Dr. Matt Wayne, Superintendent
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BOARD OF EDUCATION RESOLUTION 2021-06
THE EDUCATION PROTECTION ACCOUNT 2020-21

WHEREAS, the voters of California approved Proposition 30 (The Schools and Local Public Safety Protection Account) on November 6, 2012; and

WHEREAS, the voters of California approved Proposition 55, renewing the expiring tax increase, on November 8, 2016; and

WHEREAS, Proposition 30 added Article XIII, Section 36 to the California Constitution effective November 7, 2012 (expiring on December 31, 2017) and Proposition 55 effective on January 1, 2018; and

WHEREAS, the provisions of Article XIII, Section 36(e) create in the state general fund an Education Protection Account to receive and disburse the revenues derived from the incremental increases in taxes imposed by Article XIII, Section 36(f); and

WHEREAS, the revenues school districts receive from the Education Protection Account are calculated through the Local Control Funding Formula (LCFF) and a corresponding reduction is made to the State's contribution towards LCFF; and

WHEREAS, if the sum determined by the State Controller is positive, the State Controller shall transfer the amount calculated into the Education Protection Account within 10 days preceding the end of the fiscal year; and

WHEREAS, all monies in the Education Protection Account are hereby continuously appropriated for the support of school districts, county offices of education, charter schools and community college districts; and

WHEREAS, monies deposited in the Education Protection Account shall not be used to pay any costs incurred by the Legislature, the Governor or any agency of state government; and

WHEREAS, before June 30th of each year, the Assistant Superintendent of Business shall estimate the total amount of additional revenues, less refunds that will be derived from the incremental increases in tax rates made pursuant to Article XIII, Section 36(f) that will be available for transfer into the Education Protection Account during the next fiscal year; and

WHEREAS, a community college district, county office of education, school district, or charter school shall have the sole authority to determine how the monies received from

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the Education Protection Account are spent in the school or schools within its jurisdiction; and

WHEREAS, the governing board of the district shall make the spending determinations with respect to monies received from the Education Protection Account in open session of a public meeting of the governing board; and

WHEREAS, the monies received from the Education Protection Account shall not be used for salaries or benefits for administrators or any other administrative cost; and

WHEREAS, the Assistant Superintendent of Business estimates the 2020-21 Education Account revenues to be $23,756,802.00

WHEREAS, the Assistant Superintendent of Business, consistent with previous years, proposes to allocate the funds towards Classroom Teacher Salaries and Benefits (Function 1000) and School Site Custodian Salaries and Benefits (Function 8200); and

WHEREAS, each community college district, county office of education, school district and charter school shall annually publish on its Internet website an accounting of how much money was received from the Education Protection Account and how that money was spent; and

WHEREAS, the annual independent financial and compliance audit required of community college districts, county offices of education, school districts and charter schools shall ascertain and verify whether the funds provided from the Education Protection Account have been properly disbursed and expended as required by Article XIII, Section 36 of the California Constitution; and

WHEREAS, expenses incurred by community college districts, county offices of education, school districts and charter schools to comply with the additional audit requirements of Article XIII, Section 36 may be paid with funding from the Education Protection Act and shall not be considered administrative costs for purposes of Article XIII, Section 36.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The monies received from the Education Protection Account shall be spent as required by Article XIII, Section 36 and the spending determinations on how the money will be spent shall be made in open session of a public meeting of the governing board of the Hayward Unified School District; and

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2. In compliance with Article XIII, Section 36(e) of the California Constitution, the governing board of the Hayward Unified School District has determined to spend the monies received from the Education Protection Act on classroom teacher salaries and benefits and school site custodian staff salaries and benefits for the 2020-21 fiscal year.

PASSED AND ADOPTED by the following called vote this 24th day of June 2020:

Ayes: 5
Nays: 0
Absent: 0
Abstain: 0

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Clerk of the Board of Education of
Hayward Unified School District of
Alameda County, State of California