

STATE OF CALIFORNIA

**CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE**

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ACCOUNTING ADVISORY NO. 2000-01
July 24, 2000

TO: District Chief Business Officer

FROM: Frederick E. Harris, Director
College Finance & Facilities Planning

SUBJECT: Proposition 20 - Lottery Funds for Instructional Materials

Synopsis: At the Primary Election held on March 7, 2000 California voters approved Proposition 20 - *Cardenas Textbook Act of 2000*. Proposition 20 amended Government Code Section 8880.4 to provide that beginning with the 1998-99 fiscal year and each fiscal year thereafter, fifty percent of any growth in statewide lottery revenues for public education above what was allocated in the 1997-98 fiscal year would be allocated to school districts and community college districts (K-14 districts) for sole purpose of purchasing instructional materials.

The State Controller's Office (SCO) is responsible for the allocation of lottery revenue to public education, including community college districts. The SCO is also responsible for implementing the new lottery revenue allocation provisions required by Proposition 20. The SCO has recently decided two previously uncertain implementation issues as follows:

- The SCO interpreted the language of Proposition 20 to require that fifty percent of the total growth in lottery funds as described above be allocated only to K-14 districts for the purchase of instructional materials. This interpretation will result in K-14 districts receiving a larger share of lottery funds because other public education entities (CSU, UC, etc.) will no longer receive a share of half of the growth in lottery funds. Proposition 20 does not change the way that base lottery revenues and the other half of the growth are allocated.
- The SCO determined that Proposition 20 will be implemented retroactively. The language states that its provisions begin in the 1998-99 fiscal year. This means that non K-14 educational entities will have current lottery revenue reduced to offset the over-allocated amounts provided in fiscal year 1998-99.

The SCO previously determined that interest income should be excluded from the Proposition 20 base year (1997-98) and payment calculations. An issue that is yet unresolved is whether the SCO should also exclude unclaimed prizes lottery revenue. Public education receives unclaimed prizes and interest income in addition to the statutory 34% distribution of sales revenues. Due to this outstanding issue, the State Controller's Office has not yet finalized the base year amount or the methodology to calculate the Proposition 20 payments.

Lottery Payments/Projections

The SCO lottery allocation system is being revised to automatically calculate the portion of lottery revenue that is restricted for instructional materials and will identify those amounts separately. The funds are to be distributed on the basis of an equal amount per unit of ADA/FTES for K-14 districts. As stated above, Proposition 20 provides that fiscal year 1997-98 be the "base year" when calculating the growth in statewide lottery revenues for public education. In fiscal year 1997-98, approximately \$817 million (including approximately \$30 million from unclaimed prizes) was allocated from lottery revenue to public education.

Lottery revenue for public education for fiscal year 1998-99 increased by approximately \$95 million from the base year amount, half of which is retroactively earmarked for K-14 instructional materials. The majority of this amount has already been allocated to K-14 districts as regular lottery revenue. The SCO plans to include the portion not yet allocated in the normal revenue adjustment that will occur in the 1st Quarter payment (December) for fiscal year 2000-01. A remittance advice will be provided to separately identify the portion of the adjustment related to Proposition 20 and therefore restricted for the purchase of instructional materials. This revenue should be treated as current year restricted revenue in fiscal year 2000-01 and expended in accordance with Proposition 20. K-14 districts will receive the revenue adjustment to make-up for the under-allocated amounts for fiscal year 1998-99 resulting from the retroactive implementation of Proposition 20. The SCO will provide K-14 districts their total restricted amount for fiscal year 1998-99 when the base year amount and the methodology to calculate the Proposition 20 payments are finalized. Once this information is provided by the SCO, the district should determine if there were sufficient expenditures for instructional materials for fiscal year 1998-99 to meet the expenditure requirements of Proposition 20. Any deficiency should be made-up through current-year instructional materials expenditures. Although Proposition 20 has retroactive provisions, the Chancellor's Office will not request that districts modify their lottery receipt and expenditure report (CCFS-311) filed for fiscal year 1998-99.

Lottery revenue for fiscal year 1999-2000 is projected to increase by \$123 million from the base year, half of which is restricted for instructional materials. The restricted portion represents approximately \$8 per FTES (\$116 for the regular lottery allocation). The Controller's Office is planning to make fiscal year 1999-2000 Proposition 20 payments in the 4th Quarter payment (September). Lottery revenue for fiscal year 2000-2001 is projected to increase by \$152 million from the base year, half of which is similarly restricted. The restricted portion represents approximately \$10 per FTES (\$119 for the regular lottery allocation) per FTES.

Please note that the projected payment schedule is contingent on a timely resolution of the issue related to unclaimed prizes lottery revenue and successful testing of programming changes to the lottery allocation system. Also, the above projected Proposition 20 revenue per FTES could change if the SCO determines that lottery revenue from unclaimed prizes should not be included the Proposition 20 base and payment calculations and/or the statewide ADA/FTES total is revised.

Guidelines for Instructional Materials Expenditures

The Chancellor's Office Legal Office has issued Legal Opinion O 00-16 regarding the definition of "instructional materials" as used in Proposition 20. The Opinion provides the following conclusion:

"We find that the definition of instructional materials contained in Education Code Section 60010(h) is comprehensive in that it contains a list of items that constitute the universe of materials deemed to be

instructional. While Education Code Section 60010(h) applies directly only to elementary and secondary school districts, our review of the community college statutory and regulatory authority on the subject of instructional materials revealed no definition which was in any way contradictory to the broad definition provided in Education Code Section 60010(h). Furthermore, we find no evidence that Proposition 20 was designed to apply a definition of instructional materials to community colleges that is different from the one applicable to elementary and secondary school districts. We therefore conclude that the Legislature and the voters intended community college districts and K-12 school districts to share a common definition of instructional materials for purposes of Proposition 20 and that the applicable definition is contained in Education Code Section 60010(h)."

Therefore, the expenditure of Proposition 20 funds should conform to Education Code Section 60010(h), which states that "Instructional materials means all materials that are designed for use by pupils and their teachers as a learning resource and help pupils to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials, and tests."

Accounting for Proposition 20 Revenues

Lottery revenue restricted for instructional materials must be accounted for in the restricted sub-fund of the General Fund and recorded to revenue account *8680 State Non-Tax Revenues-State Lottery Proceeds*. The expenditures are to be recorded within the subsidiary categories of *Object 4000 Supplies and Materials: Software; Books, Magazines and Periodicals*; and *Instructional Supplies and Materials* as appropriate. Also included are educational software licensing expenditures recorded within *Object 5000 Other Operating Expenses and Services-Contract Services* and expenditures recorded within *Object 6300 Library Books*. The expenditures should be for *Activities 0100 through 4900, 6110 Learning Center, and 6120 Library*. To the extent possible, 1999-2000 lottery revenue should be accrued. You should also note that Proposition 20 does not contain any supplanting language and that unspent balances can be carried over.

Lottery revenue not restricted for instructional materials will continue to be considered unrestricted General Fund revenue to be used exclusively for the education of pupils and students and cannot be used for acquisition of real property, construction of facilities, and financing of research.

Action/Date Requested: This Accounting Advisory is for your information and should be used in conjunction with the Budget and Accounting Manual to record and report Proposition 20 revenues. Please file this advisory in the Appendix of your manual behind the tab "Accounting Advisories". We will continue to inform you as decisions are made regarding implementation of Proposition 20 and whether there are any changes in lottery projections.

Contact: If you have any questions, please contact Elias Regalado at (916) 445-1165 or by e-mail at eregalad@cccco.edu.

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