

RESOLUTION NO. 2122-03

RESOLUTION OF THE BOARD OF DIRECTORS OF OFL-CAPISTRANO, INC.

APPROVAL OF THE SPENDING OF FUNDS RECEIVED FROM THE EDUCATION PROTECTION ACCOUNT PURSUANT TO ARTICLE XIII, SECTION 36 OF THE CALIFORNIA CONSTITUTION

WHEREAS, OFL-Capistrano, Inc. (“OFL-C”) is a California nonprofit public benefit corporation that operates the Opportunities For Learning Capistrano public charter school;

WHEREAS, the California voters approved Proposition 30 on November 6, 2012 and Proposition 55 on November 8, 2016;

WHEREAS, Proposition 30 added Article XIII, Section 36 to the California Constitution effective November 7, 2012 (sun setting 12/31/2017), and Proposition 55 Article XIII, Section 36(e) to the California Constitution effective November 8, 2016 (commencing 01/01/2018);

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 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 ten days preceding the end of the fiscal year;

WHEREAS, all monies in the Education Protection Account are 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 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 charter school 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 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 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 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, this Board of Directors of OFL-C does hereby find, resolve, and order as follows:

Section 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 Board of Directors of OFL-C.

Section 2. In compliance with Article XIII, Section 36(e) of the California Constitution, the Board of Directors of OFL-C has determined to spend the monies received from the Education Protection Act according to the budget attached to this Resolution as Exhibit A.

EXHIBIT A

**Opportunities for Learning - Capistrano
Economic Protection Act Funding
Fiscal Year 2021-22**

	2020-21	Budget 2021-22
EPA Revenue	\$ 163,684	\$ 28,990
Certificated Salaries & Benefits	\$ 98,916	\$ 17,358
Classified Salaries & Benefits	\$ 7,168	\$ 1,175
Books, Supplies & Equipment	\$ 9,229	\$ 487
Contracts for Instructional Support	\$ 38,182	\$ 8,264
All other instruction	\$ 10,189	\$ 1,706
Total	\$ 163,684	\$ 28,990

The **Education Protection Account (EPA)** provides local educational agencies (LEAs) with general purpose state and aid funding pursuant to Proposition 30, approved by voters on November 6, 2012. The EPA funding is a funding component of an LEA's total LCFF entitlement as calculated in the Principal Apportionment. EPA payments are received quarterly.

SECRETARY'S CERTIFICATE

I, Beth Smyth, Secretary of the Board of Directors of OFL-Capistrano, Inc., a California nonprofit public benefit corporation, county of Orange, California, hereby certify as follows:

The attached is a full, true, and correct copy of the resolutions duly adopted at a meeting of the Board of Directors of OFL-Capistrano, Inc. which was duly held on December 13, 2021, at which meeting all of the members of the Board of Directors had due notice and at which a quorum thereof was present; and at such meeting such resolutions were adopted by the following vote:

AYES: 2 (Jocelyn Finn, Beth Smyth)

NOES: 0

ABSTAIN: 0

ABSENT: 0

The attached resolution is a full, true, and correct copy of the original resolution adopted at such meeting, and such resolution has not been amended, modified, or rescinded since the date of its adoption, and the same is now in full force and effect.

WITNESS my hand on December 13, 2021.

Beth Ann Smyth

Secretary, OFL-Capistrano, Inc.