

1	LCFF Entitlement	CY funding	\$ 26,460,000
2	# of teachers		120
3	# of teaching days		180
4	Total Teaching days	line 3 x line 4	21,600
	SAMPLE		
5	# of days taught w/o credential		100
6	Ratio	line 5 / line 4	0.0046
7	Ratio x LCFF entitlement	line 1 x line 6	\$ 122,500

COE penalty - 50%	line 7 x 50%	\$ 61,250
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*or 1/2 of 1% of unrestricted COE revenue or 1% of unrestricted COE revenue if 3 or more penalties (lesser)*

PENALTIES (PER EDUCATION CODE SECTIONS):

**Employer (District/COE as employer)**

**SEC. 2. Section 45037 is added to the Education Code, to read:**

*45037. (a) Except as provided in Section 45036, for the fiscal year 2001-02 and for any fiscal year thereafter in which a person renders service as a teacher in kindergarten or any of grades 1 to 12, inclusive, who does not have a valid certification document, the school district or county office of education in which the person is employed shall be assessed a penalty that shall be in lieu of any loss of funding that would otherwise result under Chapter 6.10 (commencing with Section 52120 (this is class size reduction language)) of Part 28. The penalty shall be calculated as provided in subdivision (b) and withheld from state funding otherwise due to the district or county office of education.*

*(1) Notwithstanding Section 46300, the attendance of the non-certificated person's pupils during the period of service shall be included in the computation of average daily attendance.*

*(2) The non-certificated person's period of service shall not be excluded from the determination of eligibility for instruction time pursuant to Article 8 (commencing with Section 46200) of Chapter 2 of Part 26.*

*(b) (1) For each person who rendered service in the employment of the district or county office of education as a teacher in kindergarten or any of grades 1 to 12, inclusive, during the fiscal year, add the total number of schooldays on which the person rendered any amount of the service.*

*(2) For each person who rendered service in the employment of the district or county office of education as a teacher in kindergarten or any of grades 1 to 12, inclusive, during the fiscal year, for a period of service during which the person did not have a valid certification document, add the number of schooldays on which the person rendered any amount of the service without a valid certification document.*

*(3) Divide the number determined in paragraph (2) by the number determined in paragraph (1) and carry the result to four decimal places.*

*(4) Multiply a school district's local control funding formula grant apportionment for the fiscal year, calculated pursuant to Section 42238.02, as implemented by section 42238.03, or a county office of education's local control funding formula alternative education grant computed pursuant to Section 2574, as apportioned pursuant to Section 2575, for the fiscal year, for the program in which the non-certificated person rendered service by the number determined in paragraph (3).*

**Additional penalty to COE for issuing warrant:**

**(c) Beginning in 2002-03, if a county office of education releases a warrant in favor of a person for whom a period of school district service is included in the calculation set forth in paragraph (2) of subdivision (b), and the warrant is either compensation for employment as a teacher or for employment in some other capacity if the county office of education has direct knowledge or is in possession of information giving rise to a reasonable inference that the person is rendering service as a teacher, the county office shall be assessed a penalty. The penalty assessed to a county office for any fiscal year in which one or more district teachers did not have a valid certification document shall be **equal to the lesser of three amounts** as follows:**

**(1) Fifty percent of all penalties** assessed for that fiscal year to all school districts in the county office's jurisdiction pursuant to subdivision (b).

**(2) One-half percent of the total expenditures for that fiscal year from unrestricted resources**, as defined in the California School Accounting Manual, in the county office's county school service fund, when **two or fewer districts** in the county office's jurisdiction are subject penalties pursuant to subdivision (b).

**(3) One percent of the total expenditures for that fiscal year from unrestricted resources**, as defined in the California School Accounting Manual, in the county office's county school service fund, when **three or more districts** in the county office's jurisdiction are subject penalties pursuant to subdivision (b).

**(d) Except as provided in Section 41344.1, nothing in this section may be waived in whole or in any part.**

*(Amended by Stats. 2015, Ch. 19, Sec. 92. Effective June 24, 2015.)*