

TOPIC: **RESOLUTION NO: 15-12-13: RESOLUTION OF THE BOARD OF EDUCATION OF THE ORANGE UNIFIED SCHOOL DISTRICT TO DETERMINE THE SPENDING PRIORITY OF THE MONIES RECEIVED FROM THE EDUCATION PROTECTION ACCOUNT**

DESCRIPTION: On November 6, 2012, the voters of the State of California, approved Proposition 30, which added Article XIII, Section 36(e)(f), to the California Constitution, effective November 7, 2012, which avoided deeper cuts to school agencies. The provisions of Article XIII created in the State General Fund, an Education Protection Account (EPA) to receive and disburse the revenues derived from the incremental increases in taxes imposed.

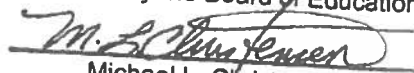
The constitutional language requires that the funds shall not be used for the salaries and benefits of administrators or any other administrative costs. In addition, the districts are required to annually post on its website an accounting of how much money was received from EPA and how that money was spent.

This evening's action the Board of Education will declare that the funds received from EPA shall be used for "Instruction" function only (function 1000-1999) in compliance with Article XIII, Section 36(e)(f) of the California Constitution.

FISCAL IMPACT: Estimated State Aid Revenue Restoration — \$28,677,441

RECOMMENDATION: It is recommended that the Board of Education approve Resolution No. 15-12-13, designating how to spend the monies received from the Education Protection Account and directing staff to post an annual accounting on the District website, as required by law.

This is to certify that this item was approved by the Board of Education.



Michael L. Christensen
Superintendent and Secretary
Orange Unified School District

RESOLUTION NO. 15-12-13
OF
THE BOARD OF EDUCATION OF THE ORANGE UNIFIED SCHOOL DISTRICT
TO
DETERMINE THE SPENDING PRIORITY OF THE MONIES RECEIVED
FROM THE EDUCATION PROTECTION ACCOUNT

WHEREAS, the voters approved Proposition 30 on November 6, 2012;

WHEREAS, Proposition 30 added Article XIII, Section 36 to the California Constitution effective November 7, 2012;

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);

WHEREAS, before June 30th of each year, the Administrative Director of Business Services 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;

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;

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;

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;

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;

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;

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

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;

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;


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.

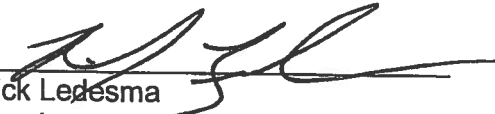
NOW, THEREFORE, IT IS HEREBY RESOLVED:

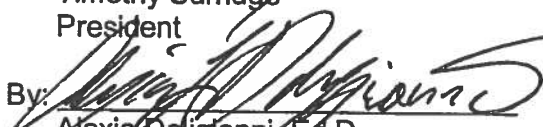
1. The monies received from the Education Protection Account shall be spent as required by Article XIII, Section 36 and the spending determinations on how the money will be spent shall be made in open session of a public meeting of the governing board of the Orange Unified School District;

2. In compliance with Article XIII, Section 36(e), with the California Constitution, the governing board of the Orange Unified School District has determined to spend the monies received from the Education Protection Act as attached.


ADOPTED, SIGNED AND APPROVED by the Board of Education of the Orange Unified School District this 18th day of April, 2013.

By: 
Timothy Surridge
President


By: 
Rick Ledesma
Member

By: 
Alexia Deligianni, Ed.D.
Vice President

By: 
Kathryn A. Moffat
Member

By: 
Mark D. Wayland
Clerk

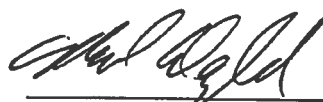
By: [Not present at meeting]
John Ortega
Member

By: 
Diane Singer
Member

Certification

The undersigned certifies that he is the duly appointed Clerk of the Board of Education of the Orange Unified School District, that the foregoing resolution was duly adopted at a meeting of said Board held on April 18, 2013, that all actions taken in connection with such resolution were in compliance with the requirements of the California Government code and that said resolution is now in full force and effect, and appears from the official records of the board in my custody and under my control.

IN WITNESS WHEREOF, the undersigned has executed this certification under the seal of the Board as of April 18, 2013.



Mark D. Wayland
Clerk of the Board of Education
Orange Unified School District

Orange Unified School District
 2012-13 Education Protection Account
 Program by Resource Report
 Expenditures by Function - Detail

Expenditures through: June 30, 2013

For Fund 01, Resource 1400 Education Protection Account

Description	Object Codes	Amount
AMOUNT AVAILABLE FOR THIS FISCAL YEAR		
Adjusted Beginning Fund Balance	9791-9795	0.00
Revenue Limit Sources	8010-8099	28,677,441.00
Federal Revenue	8100-8299	0.00
Other State Revenue	8300-8599	0.00
Other Local Revenue	8600-8799	0.00
All Other Financing Sources and Contributions	8900-8999	0.00
Deferred Revenue	9650	0.00
TOTAL AVAILABLE		28,677,441.00
EXPENDITURES AND OTHER FINANCING USES		
(Functions 1000-7999)		
Instruction	1000-1999	28,677,441.00
Instruction-Related Services		
Instructional Supervision and Administration	2100-2150	0.00
AU of a Multidistrict SELPA	2200	0.00
Instructional Library, Media, and Technology	2420	0.00
Other Instructional Resources	2490-2495	0.00
School Administration	2700	0.00
Pupil Services		
Guidance and Counseling Services	3110	0.00
Psychological Services	3120	0.00
Attendance and Social Work Services	3130	0.00
Health Services	3140	0.00
Speech Pathology and Audiology Services	3150	0.00
Pupil Testing Services	3160	0.00
Pupil Transportation	3600	0.00
Food Services	3700	0.00
Other Pupil Services	3900	0.00
Ancillary Services	4000-4999	0.00
Community Services	5000-5999	0.00
Enterprise	6000-6999	0.00
General Administration	7000-7999	0.00
Plant Services	8000-8999	0.00
Other Outgo	9000-9999	0.00
TOTAL EXPENDITURES AND OTHER FINANCING USES		28,677,441.00
BALANCE (Total Available minus Total Expenditures and Other Financing Uses)		0.00