



# FISCAL REPORT

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

## An Overview of the 2024-25 Governor's May Revision



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### Overview of the Governor's May Revision Proposals

In an unconventional manner that frustrated those who rely on the May Revision to plan for the upcoming budget year, Governor Gavin Newsom's Administration continued to release information on May 14, the statutory deadline to provide changes to his proposed State Budget. By the evening of May 14, the initial brief summary provided on May 10 was joined by a list of line-item reductions to General Fund spending; "Finance Letters" delineating those same cuts; summaries of programmatic changes to implement the State Budget; trailer bill language; and finally, key factors, including average daily attendance (ADA) assumptions, property tax estimates, and out-year estimated cost-of-living adjustments (COLA) that allow for a thorough analysis of the Governor's May Revision.

At the May Revision, Governor Newsom continues his approach from January to shield K-14 education from ongoing programmatic reductions. He does so through the continued use of two linchpins of his January proposal: Proposition 98 Rainy Day Fund withdrawals and an accrual and accounting change the Legislative Analyst's Office (LAO) has dubbed the "Proposition 98 Funding Maneuver." This latter strategy is controversial both inside and outside the Legislature, garnering significant criticism as a "manipulation" of the Proposition 98 Minimum Guarantee.

The analysis below is reflective of the information made public by the Newsom Administration as of May 15.

### The Economy and Revenues

As in previous years, at the release of the May Revision, Governor Newsom noted the challenges and volatility of California's progressive tax structure, which conditions state General Fund revenues on a small fraction of its population. He highlighted the impact of the fluctuation in capital gains as a share of personal income and noted that capital gains, which have been as high as 11.6% of personal income in recent years, are projected to level out at 5% through 2029, resulting in a reduction of revenue. Overall, revenues of the "big three" sources of state revenue (personal income, corporation, and sales and use taxes) are projected to be lower than forecasted in January by \$10.5 billion. Both personal income tax and corporation tax saw a reduction from the

figures projected in the proposed Governor's Budget to May Revision in each year of the three-year budget window. Sales and use tax shows a slight increase in 2022-23 and a projected reduction for the current and budget years. What was a \$37.9 billion budget deficit in January is now \$27.6 billion at the May Revision after factoring in the early action measures which shrunk the shortfall by \$17.3 billion.

<b>"Big Three" Revenue Sources (In Millions)</b>						
	<b>2022-23</b>		<b>2023-24</b>		<b>2024-25</b>	
	<b>Governor's Budget</b>	<b>May Revision</b>	<b>Governor's Budget</b>	<b>May Revision</b>	<b>Governor's Budget</b>	<b>May Revision</b>
Personal Income Tax	\$101,749	\$100,451	\$113,768	\$111,203	\$114,730	\$116,176
Corporation Tax	\$37,140	\$36,337	\$36,913	\$33,182	\$38,055	\$36,778
Sales Tax	\$33,186	\$33,324	\$34,643	\$33,320	\$35,123	\$34,043
<b>Total</b>	<b>\$172,075</b>	<b>\$170,112</b>	<b>\$185,324</b>	<b>\$177,705</b>	<b>\$187,908</b>	<b>\$186,997</b>

The May Revision, and what will become the 2024-25 Enacted Budget in late June, has some risks. The risks noted by the Governor include the federal government tightening economic policy, underperformance of the stock market, and the volatility of California's progressive tax structure and its reliance on a small group of high-income taxpayers.

The Governor does not assume a recession. Rather, he projects that the U.S. economy will continue to grow and the stock market will continue to perform well.

## **Proposition 98 Minimum Guarantee, Proposition 98 Rainy Day Fund, and Local Reserves**

### **Proposition 98 Minimum Guarantee**

The Proposition 98 sands continue to shift under Governor Newsom's 2024-25 revised State Budget. According to the Department of Finance, the minimum guarantee across the three-year budget window—2022-23 through 2024-25—is down by \$3.7 billion from the Governor's Budget in January. Since Test 1 remains operative for each of the three fiscal years under the May Revision, the decrease in funding is attributable to the decline in overall state revenues. Recall that when the minimum guarantee is determined by Test 1, K-14 public education funding fluctuates in direct proportion to increases or decreases in state General Fund revenues. Specifically, the constitutional formula for Test 1 requires that K-12 agencies and community colleges receive the same share of General Fund revenues as they did in 1986-87—the year before Proposition 98 was passed by the voters, or roughly 40% of state revenues. Under Test 1, the rise in local property taxes increases the Proposition 98 minimum guarantee on a dollar-for-dollar basis.

General Fund revenues that contribute to the minimum guarantee are reduced by \$7.3 billion over the three-year period. This reduction is offset by increases in funding from the Education Protection Account (EPA) and local property taxes by \$3.1 billion and \$500 million, respectively. Specifically, the May Revision estimates an increase of offsetting EPA funds for 2024-25 by \$4 billion from January estimates, nearly muting the \$4.3 billion General Fund reduction from the Governor's Budget.

<b>Proposition 98 Minimum Guarantee—From January to May (In billions)</b>		
	<b>Governor's Budget</b>	<b>May Revision</b>
2022-23	\$98.3	\$97.5
2023-24	\$105.6	\$102.6
2024-25	\$109.1	\$109.1

Note: Differences in the estimates from our May 10, 2024, article are attributable to revised EPA and local property tax estimates available at the time.

One of the key Proposition 98 features included in the Governor's Budget is maintained in the May Revision, which is Governor Newsom's proposal to accrue the budgetary impact of the now \$8.8 billion allocation to K-14 agencies in 2022-23 above the constitutional minimum guarantee in future fiscal years by making annual supplemental payments of approximately \$1.8 billion (\$1.6 billion for K-12 and \$200 million for community colleges) beginning in 2025-26. The policy prevents an immediate reduction in education funding to account for the unanticipated precipitous drop in the 2022-23 minimum guarantee of nearly \$10 billion from the

2023-24 Budget Act level last June. The proposal is drawing criticism from the LAO for the fiscal policy precedent the LAO believes it would set, as well as from Proposition 98 hawks who fear that the policy reduces funding for education over the long term.

### Proposition 98 Rainy Day Fund and Local Reserves

The reduction in Proposition 98 funding levels in the current and budget year, coupled with increased costs associated with the 1.07% statutory COLA, exacerbate the Proposition 98 deficit for 2023-24 and 2024-25. Consequently, in order to (a) maintain 2023-24 general apportionments for K-12 and community college agencies at their current levels, (b) pay for the increase costs in 2024-25 for the Local Control Funding Formula (LCFF) and the Student Centered Funding Formula, and (c) provide COLA for various categorical programs, the May Revision proposes to increase withdrawals from the Proposition 98 reserve in both fiscal years. Notably, deploying resources from the Proposition 98 reserve fund averts the need for other budgetary tools to avoid cuts to education, such as deferrals.

<b>Proposition 98 Reserve Withdrawals (In millions)</b>				
	<b>K-12</b>		<b>Community Colleges</b>	
	<b>Governor's Budget</b>	<b>May Revision</b>	<b>Governor's Budget</b>	<b>May Revision</b>
2023-24	\$2,803	\$5,290	\$236	\$532
2024-25	\$2,144	\$2,208	\$486	\$382
<b>Total</b>	<b>\$4,947</b>	<b>\$7,498</b>	<b>\$722</b>	<b>\$914</b>

The withdrawals are a combination of formula-driven mandatory withdrawals and a sizeable \$4.8 billion discretionary withdrawal, the latter of which requires Governor Newsom to declare a budget emergency. The withdrawal of \$5.8 billion in 2023-24 reduces the balance of the Proposition 98 reserve below the statutory trigger that caps local school district reserves in 2024-25. The total \$8.4 billion withdrawal in 2023-24 and 2024-25 fully depletes the Proposition 98 reserve by the end of the budget year.

## Cost-of-Living Adjustment

As noted above, the May Revision fully funds the statutory COLA of 1.07% for the LCFF, which is greater than the January estimate of 0.76%, but significantly lower than the estimate of 3.94% from the 2023-24 Enacted Budget.

The statutory COLA is proposed to be applied to other education programs funded outside of the LCFF, including the Equity Multiplier, Special Education, Child Nutrition, Foster Youth, Mandate Block Grant, Adults in Correctional Facilities Program, Charter School Facility Grant Program, American Indian Education Centers, and the American Indian Early Childhood Education Program—as well as county offices of education (COEs) and community colleges. The State Preschool Program rates would not be adjusted by the statutory COLA per the 2023-24 Enacted Budget.

## LCFF Entitlements for School Districts and Charter Schools

Funding for the LCFF continues to rely on one-time funding of approximately \$2.3 billion for the 2024-25 fiscal year. This funding helps support full funding of the 1.07% statutory COLA and results in higher 2024-25 base grants.

LCFF Entitlements for School Districts and Charter Schools			
	2023-24 Base Grant per ADA	1.07% COLA	2024-25 Base Grant per ADA
TK-3	\$9,919	\$106	\$10,025
4-6	\$10,069	\$108	\$10,177
7-8	\$10,367	\$111	\$10,478
9-12	\$12,015	\$129	\$12,144

The TK-3 base grant increase for the class-size reduction (CSR) grade span adjustment is \$1,043 per ADA in 2024-25 and the grade 9-12 base grant per ADA is increased by \$316 in recognition of the need for Career Technical Education (CTE) courses provided to students in the secondary grades. In addition, the add-on for transitional kindergarten increases to \$3,077.

School districts and charter schools are entitled to supplemental grant increases equal to 20% of the adjusted base grant (including CSR and CTE funding) for the percentage of enrolled students who are English learners, eligible for the free or reduced-price meals program, or in foster care. An additional 65% per-pupil increase is

provided as a concentration grant for each percentage of eligible students enrolled beyond 55% of total enrollment, with 15% of the concentration grant to be used to increase the number of adults providing direct services (e.g., nurses, teachers, counselors, paraprofessionals, and others) to students.

### **Equity Multiplier**

Lastly, COLA is applied to Equity Multiplier funding for a total investment of \$303.2 million in 2024-25. Additionally, the May Revision proposes statutory changes to the Equity Multiplier, which will apply COLA to the minimum per-school site allocation of \$50,000, as well as limit school sites eligible for funding to those that are open in the year that funding is allocated and exclude students enrolled at the district office.

## **Universal Meals Program**

Current law requires a school district or COE with a school that is eligible for the federal Community Eligibility Provision to adopt a federal universal meal service provision, such as the Community Eligibility Provision or Provision 2, at the school. The May Revision proposes to limit this requirement to only eligible schools that also have an Identified Student Percentage (ISP) of at least 40%. Under federal law, identified students are those automatically eligible for free meals based on their participation in CalFresh, CalWORKS, or Medi-Cal. The ISP is calculated by dividing the number of identified students by the number of enrolled students at the school.

The May Revision additionally acknowledges increased costs to implement universal meals in both the current and budget year.

## **Expanded Learning Opportunities Program**

While there are no major program changes to the Expanded Learning Opportunities Program (ELO-P), trailer bill language accompanying the May Revision creates a deadline of September 30, 2024, for local educational agencies (LEAs) to expend ELO-P funds appropriated in the 2021-22 and 2022-23 fiscal years. Any unexpended funds would be returned to the state after this deadline.

The proposal would also, beginning with the 2023-24 fiscal year, require any funds appropriated for ELO-P to be expended by June 30 of the fiscal year following the year the funds were appropriated. Any funds that are unexpended at that point in time would be returned to the state.

Additionally, the proposal includes legislative intent language that would require school districts and charter schools to declare each year their intent to operate an expanded learning opportunities program. This requirement would commence with the 2025-26 fiscal year and is accompanied by language that would reallocate funds (presumably as a result of LEAs not expressing intent to operate ELO-P).

## **Attendance Recovery/J-13A**

The Governor's Budget incorporated multiple "attendance recovery and instructional continuity" proposals which included the establishment of an attendance recovery program, modifications to the existing J-13A process and requirements, and the addition of a new remote instruction educational option.

The May Revision continues to propose the attendance recovery program whereby statutory changes would allow LEAs to provide attendance recovery opportunities to students to make up lost instructional time, offset student absences, mitigate learning loss and chronic absenteeism, and recover ADA lost to student absences. Many of the May Revision changes to the Governor's Budget proposals are clarifying or technical changes to correct for conflicts with existing law. Key changes are delaying the implementation date of the attendance recovery program to the 2025-26 school year and limiting the amount of ADA that can be generated through attendance recovery.

The May Revision includes the changes proposed in the Governor's Budget to the current J-13A process and requirements that LEAs undergo when they experience an emergency event that results in a school closure or material loss of attendance. (The J-13A process is used to request credit for instructional time and attendance loss in these circumstances.) The changes proposed in the Governor's Budget included but were not limited to conditioning J-13A approval for emergency events of five days or more on the substantiated offering of in-person or remote instruction within five days of the start of the school closure or material decrease in attendance. The May Revision also provides authority for an LEA other than the district of residence to serve temporarily reassigned students and permits simultaneous enrollment for these students in a temporarily assigned LEA and in their LEA of attendance prior to the emergency.

## **Independent Study and Instructional Continuity for Remote Learning**

The two other instructional continuity proposals included in the Governor's Budget pertain to the provision of short-term remote instruction when students need time away from classroom-based learning. One proposal impacts existing independent study programs by repealing the statutory bifurcation of short- and long-term programs based on the number of school days students participate in the program. The May Revision largely maintains the proposed changes to existing independent study law but makes technical adjustments to ensure that LEAs have time to revise required program documents, such as board policies and written agreements, over the 2024-25 school year.

With respect to the proposed Instructional Continuity Program that LEAs may leverage to provide remote instruction to students on a short-term basis, the May Revision makes additional changes to address technical issues to ensure program viability, including clarification on who is eligible to participate in a program, as well as addresses concerns raised over the broad exception to the 15-day participation limit for students who are experiencing significant personal difficulties. Notably, the May Revision does not respond to calls to delay implementation until the 2025-26 school year to give LEAs time to plan and implement the new program requirements.

## **Early Childhood Education**

To help address the budget shortfall, the May Revision proposes to eliminate the planned investment of \$47.9 million General Fund in 2025-26 and \$97.9 million ongoing starting 2026-27 for Preschool Inclusivity intended for reimbursement rate adjustment factor costs for serving preschool children with disabilities. The May Revision proposes to repeal the requirements for State Preschool contractors to set aside 10% of their slots for children with disabilities by the 2026-27. New enrollment criteria is proposed for the State Preschool Program giving the lowest-income children priority immediately after children with exceptional needs. In addition, the May Revision proposes a pause on child care slot expansion to achieve budget year savings of \$489 million until fiscal conditions allow for growth.

Lastly, more than \$254 million from previously appropriated but unallocated Inclusive Early Education Expansion Grant program funds is proposed to be reallocated to support the electric school bus grant program.

## Facilities and Green Buses

The May Revision brings disappointing news for facilities. Beginning in 2022-23, the State Budget included a General Fund appropriation for the School Facility Program (SFP), as well as the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program (FDK Program). The 2022-23 Enacted Budget not only appropriated funds in that year, but also included intent language for future funding. While the funding intended for the SFP in 2023-24 was provided with only a minor reduction, the 2024-25 Governor's Budget proposed, and the Early Action package codified, a reduction of \$500 million—reducing the intended 2024-25 allocation to \$375 million. The May Revision proposes to eliminate even this reduced amount and proposes no funding for the SFP for the current or future years.

The FDK Program—funding originally intended for 2023-24, delayed to 2024-25 by the 2023-24 Enacted Budget, and further delayed by the Early Action Budget—is also proposed to be eliminated. The Governor's Budget Summary notes that “such an investment could be considered for inclusion in the education facilities bond proposals being contemplated by the Legislature.” As for that facilities bond, no news yet on how much or what programs will be included.

As it pertains to the Green School Bus Grant Program, it is not all bad news. The 2023-24 Enacted Budget reduced the allocation from \$1.5 billion to just \$500 million split between funding for zero-emission school buses and charging and fueling infrastructure. Once again, language was included that the \$1.0 billion reduction was intended to be restored in equal parts in 2024-25 and 2025-26. While the May Revision does not quite restore the \$500 million for 2024-25, it does provide an increase in funding of \$395 million.

## ERAF and Charter Schools

The Educational Revenue Augmentation Fund (ERAF) shifts property taxes from cities, counties, and special districts to K-14 schools. This shift provides a General Fund savings to the state equal to the amount that is shifted when Test 1 is not operative. ERAF is distributed to non-basic aid school districts on a per-ADA basis

within the county. Charter schools were established the same year as the ERAF and were not considered when the ERAF statute was being drafted and implemented and the Governor's Budget proposed statutory changes to clarify the interaction between the two.

The May Revision provides the proposed statutory changes, which, for the purposes of determining the proportion of ERAF allocated to each school district, would require the inclusion of charter school ADA and LCFF entitlement for each charter school for which the school district is the sponsoring LEA.

## In Closing

An unconventional roll out of the May Revision follows an unprecedented delay in 2022 personal income taxes and corresponding unanticipated consequences. From here, the Legislature will vet the Governor's proposals and consider some of its own to balance the State Budget for 2024-25. California's Constitution requires the Legislature to send a balanced budget to the Governor by June 15, although the traditional path—subcommittee, committee, conference committee, budget passage—may or may not be taken with two new legislative leaders at the helm.

We will unpack the May Revision's education investments and discuss their implications for local planning and implementation, including the risks they present, at our [May Revision Workshop](#) next week.