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Board of Education**

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DATE: July 8, 2009

TO: Chief Business Officials
Personnel Administrators
K-12 School Districts

FROM: Nancy Sheets, Director II *ms*
District Fiscal Services
Division of Administration and Business Services
(951) 826-6575 / FAX [951] 826-4457

SUBJECT: Public Disclosure of Proposed Collective Bargaining Agreements
Required Governing Board Certification

ACTION: **Submit Disclosure Information 10 Days Prior to Board Action**

Government Code Section 3547.5 requires public school employers to publicly disclose the provisions of all collective bargaining agreements before such agreements are approved. The intent of the legislation is to ensure that the public is informed of the major provisions, including the associated costs of a collective bargaining agreement before it becomes binding on the district.

Government Code Section 3547.5, amended by AB 2756 (Chapter 52/Statutes 2004), has increased accountability for the financial impact of collective bargaining agreements. The major provisions include:

- The Superintendent and Chief Business Official (CBO) shall certify in writing that the costs incurred by a school district under a collective bargaining agreement can be met by the district during the term of the agreement.
- The certification shall itemize any budget revisions necessary to meet the costs of the agreement in each year of its term.
- If a 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 shall issue a qualified or negative certification for the district on the next interim report pursuant to Section 42131 of the Education Code.

The attached pages contain updated forms and instructions for use by districts during the 2009-10 fiscal year to comply with the collective bargaining agreement public disclosure requirements of Government Code Section 3547.5 and the California Code of Regulations Title V, Section 15449. Please do not use prior versions of the Public Disclosure Form. A complete disclosure must be submitted to our office, including the following:

- Disclosure of Collective Bargaining Agreement (Sections A-G).
- Multi-year financial projections and assumptions (Sections H and H1 or equivalent).
- Impact of proposed agreement and itemized budget provisions (Sections I-K).
- Certification No. 1 signed by the Chief Business Official and Superintendent (Section L).
- Certification No. 2 signed by the Superintendent and Clerk/President of the governing board after board approval (Section M).

The Public Disclosure Form has been developed in Excel. The shaded cells contain formulas and do not require input. The disclosure document, Section G, has been linked to the multi-year projections and multi year projection assumptions. This eliminates “double entry”. However, if you do not use the provided MYP and assumptions, you may “unprotect” the sheet to allow direct entry in the shaded cells.

These forms are available on the RCOE website at:

http://www.rcoe.us/adminBusiness/fiscalOversightBulletins_09-10.html

This letter will be listed as “Public Disclosure of Proposed Collective Bargaining Agreements” and the proceeding document links will be the forms.

The disclosure information and certification must be provided to our office at least ten (10) working days prior to the date the governing board will take action on the proposed bargaining agreement. A copy of the proposed agreement should be available for public inspection as well.

Should you have any questions regarding this information, or how to complete the forms, please contact me at (951) 826-6575.

NS:tk
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Attachments