

COLLEGE OF THE SEQUOIAS COMMUNITY COLLEGE DISTRICT
Board of Trustees Meeting
June 7, 2021

EDUCATION PROTECTION ACCOUNT
REQUIREMENTS FOR THE 2021-2022 FISCAL YEAR
(Resolution No. 2021-10)

13

Status: Action (Roll Call Vote)

Presented by: Ron Perez
Vice President, Administrative Services

Issue

The creation of the Education Protection Account (EPA) contains an accountability component. Local agencies have the sole authority to determine how the funds are spent as required by Article XIII, Section 36 of the California Constitution.

Background

The voters approved Proposition 30 on November 6, 2012. Proposition 30 added Article XIII, Section 36 to the California Constitution effective November 7, 2012. The provisions of Article XIII, Section 36(e) create in the state General Fund an Educational Protection Account to receive and disburse the revenues derived from the incremental increases in taxes by Article XIII, Section 36(f).

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. 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;

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. The governing board of the district shall make the spending determination with respect to monies received from the Education Protection Account in open session of a public meeting of the governing board. The monies received from the Education Protection Account shall not be used for salaries or benefits for administrators or any other administrative cost;

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. In addition, there will now be a requirement for the annual financial audit to include

verification that the EPA funds were used as specified by Proposition 30 and the additional cost of the audit would be an allowable expense from the EPA.

Recommended Action

It is recommended that the Board of Trustees adopt Resolution No. 2021-10 approving the attached list of expenditures for the monies received from the Education Protection Account for the 2021-22 fiscal year.

**BEFORE THE BOARD OF TRUSTEES
OF THE COLLEGE OF THE SEQUIOIAS COMMUNITY COLLEGE DISTRICT
TULARE COUNTY, STATE OF CALIFORNIA**

In the Matter of the Spending Determination
for Funds Received from the Education
Protection Account pursuant to Article XIII,
Section 36 of the California Constitution

RESOLUTION No. 2021-10

RECITALS

1. The voters approved Proposition 30 on November 6, 2012;
2. Proposition 30 added Article XIII, Section 36 to the California Constitution effective November 7, 2012;
3. The provisions of Article XIII, Section 36(e) create in the state General Fund an Educational Protection Account to receive and disburse the revenues derived from the incremental increases in taxes by Article XIII, Section 36(f);
4. 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 36(f) that will be available for transfer into the Education Protection Account during the next fiscal year;
5. 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;
6. 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;
7. 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;
8. 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;

9. The governing board of the district shall make the spending determination with respect to monies received from the Education Protection Account in open session of a public meeting of the governing board;
10. The monies received from the Education Protection Account shall not be used for salaries or benefits for administrators or any other administrative cost;
11. 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;
12. 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;
13. 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 as follows:

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 College of the Sequoias CCD;
2. In compliance with Article XIII, Section 36(e) of the California Constitution, the governing board of the College of the Sequoias CCD has determined to spend the monies received from the Education Protection Account as attached.

THE FOREGOING RESOLUTION was adopted upon motion by Trustee _____,
seconded by Trustee _____, at a regular/special meeting held on June 7, 2021, by the following vote:

AYES:

NOES:

ABSENT:

I, Brent Calvin, secretary of the governing board of the College of the Sequoias Community College District, do hereby certify that the foregoing Resolution was duly passed and adopted by said Board, at an official and public meeting thereof, this 7th day of June, 2021.

Secretary, Board of Trustees

Education Protection Account (EPA)

Estimated Fiscal Year 2021/2022 revenue \$11,466,843

Fiscal Year 2021/2022 Spending Plan: Instructional Salaries & Benefits \$11,466,843