

### Agenda Item Details

Meeting	Jun 17, 2020 - Regular Board Agenda (#2265)
Category	5. ACTION ITEMS
Subject	B. Request Adoption of the 2020-21 Resolution According to the Provisions of Article XIII, Section 36 of the State to Approve the Spending Plan for the Education Protection Account (EPA) for 2020-21
Access	Public
Type	Action
Preferred Date	Jun 17, 2020
Absolute Date	Jun 17, 2020
Fiscal Impact	No
Budgeted	No
Budget Source	n/a
Recommended Action	Adopt the 2020-21 resolution to approve the spending plan for the Education Protection Account (EPA)

### Public Content

#### Administrator

Mary Ann Dewan, Ph.D., County Superintendent of Schools  
James Novak, Ed.D., Chief Business Officer, Business, Facilities & Operations Division  
Stephanie Gomez, Director, Internal Business Services

#### Background

On November 6, 2012, the voters of California approved Proposition 30, which temporarily increases the state's sales tax and the personal income tax rates for upper-income taxpayers. Part of the revenue generated would be used to support Local Educational Agency (LEA) funding, with the remainder helping to balance the state budget.

Revenues generated from Proposition 30 are deposited into a state account called the Education Protection Account (EPA). The EPA began January 1, 2012, and continues for seven years (December 31, 2018), during the time that Proposition 30 will be effective. Proposition 55 was approved on November 8, 2016, which extends the EPA account through 2030.

#### Current Status

The creation of the EPA by Proposition 30 also comes with some accountability components. One requirement is having the spending plan approved by the governing board during a public meeting. Another requirement is that the LEA must publish on its website (each year) an accounting of the estimated revenue it will receive from the EPA and how much will be expended. In addition, EPA funds cannot be used for the salaries or benefits of administrators or any other administrative costs.

Attached are Santa Clara County Office of Education's estimated EPA revenue and spending plan for 2020-21 (Resolution).

#### Requested Action

Adopt the 2020-21 resolution to approve the spending plan for the Education Protection Account (EPA).

[2020-21 EPA Resolution.pdf \(74 KB\)](#)

[2020-21 EPA.pdf \(28 KB\)](#)

### Administrative Content

#### Motion & Voting

Adopt the 2020-21 resolution to approve the spending plan for the Education Protection Account (EPA)

Motion by Peter Ortiz, second by Kathleen King.

Final Resolution: Motion Carries

Yes: Anna Song, Claudia Rossi, Grace Mah, Joseph Di Salvo, Rosemary Kamei, Kathleen King, Peter Ortiz

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**EDUCATION PROTECTION ACCOUNT FOR 2020-21**  
**SANTA CLARA COUNTY BOARD OF EDUCATION**  
**RESOLUTION**

WHEREAS, the voters of California 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 30<sup>th</sup> of each year, the State 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;

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;

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.

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 Santa Clara County Office of Education;

2. In compliance with Article XIII, Section 36(e) of the California Constitution, the governing board of the Santa Clara County Office of Education adopts this Resolution approving the proposed uses of the monies received from the Education Protection Act as attached.

PASSED AND ADOPTED by the Governing Board of the Santa Clara County Office of Education on this 17 day of June 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Claudia Rossi, President  
Santa Clara County Office of Education

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Mary Ann Dewan, Ph.D.  
County Superintendent of Schools

**EDUCATION PROTECTION ACCOUNT REVENUE AND EXPENDITURE SUMMARY**

**FISCAL YEAR 2020-21**  
**(General Fund, Resource 1400)**

DESCRIPTION	FUNCTION	ESTIMATED AMOUNT
<b>REVENUE</b>		
Local Control Funding Formula Sources (Object 8012)		117,400.00
<b>TOTAL AVAILABLE</b>		<b>117,400.00</b>
<b>EXPENDITURES AND OTHER FINANCING USES</b>		
(Objects 1000-7999)		
Instruction (Teacher Salaries and Benefits)	1000-1999	117,400.00
Instruction -Related Services		
Instructional Library, Media, and Technology	2420	0.00
Other Instructional Resources	2490-2495	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
Plant Services	8000-8999	0.00
Other Outgo	9000-9999	0.00
County Office of Education Only		
County Services to Districts (without regard to Function) (Goal 8600)	various	0.00
<b>TOTAL EXPENDITURES AND OTHER FINANCING USES</b>		<b>117,400.00</b>
<b>BALANCE (Total Available minus Expenditures &amp; Other Financing Uses)</b>		

Funds use for non-administrative salaries and benefits for Juvenile Court/County Community Schools.