

**EL DORADO UNION HIGH SCHOOL DISTRICT
BOARD POLICY**

**Business and Noninstructional
Operations**

**TRANSFER OF FUNDS
BP 3110**

Cautionary Notice: as added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7 Statutes of 2011), Education Code 42605 grants districts flexibility in Tier 3 categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008/09 through 2014/15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance.

The Governing Board recognizes its responsibility to monitor the district's fiscal practices to ensure accountability regarding the expenditure of public funds and compliance with legal requirements.

(cf. 3100 - Budget)
(cf. 3400 - Management of District Assets/Accounts)
(cf. 3460 - Financial Reports and Accountability)

Note: Education Code 42600 specifies the total amount budgeted by the district for each major classification of expenditures shall be the maximum amount which the district may expend for that classification for the school year. However, the Government Board may adopt a resolution authorizing (1) a transfer from the designated fund balance or the unappropriated fund balance to any expenditure classification or between classifications; (2) a temporary loan between funds (EC 42603); or (3) an end-of-year transfer to allow the payment of obligations (EC 42601). In some cases, transfers must be approved by the County Superintendent of Schools.

The Board may also adopt a resolution to authorize the permanent transfer of monies between certain funds, including the special reserve fund from the general fund (EC 42841), to the general fund from the special reserve fund (EC 42842-42843), to the deferred maintenance fund from the general fund (EC 17582-17592), and to the state school building lease-purchase fund from all other district funds (EC 16095).

However, pursuant to EC 52616.4, districts that receive adult education funds are authorized to use them only for direct instructional charges and direct support charges related to adult education programs, and any transfer of such funds must be in accordance with specific methods.

The Board may transfer funds during or at the end of the fiscal year in accordance with law as necessary to meet district needs or to permit the payment of district obligations. (Education Code 16095, 17582-17592, 42600-42603, 42605, 42841-42843, 52616.4)

TIER 3 CATEGORICAL FLEXIBILITY

The Board has determined that it is in the best interest of the district to utilize the flexibility authorized for the use of categorical program funds under Education Code 42605. Funds

received by the district for any programs identified by law as Tier 3 categorical program may be expended for any educational purposes.

(cf. 2210 - Administrative Discretion Regarding Board Policy)

Before expending any Tier 3 categorical program funds for another educational purpose, the Board shall hold a public hearing to take testimony from the public, to discuss and approve or disapprove the proposed use of the funding, and to make explicit for each of the categorical programs the purposes for which the funds will be used. *(Education Code 42605)*

Any such public hearing shall be held prior to and independent of the Board's regular budget-adoption meeting. Whenever the proposed use of the funding will result in the elimination of a program, the notice of the public hearing shall identify the program to be eliminated. *(Education Code 42605)*

During the hearing, the Board shall consider the district's goals for student learning and determine funding priorities and program focus. The Board may also discuss statutory constraints, available resources, and whether program modifications might improve educational outcomes.

The Superintendent or designee shall regularly report to the Board regarding how the district is exercising the flexibility and whether the desired results are being achieved. He/she shall also complete any necessary reports required by the California Department of Education.

(cf. 0420 - School Plans/Site Councils)
(cf. 0420.1 - School-Based Program Coordination)
(cf. 0440 - District Technology Plan)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3111 - Deferred Maintenance Funds)
(cf. 3530 - Risk Management /Insurance)
(cf. 4111 - Recruitment and Selection)
(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)
(cf. 4113 - Assignment)
(cf. 4131 - Staff Development)
(cf. 4131.1 - Beginning Teacher Support/Induction)
(cf. 4138 - Mentor Teachers)
(cf. 4139 - Peer Assistance and Review)
(cf. 4231 / cf. 4331 - Staff Development)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 5136 - Gangs)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.6 - Parental Notifications)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5147 - Dropout Prevention)
(cf. 5148.1 - Childcare Services for Parenting Students)
(cf. 5149 - At-Risk Students)
(cf. 6141.5 - Advanced Placement)
(cf. 6142.6 - Visual and Performing Arts Education)
(cf. 6142.91 - Reading/Language Arts Instruction)

- (cf. 6146.1 - High School Graduation Requirements)*
- (cf. 6151 - Class Size)*
- (cf. 6161.1 - Selection and Evaluation of Instructional Material)*
- (cf. 6162.52 - High School Exit Examination)*
- (cf. 6163.1 - Library Media Centers)*
- (cf. 6164.2 - Guidance/Counseling Services)*
- (cf. 6172 - Gifted and Talented Student Program)*
- (cf. 6176 - Weekend/Saturday Classes)*
- (cf. 6177 - Summer School)*
- (cf. 6178 - Career Technical Education)*
- (cf. 6178.2 - Regional Occupational Center/Program)*
- (cf. 6179 - Supplemental Instruction)*
- (cf. 6184 - Continuation Education)*
- (cf. 6185 - Community Day School)*
- (cf. 6200 - Adult Education)*
- (cf. 9323.2 - Actions by the Board)*

Legal Reference:

EDUCATION CODE

- 78 Definition governing board*
- 5200 Districts governed by boards of education*
- 16095 Transfer of district funds to district state school building fund*
- 17582 Deferred maintenance fund; establishment; purpose*
- 17583 Deferred maintenance fund; transfer*
- 17584 Budgeting certification deferred maintenance fund; apportionment*
- 17585 Applications for deferred maintenance funding*
- 41301 Section A state school fund allocation schedule*
- 42125 Designated and unappropriated fund balances*
- 42600 District budget limitation on expenditure*
- 42601 Transfers between funds to permit payment of obligations at close of year*
- 42603 Transfer of monies held in any fund or account to another fund; repayment*
- 42605 Tier 3 categorical flexibility*
- 42840-42843 Special reserve fund*
- 52616.4 Expenditures from adult education fund*

Management Resources:

CSBA PUBLICATIONS

Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams, Budget Advisory, March 2009

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

Fiscal Issues Relating to Budget Reductions and Flexibility Provisions, April 2009

WEB SITES

California School Boards Association: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>