

Agenda Item Details

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| Meeting | Jun 15, 2022 - Regular Board Agenda (#2302) Via Video Conference/Teleconference |
| Category | 8. CONSENT ACTION ITEMS |
| Subject | F. Request Adoption of the 2022-23 resolution to approve the spending plan for the Education Protection Account (EPA) |
| Access | Public |
| Type | Action |
| Preferred Date | Jun 15, 2022 |
| Absolute Date | Jun 15, 2022 |
| Fiscal Impact | No |
| Budgeted | No |
| Budget Source | n/a |
| Recommended Action | Adopt the 2022-23 resolution to approve the spending plan for the Education Protection Account (EPA) |

Public Content

Administrator

Mary Ann Dewan, Ph.D., County Superintendent of Schools
Stephanie Gomez, Chief Business Officer
Niti Sharma, Director, Internal Business Services

Background

On November 6, 2012, the voters of California approved Proposition 30, which temporarily increased 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.

Enclosed is the Santa Clara County Office of Education's estimated EPA spending plan for 2022-23.

Requested Action

Adopt the 2022-23 resolution to approve the spending plan for the Education Protection Account (EPA).

[2022-23 EPA Spending Plan.pdf \(106 KB\)](#)

[061522 Resolution EPA 2022-23.pdf \(122 KB\)](#)

Administrative Content

Committed to serving, inspiring and promoting student and public school success

**RESOLUTION TO APPROVE THE SPENDING PLAN FOR THE EDUCATION
PROTECTION ACCOUNT (EPA) FOR 2022-23**

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO.**

WHEREAS, the voters of California 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 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; 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, 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 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.

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; and,
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 15 day of June 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Peter Ortiz, President
Santa Clara County Board of Education

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

EDUCATION PROTECTION ACCOUNT REVENUE AND EXPENDITURE SUMMARY

FISCAL YEAR 2022-23
(General Fund, Resource 1400)

| DESCRIPTION | FUNCTION | ESTIMATED AMOUNT |
|--|-----------|------------------|
| REVENUE | | |
| Local Control Funding Formula Sources (Object 8012) | | 82,000.00 |
| TOTAL AVAILABLE | | 82,000.00 |
| EXPENDITURES AND OTHER FINANCING USES | | |
| (Objects 1000-7999) | | |
| Instruction (Teacher Salaries and Benefits) | 1000-1999 | 42,000.00 |
| 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 | 40,000.00 |
| 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 |
| TOTAL EXPENDITURES AND OTHER FINANCING USES | | 82,000.00 |
| BALANCE (Total Available minus Expenditures & Other Financing Uses) | | |

Funds use for non-administrative salaries and benefits for Juvenile Court/County Community Schools and Opportunity Youth Academy (OYA).