

RESOLUTION No. 13-42

**SAN MATEO COUNTY BOARD OF EDUCATION
STATE OF CALIFORNIA**

RESOLUTION REGARDING THE EDUCATION PROTECTION ACCOUNT

Whereas, the voters approved Proposition 30 on November 6, 2012; and

Whereas, Proposition 30 added Article XIII, Section 36 to the California Constitution effective November 7, 2012; 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, before June 30th of each year, the Director of Finance 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(f) that will be available for transfer into the Education Protection Account during the next fiscal year; 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 ten 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, 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 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, each community college district, county office of education, school district and charter school shall annually publish on its website an accounting of how much money was received from the Education Protection Account and how that money was spent; and

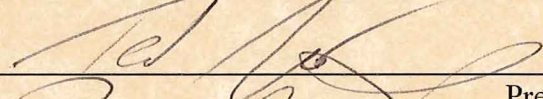
Whereas, the annual independent financial and compliance audit required of community college districts, county offices of education, school districts and charter schools shall ascertain and verify whether the funds provided from the Education Protection Account have been properly disbursed and expended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

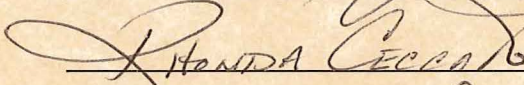
Whereas, expenses incurred by community college districts, county offices of education, school districts and charter schools to comply with the additional audit requirements of Article XIII, Section 36 may be paid with funding from the Education Protection Act and shall not be considered administrative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

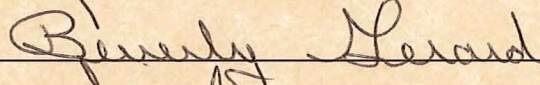
Now, Therefore, Be It Resolved: The monies received from the Education Protection Account shall be spent as required by Article XIII, Section 36 and will be used towards expenditure in the Court Schools program;

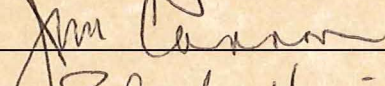
Regularly Passed And Adopted this nineteenth day of June 2013, by the San Mateo County Board of Education in Redwood City, California.

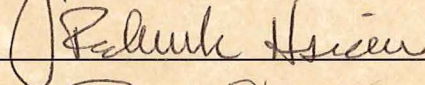
SAN MATEO COUNTY BOARD OF EDUCATION

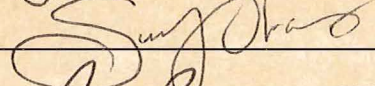


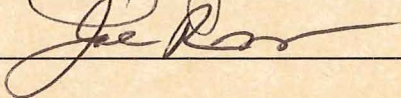
President












FISCAL AND OPERATIONAL SERVICES DIVISION (continued)

- Operational and student driven amounts remain the same, including the Transportation and TIIG add-ons, which must be spent on those programs
- Regional Occupational Program funding amounts are still in the language, with a two-year maintenance of effort clause

Ms. Porterfield said the San Mateo County Office of Education (SMCOE) will continue to experience a flat-line budget for many years and will have to develop long term plans to be sure it meets the needs of students and districts now and in the future.

Deputy Superintendent Porterfield said the compromise language also requires a Local Control Accountability Plan beginning in 2014-2015 and prohibits districts and county offices from adopting a budget before adopting such a Plan. The language prohibits the Superintendent of Schools from approving a budget if the Plan is not approved. She explained the State Board of Education has been tasked with developing a template for the Accountability Plan.

Deputy Superintendent Porterfield said there will be an oversight process similar to AB 1200.

Ms. Porterfield noted the language for sweeping excess taxes for offsetting trial court costs remains, but the excess taxes will stay in the county instead of being sent to the state.

Deputy Superintendent Porterfield said districts and county offices are authorized to re-establish a restricted deferred maintenance fund for those specific expenditures.

Ms. Porterfield said once the Governor signs the bill, there will be approximately six weeks for technical clean up of the language to make sure it matches the intent of the bill.

Deputy Superintendent Porterfield then answered questions from the Board.

f. Adopt Joint Resolution No. 13-42 Education Protection Account Proposition 30 Funds

Deputy Superintendent Porterfield said as a condition to receive Education Protection Account funds, districts and county offices are required to inform the public on the use of those dollars. SMCOE is expecting approximately \$40,000 that will be used to offset the contribution to Court Schools.

After a motion by Ms. Gerard and a second by Mr. Hsiao, the Board unanimously approved Joint Resolution No. 13-42 Education Protection Account Proposition 30 funds.

g. Economic Impact Aid

Ms. Porterfield said as a condition to receive Economic Impact Aid (EIA) funds, information about the use of these dollars must be publicly posted. She then drew the Board's attention to agenda item number 8.g. in the Board packet.