

NEVADA COUNTY BOARD OF EDUCATION

Regular Meeting

Wednesday, August 14, 2013

→→→1:00 p.m.←←←

Nevada County Superintendent of Schools

Houser Conference Room

112 Nevada City Highway, Nevada City, CA 95959

AGENDA

All times approximate

- I. **Meeting called to order**
- II. **Establish quorum**
- III. **Salute to the flag**
- IV. **Additions to the Agenda**
- V. **Adoption of the Agenda**
- VI. **Open public forum** – Recognition of members of the audience wishing to address an agenda item may do so at this time or at the time the agenda item is heard. After being recognized by the Board president, please identify yourself. A member of the public may at this time make brief comments regarding items not on the agenda, although no action may be taken.
- VII. **Close public forum**
- VIII. **Interdistrict Transfer Appeal Case # 1a & 1b** – (packet under separate cover)
 - A. Open hearing for appeal of Interdistrict Transfer
 - B. Closed Session of the Board for deliberation
 - C. Open Session – Announcement from Closed Session
- IX. **Interdistrict Transfer Appeal Case # 2** – (packet under separate cover)
 - A. Open hearing for appeal of Interdistrict Transfer
 - B. Closed Session of the Board for deliberation
 - C. Open Session – Announcement from Closed Session
- X. **Presentation** 20 min.
 - A. Twin Ridges Home Study Charter – Jaynie Aydin, Director
 - B. Proclamation Declaring September as *Attendance Awareness Month* (page 1)
- XI. **Board member reports** 20 min.
 - A. Budget Review Committee, *Meeks/Slade-Troutman*
 - B. SARB, *Lapierre*
 - C. Legislative, *Meeks*
 - D. NCSBA, *Michael*
 - E. Charter Liaison, *Altieri*



F. Individual Board Member Reports

XII. Approval of the Consent Agenda

5 min.

These items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion, unless a trustee or citizen requests that an item be removed for discussion and separate consideration. In that case the designated item(s) will be considered following approval of the remaining items.

- A. Approval of minutes of the regular meeting of July 10, 2013 (*page 3*)

XIII. Action Items

20 min.

- A. Shall the Nevada County Board of Education accept the 2013-14 45 Day revise based on the State's adoption of the budget? (*page 6*)
- B. Shall the Nevada County Board of Education approve and authorize submission of application for Declaration of Need for Fully Qualified Educators for the school year 2013-14 so that staffing can be completed with the best possible candidates and we can retain our substitute teachers? (*page 9*)
- C. Second Reading and Adoption – Conflict of Interest Policy BP 2710 (*page 13*)

XIV. Discussion / Information Items

20 min.

- A. Short Term Borrowing Guidelines - DRAFT (*page 15*)
- B. Temporary Transfer Agreement Resolution – DRAFT (*page 18*)
- C. Local Control Funding Formula

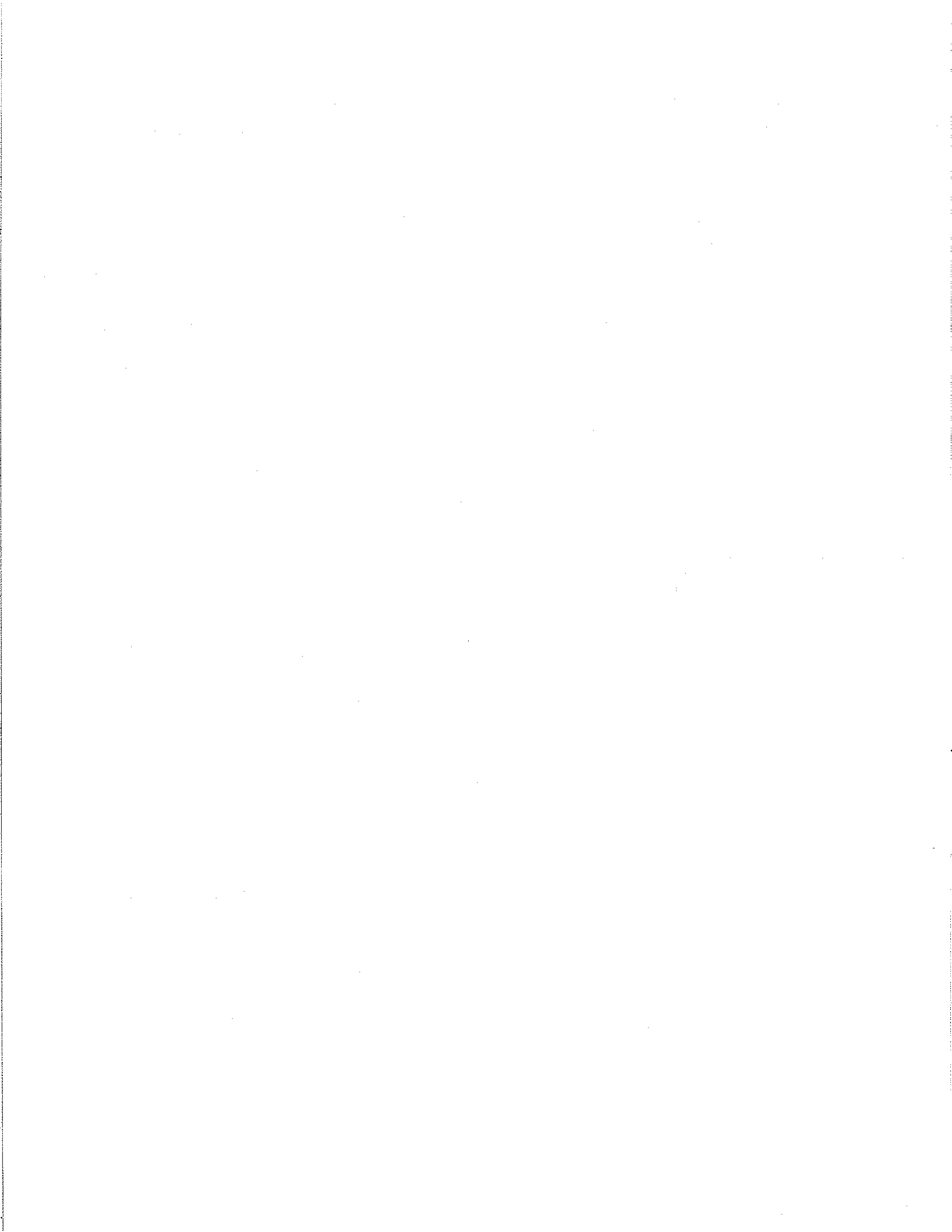
XV. Reports

- A. Superintendent's Report 10 min.
1. Scholar Day at the Fair
 2. Superintendents Summer Meeting
 3. All Staff Back to School Meeting
 4. Superintendents Expenditure Report
- B. Staff Reports 20 min.
1. *Educational Services* – Johns
 2. *Business Services* - Fitting
- C. Future agenda items
1. Treasury report from Nevada County Treasurer and Tax Collector detailing the Portfolio of investments for NCSoS as of June 30, 2013 (*correspondence*)
 2. Confirmation of School Attendance Review Board (SARB) (*consent*)
 3. Open Hearing and Resolution for Sufficiency of Instructional Materials. (Public Hearing Action)
 4. Report of STAR Test Results
 5. Nevada County Academic Tournament Schedule 2013-14
 6. Scholar Day Data

XVI. Correspondence

- A. Fiscal Reports (*page 21*)

Adjournment



Next Meeting Date:

WEDNESDAY, September 11, 2013, time **5:00 p.m.**, 112 Nevada City Highway, Nevada City

This agenda was posted at least 72 hours in advance of the meeting at the Nevada County Superintendent of Schools office, 112 Nevada City Highway.

Posted: 8/8/13
Date

Notice: The agenda packet and supporting materials, including materials distributed less than 72 hours prior to the scheduled meeting, can be viewed at the Nevada County Superintendent of Schools office – reception desk, located at 112 Nevada City Highway, Nevada City, CA. For more information please call 530-478-6400 ext. 203.

Notice: In compliance with the Americans with Disabilities Act, if you need special assistance to access the Board meeting room or to otherwise participate at this meeting, including auxiliary aids or services, contact the Nevada County Superintendent of Schools office at 530.478.6400 ext. 203 at least 48 hours before the scheduled Board meeting so that we may make every reasonable effort to accommodate your needs. {G.C. §54953.2, §54954.2(a) (1); Americans with Disabilities Act of 1990, §202 (42 U.S.C. §12132)}



Proclamation of September as Attendance Awareness Month

WHEREAS good attendance is essential to student achievement and graduation, and we are committed to dedicating our resources and attention to reducing chronic absenteeism rates, with a focus starting as early as kindergarten,

WHEREAS chronic absence – missing 10 percent or more of school for any reason including excused and unexcused absences, or just two of three days a month – is a proven predictor of academic trouble and dropout rates,

WHEREAS improving attendance and reducing chronic absence takes commitment, collaboration and tailored approaches to particular challenges and strengths in each community,

WHEREAS chronic absence predicts lower third-grade reading proficiency, course failure and eventual dropout, it weakens our communities and our local economy,

WHEREAS the impact of chronic absence hits low-income students and children of color particularly hard if they don't have the resources to make up for lost time in the classroom and are more likely to face systemic barriers to getting to school – such as unreliable transportation, lack of access to health care, unstable or unaffordable housing,

WHEREAS, chronic absence exacerbates the achievement gap that separates low-income students from their peers, since students from low-income families are both more likely to be chronically absent and more likely to be affected academically by missing school. Absenteeism also undermines efforts to improve struggling schools, since it's hard to measure improvement in classroom instruction if students are not in class to benefit from them,

WHEREAS schools and community partners can reach out more frequently to absent students to determine why they are missing school and what would help them attend more regularly,

WHEREAS schools and districts must do more to track, calculate and share the data on how many students are chronically absent so that we can deliver the right interventions to the right students,

WHEREAS all students – even those who show up regularly – are affected by chronic absence because teachers must spend time reviewing for students who missed lessons,

NOW, THEREFORE BE IT RESOLVED that as the County Board of Education, We proclaim that our schools will stand with the nation in recognizing September as "Attendance Awareness Month." We hereby commit to focusing on reducing chronic absenteeism to give all children an equitable opportunity to learn, grow and thrive academically, emotional and socially.

On this, the fourteenth day of August, two thousand and thirteen.

PROCLAIMED ON BEHALF OF NEVADA
COUNTY BOARD OF EDUCATION

Marianne Slade-Troutman
President, Nevada County Board of Education

NEVADA COUNTY BOARD OF EDUCATION
Regular Meeting
Wednesday, July 10, 2013
2:00 p.m.

DRAFT

Nevada County Superintendent of Schools
Houser Conference Room
112 Nevada City Highway, Nevada City, CA 95959

MINUTES

I. Meeting called to order

II. Established quorum

Bob Altieri	present
Jack Meeks	present
Marianne Slade-Troutman	present
Trevor Michael	present
Tracy Lapierre	present

III. Salute to the flag

IV. Additions to the Agenda

No additions, however Action Item X. A. will be changed to a first reading

V. Adoption of the Agenda

On a motion by Michael and seconded by Lapierre the Agenda was adopted changing Action Item X.A. *Shall the Nevada County Board of Education approve the Annual review of Board Policy 2710, Conflict of Interest?* to an Information/Discussion Item as a First Reading. All in favor. Motion passed unanimously.

VI. Opened public forum – Recognition of members of the audience wishing to the Board.

VII. Closed public forum

VIII. Board member reports

1. Budget Review Committee, *Meeks/Slade-Troutman*

In light of the holiday and noting no changes since the budget was approved previously, the Committee decided not to call a meeting.

2. SARB, *Lapierre* – No meeting due to summer recess

3. Legislative, *Meeks*

Meeks reported that AB913 requires Charter schools be subject to the Brown Act. Pending Senate approval, AB25 would prevent employers from requesting passwords to personal internet accounts. AB449 would require school district superintendents to report changes in employment status of credentialed employees to the CTC when allegations of misconduct are pending. AB729 allows Union Representatives the same privileges as clergy members, lawyers

and physicians. AB342 requires pupils to make satisfactory progress to remain in independent study. The Senate will return in August to vote on the bills.

4. NCSBA, *Michael* – no report.
5. Charter Liaison, *Altieri* – no report.
6. Individual Board Member Reports – none.

IX. Approval of the Consent Agenda (Action)

These items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion, unless a trustee or citizen requests that an item be removed for discussion and separate consideration. In that case the designated item(s) will be considered following approval of the remaining items.

- A. Approval of minutes of the Regular meeting of June 12, 2013
- B. Approval of 2013-14 Consolidated Application Part
- C. During the third quarter of 2013 April-June, there were no complaints filed to be reported, pursuant to Williams Uniform Complaint Procedures (*E.C. 1240(H): Board policy 1010 – Uniform Complaint Procedures*)

On a motion by Altieri and seconded by Meeks the Consent Agenda was adopted as presented. Motion passed unanimously.

X. Action Items

- A. Shall the Nevada County Board of Education approve the Annual review of Board Policy 2710, Conflict of Interest?

This Action Item was changed to a First Reading as a Discussion/Information item at the adoption of agenda earlier.

Noting this, Supt. Hermansen reported that our office will be using a policy updating service which CSBA offers. The majority of our policies were adopted in 2003. It's important to bring the policies up to date as we are directly serving students in programs now.

With regards to the Conflict of Interest draft policy, it is recommended we keep our original policy and remove LAEC as a Designated Position. We will bring back this policy back for a 2nd reading next month.

XI. Discussion/Information Items

- A. Short Term Borrowing Guidelines

Enclosed in the Boards packet are the *Short Term Borrowing Guidelines; Resolution No. 13-10 the Temporary Transfer Agreement*; and the *June 21, 2013 letter to TRHS Charter regarding the loan*.

Twin Ridges Home Study Charter is out of cash as of June 2013. Our office notified TRHS that they would not be able to meet June payrolls and needed to request a loan. TRHS did not meet the NCSOS Loan Guidelines, however due to extenuating factors, noted in the letter to them, the loan was approved. Their ADA is low. They continue to have serious cash flow issues, and now owe NCSOS Approximately \$55,000.

Fitting clarified that NCSOS Resolution No. 13-10 stipulates under Ed Code 42622 that moneys be repaid to our office prior to any other creditor.

The Short Term Borrowing Guidelines is in need of stronger and more specific language. Guidelines will be updated and brought back to the Board at the August meeting.

TRHS has been collecting data on the families they serve, on the belief that many of these families would not otherwise be enrolled in a public school program.

Supt. Hermansen will obtain the TRHS data, bringing it to the next meeting; and the business office will continue to monitor TRHS.

- B. Resolution No. 13-10 – Temporary Transfer Agreement
- C. Twin Ridges Home Study Charter–response letter to request to borrow funds.
- D. Assignment Monitoring for School Year 2012-13

Reno walked the Board through the summary provided in the packet. Out of 195 certificated personnel monitored, there were 5 misassignments which were all easily corrected.

XII. Reports

A. Superintendent's Report

1. NJUHSD Superintendent Search

Press release handed out announcing Louise Bennicoff Johnson as the new NJUHSD Superintendent. Our office received a letter of thanks for helping to facilitate the process.

Supt. Hermansen will extend an invitation to the new PRSD Supt., Rusty Clark, and the new NJUHSD Supt., Louise Bennicoff Johnson, to come and meet the NCBOE, once they are settled in.

- 2. Superintendent's Expenditure Report – passed out..
- 3. Upcoming Events: Scholar Day at the Fair – August 7; letters will go out to the Board.

B. Staff Reports

1. *Ed Services – Johns*

The Board welcomed Shar Johns in her new position of Assoc. Supt. for Educational Services.

- 2. *Business Services – Fitting* - nothing further.

C. Future agenda items

- 1. Second Reading of the Conflict of Interest Policy
- 2. Short Term Borrowing Guidelines updated
- 3. Twin Ridges Home Study Charter Student Data
- 4. Invitation to Charter School Directors, requesting specific updates – Altieri, as Charter School Liaison, will send invites

XIII. Correspondence

A. Fiscal Report

Adjournment at 3:20 p.m.

Next Meeting Date: WEDNESDAY, August 14, 2013, 2:00 p.m., 112 Nevada City Highway, Nevada City

AGENDA ITEM

To: Nevada County Board of Education

From: Donna M. Fitting



RE: 45 Day Revise, 2013/14 Budget

Date: August 12, 2013

Each year within 45 days of the adoption of the State Budget, we are required by Education Code 42127 section I 4 to publicly report any changes to NCSOS's Approved Budget as a result of the State's Budget Adoption. The actual changes to NCSOS's Budget will be reflected in the First Interim report.

As you may recall, during Budget adoption, we discussed the new Local Control Funding Formula (LCFF) being proposed by the Governor. At that time, too much uncertainty existed to project what level of funding might be under the new formula. Therefore, our 2013/14 budget was based on revenue limit funding.

The Governor signed the budget bill on June 27, 2013. While some aspects of the new formula are still unclear, we do have an estimate of NCSOS projected funding for 2013/14 and 2014/15. It is exciting and frightening at the same time because over the past several years we have been faced with cutting programs and services and a mode of austerity. It is a new experience to actually have some additional funds to support our activities and provide the much needed services to districts

Our districts are faced with similar challenges of understanding the most significant change in school finance in forty years. The new funding formula is significantly different and the learning curve, especially for new business managers, is steep. Superintendents, Board and School site staff have much to learn about the new formula and new initiatives in order to maximize the benefit to the students. Our business office has already been impacted by increased support to our districts, and the increased support is expected to continue in business as well as in Curriculum and Instruction. I expect this will continue for the duration of the implementation period until 2021.

In addition, Districts and NCSOS will be required to develop a Local Control Accountability Plan (LCAP) to describe goals and strategies to enhance student outcomes. While the plan has not been fully defined, we do know NCSOS will play a key role in assisting districts in developing the plan, as well as evaluating the plan to insure it is supported by their adopted budgets. We will have the responsibility of insuring these plans are adequate to address student needs. To that end, districts will rely

on us to lead and guide their plan development and execution. We expect 2013/14 and beyond to be a very busy supporting districts in the understanding LCFF as well as the LCAP. Again, exciting and frightening all at the same time!

The changes to our NCSOS budget as a result of the state adoption are significant. As mentioned above, we based our budget on revenue limit, the old funding formula. Under the LCFF, NCSOS receives a significant amount of additional funds to support districts in implementation of the new funding formula as well as the accountability plans. While all COE funding is now based on the same formula, the funding increases for any given COE are very different. NCSOS happens to be one of the COEs that received a significant increase in funds in due in part to the recognition that our services to districts will increase and that for years our funding has not been reflective of the needs of a small rural county.

Changes to our budget as a result of the state budget adoption include the increased LCFF funds. Funding will increase over \$700K in 2013/14 from 2012/13 levels and what we projected under revenue limit funding in our adopted budget. I have attached a spreadsheet that tries to simplify NCSOS funding target and 2013/14 funding. The implementation for the County Office model has been projected to be two years. We will review this more during the August meeting. In addition, we will add Prop 39 – Energy Efficiency Funds in the amount of \$15K, Mandated Block Grant funding of \$14K and Common Core revenue in the amount of \$13K.

While we look forward to the coming years and the possibility of providing a higher level of support to districts, we want to thoughtfully proceed with any appropriation of funds. We will work over the coming weeks and months to bring to the Board of Education more details about the level of support that will be required as well as a proposal for any possible augmented services to our districts. By First Interim, we expect to make changes to the adopted budget that reflect the new funding levels and responsibilities.

Recommendation

Accept the Report

**Nevada County Superintendent of Schools
LCFF for NCSOS
45 Day Revise 2013/14**

County Operations Grant				
Base Grant				\$ 655,920
District Services Grant	\$ 109,320.00	X 10		1,093,200
Countywide ADA				
		Range	Rate	CO ADA
-		30,000	\$ 70.00	11,745
30,000		60,000	\$ 60.00	
60,000		140,000	\$ 50.00	
140,000	+		\$ 40.00	
Total County Operations LCFF at full implementation				\$ 2,571,270

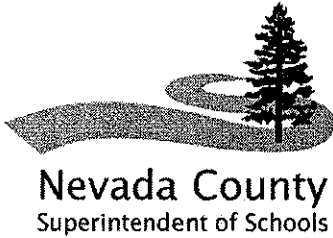
Pupil Service Grant				
Community Schools				
		Rate	ADA	Total
Base Grant	\$ 11,045.00		8.46	\$ 93,441
Supplemental - 35%	\$ 3,865.75			
Undup count	100%		8.46	32,704
Concentration - 50%			4.23	16,352
Total Community at full implementation				\$ 142,497
Court Schools				
		Rate	ADA	Total
Base Grant	\$ 11,045.00		16.74	\$ 184,893
Supplemental - 35%	\$ 3,865.75			
Undup count	100%		16.74	64,713
Concentration - 50%			8.37	32,356
Total Court at full implementation				\$ 281,962

Add on Transportation (Special Ed) \$ 275,165

Add on Community Day Waiver \$ 113,594

TOTAL NCSOS LCFF AT FULL IMPLEMENTATION \$ 3,384,488

Full Implementation LCFF	\$ 3,384,488
Base Year Funding	1,946,141
"GAP"	1,438,347
2013/14 Funding Rate	50%
Increased funding in 2013/14	\$ 719,174



HOLLY A. HERMANSEN, SUPERINTENDENT

112 Nevada City Highway
Nevada City, CA 95959
530-478-6400 • fax 530-478-6410

Memorandum

TO: President Marianne Slade-Troutman and Nevada County Board of Education Members

FROM: Regina Reno, Personnel Analyst *RRR*

BOARD MEETING DATE: August 14, 2013

DATE PREPARED: August 5, 2013

AGENDA: Action Item

TITLE: Declaration of Need for Fully Qualified Educators for 2013/2014

RECOMMENDED MOTION: Approve and authorize submission of application for Declaration of Need for Fully Qualified Educators for school year 2013/2014 so that staffing is achieved with the best possible candidates, in addition to retaining our substitute teachers.

BACKGROUND:

Each year, we try to maintain and hire highly skilled, fully qualified educators. Sometimes we are faced with vacancies resulting in a shortage of fully qualified educators to fill these positions. For this reason, the Commission on Teacher Credentialing (CTC) requires that we as a District, have a Declaration of Need for Fully Qualified Educators filed each year we anticipate employing teachers; including substitutes, who are not fully credentialed for their assignment but are eligible to obtain an authorization through an emergency type permit, allowing them to teach while completing the requirements of a fully qualified educator.

Currently, we do not have any educators employed on emergency permits, with the exception of substitute teachers. However, there are two areas of need that we anticipate hiring on an emergency type permit in the near future; both are hard-to-fill, high incident areas in special education assignments in Deaf and Hard of Hearing and Orthopedic Impairment. With this Declaration, we will be able to obtain the necessary authorization from the CTC, such as a Special Education Limited Assignment Permit, that will allow the educator to teach in these assignments.

A Declaration of Need for Fully Qualified Educators must be authorized at a public meeting by the Nevada County Board of Education in order to submit our application to the CTC. The Declaration of Need for Fully Qualified Educators represents a statement of anticipated needs for the 2013/2014 school year (including summer extended year). This Declaration shall remain in force until June 30, 2014.

IMPACT:

The Declaration will allow all positions to be staffed with the best possible educators. There is no fiscal impact.



DECLARATION OF NEED FOR FULLY QUALIFIED EDUCATORS

- Original Declaration of Need for year: 2013/2014
 Revised Declaration of Need for year: _____

FOR SERVICE IN A SCHOOL DISTRICT

Name of District: _____ District CDS Code: _____

Name of County: _____ County CDS Code: _____

By submitting this annual declaration, the district is certifying the following:

- A diligent search, as defined below, to recruit a fully prepared teacher for the assignment(s) was made
- If a suitable fully prepared teacher is not available to the school district, the district will make a reasonable effort to recruit based on the priority stated below

The governing board of the school district specified above adopted a declaration at a regularly scheduled public meeting held on ___/___/___ certifying that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) listed on the attached form. The attached form was part of the agenda, and the declaration did NOT appear as part of a consent calendar.

► **Enclose a copy of the board agenda item**

With my signature below, I verify that the item was acted upon favorably by the board. The declaration shall remain in force until June 30, _____.

Submitted by (Superintendent, Board Secretary, or Designee):

Name	Signature	Title
Fax Number	Telephone Number	Date
Mailing Address		
EMail Address		

FOR SERVICE IN A COUNTY OFFICE OF EDUCATION, STATE AGENCY OR NONPUBLIC SCHOOL OR AGENCY

Name of County Nevada County CDS Code 29

Name of State Agency Nevada County Superintendent of Schools

Name of NPS/NPA _____ County of Location _____

The Superintendent of the County Office of Education or the Director of the State Agency or the Director of the NPS/NPA specified above adopted a declaration on 08 14 / 13, at least 72 hours following his or her public announcement that such a declaration would be made, certifying that there is an insufficient number of certificated persons who meet the county's, agency's or school's specified employment criteria for the position(s) listed on the attached form.

The declaration shall remain in force until June 30, 2014.

► **Enclose a copy of the public announcement**

Submitted by Superintendent, Director, or Designee:

Holly Hermansen

Superintendent

Name

Signature

Title

(530) 478-6410

(530) 478-6400

Fax Number

Telephone Number

Date

112 Nevada City Highway, Nevada City, CA 95959

Mailing Address

holly@nevco.k12.ca.us

EMail Address

► This declaration must be on file with the Commission on Teacher Credentialing before any emergency permits will be issued for service with the employing agency

AREAS OF ANTICIPATED NEED FOR FULLY QUALIFIED EDUCATORS

Based on the previous year's actual needs and projections of enrollment, please indicate the number of emergency permits the employing agency estimates it will need in each of the identified areas during the valid period of this Declaration of Need for Fully Qualified Educators. This declaration shall be valid only for the type(s) and subjects(s) identified below.

This declaration must be revised by the employing agency when the total number of emergency permits applied for exceeds the estimate by ten percent. Board approval is required for a revision.

Type of Emergency Permit	Estimated Number Needed
<input type="checkbox"/> CLAD/English Learner Authorization (applicant already holds teaching credential)	_____
<input type="checkbox"/> Bilingual Authorization (applicant already holds teaching credential)	_____
List target language(s) for bilingual authorization: _____	
<input type="checkbox"/> Resource Specialist	_____
<input type="checkbox"/> Teacher Librarian Services	_____
<input type="checkbox"/> Visiting Faculty Permit	_____

LIMITED ASSIGNMENT PERMITS

Limited Assignment Permits may only be issued to applicants holding a valid California teaching credential based on a baccalaureate degree and a professional preparation program including student teaching.

Based on the previous year's actual needs and projections of enrollment, please indicate the number of Limited Assignment Permits the employing agency estimates it will need in the following areas:

TYPE OF LIMITED ASSIGNMENT PERMIT	ESTIMATED NUMBER NEEDED
Multiple Subject	
Single Subject	
Special Education	2
TOTAL	2

EFFORTS TO RECRUIT CERTIFIED PERSONNEL

The employing agency declares that it has implemented in policy and practices a process for conducting a diligent search that includes, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, exploring incentives included in the Teaching as a Priority Block Grant (refer to www.cde.ca.gov for details), participating in state and regional recruitment centers and participating in job fairs in California.

If a suitable fully prepared teacher is not available to the school district, the district made reasonable efforts to recruit an individual for the assignment, in the following order:

- A candidate who qualifies and agrees to participate in an approved intern program in the region of the school district
- An individual who is scheduled to complete initial preparation requirements within six months

EFFORTS TO CERTIFY, ASSIGN, AND DEVELOP FULLY QUALIFIED PERSONNEL

Has your agency established a District Intern program? Yes No

If no, explain. We accept University Internships

Does your agency participate in a Commission-approved college or university intern program? Yes No

If yes, how many interns do you expect to have this year? possibly two

If yes, list each college or university with which you participate in an intern program.

National University

If no, explain why you do not participate in an intern program.

ADMINISTRATION

DRAFT

Conflict of Interest

The Superintendent and the County Board shall adopt and promulgate Conflict of Interest Codes in compliance with the Political Reform Act, Government Code section 81000, et seq. The Fair Political Practices Commission has adopted a standard set of regulations which contains the terms of the Conflict of Interest Code. (CCR, Title 2, Sec. 18730)

The standard regulations, enumerated in California Code of Regulations, Title 2, Sec. 18730, are hereby incorporated by reference. The County Board, Superintendent, and designated employees shall abide by the terms of the standard regulation. Statements of economic interests shall be filed with the Nevada County Board of Supervisors and County Board, pursuant to Section 4 of the standard regulations. Copies of the standard regulations can be obtained from the Office of the Superintendent.

DESIGNATED POSITIONS:

- Members, County Board of Education
- County Superintendent
- County Associate Superintendent of Business Services
- ~~Los Angeles Educational Corp Charter Schools Executive Director~~
- ~~Members, Los Angeles Educational Corp Charter Schools Board of Trustees~~
- Muir Charter Schools Executive Director
- Members, Muir Charter Schools Board of Trustees
- Consultant(s)

All employees described in the section above, DESIGNATED POSITIONS, shall file with the Nevada County Superintendent of Schools Office.

REQUIRED DISCLOSURE Government Code §§ 87100, et seq.

Governing Board members and designated employees assigned to this category must report:

- a. Interests in real property which are located in whole or in part:
 - 1. within the boundaries of the District
 - 2. within two miles of the boundaries of the District, or
 - 3. within two miles of any land owned or used by the District, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- b. Investments in business entities or income from sources which engage in the acquisition of real property within the jurisdiction.
- c. Investments in business entities or income from sources which:
 - 1. are contractors or subcontractors engaged in the performance of work or services of the type utilized by the District, or

2. which manufacture or sell supplies, books, machinery or equipment of the type utilized by the employee's department. For the purposes of this category a principal's department is the entire school.

CONSULTANTS

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The Superintendent may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Superintendent's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

Legal Reference: G.C. §§ 81000-91015, 87100, 87200-87313, et seq.
California Code of Regulations Sections - 18701(a) and 18701(a)(2)
FPPC Regulation - 18730

**Adopted by the NCSoS Board of Education: 12/10/03, 4/5/06, 7/12/06, 10/11/06, 11/8/06, 3/14/07, 9/10/08,
Adopted as amended by the NCSoS Board of Education _____ 2013**

Reviewed by the NCSoS Board of Education: 7/14/10, 7/11/12, 7/10/13, 8/14/13

Approved by the Nevada County Board of Supervisors 4/24/07, 10/28/08

Nevada County Superintendent of Schools

Short Term Borrowing Guidelines

Changes → DRAFT Review August 2013

Background

Due to the State's increased fiscal instability and cash flow, our local school districts and charters are under increased strain to meet their own cash flow requirements. District and Charter cash flows are exacerbated by State deferrals that push cash payments later into the fiscal year – or on some occasions – across fiscal years. District cash flows are further affected when the State fails to adopt a timely budget or enacts mid-year cuts – thereby affecting the ability of a district or charter to accurately size a TRANS issuance. The Education code allows for several options for districts to borrow funds:

- a) Interfund loans: A district may make temporary loans from one fund to another with Governing Board approval.
- b) TRAN: The district may issue a tax and revenue anticipation note and use the proceeds of this note until the point when this note is retired with tax proceeds (usually April).
- c) County Treasurer: A district may borrow from the County Treasurer. County Treasurers consider this an advance on taxes and therefore will only make advances through April and up to the amount of outstanding taxes.
- d) County Office of Education: A COE may loan cash to a district with approval of the County Board of Education and the County Superintendent. The size of the loan of course is limited to the available cash that the COE possesses, less its own operating cash needs.

Charters have fewer remedies available. They typically do not have other funds to borrow from. They have opportunities to borrow from some of the charter organizations, but in the past these have been cost prohibitive. Recently, COE's have been given the authority to include the charter in TRAN sizing as well as the authority to lend charters

Under current conditions, the State has deferred the June principal apportionment to the next fiscal year. In addition, part of the of the February, April and May principal apportionment as well as much of the K-3 CSR apportionment have also been deferred to the next fiscal year. These deferrals account for 37% of the state aid to districts.

Districts typically exercise option A first. Once this option has been exhausted, districts normally look to option B, then C. Options B and C are not available after April. Due to the apportionment deferrals, the greatest cash needs for districts will now be in the month of June precisely when the normal options are no longer available. Option D is available, but NCSOS cash is not adequate to support large districts or multiple districts and charters at the same time.

Pool Criteria

NCSOS will establish an available pool for short term borrowing. The amount will be set at \$1M which represents approximately 40% of the projected cash at June 30. This pool will be reviewed each year for need and adequacy.

Loan Criteria

→ *The Board of Education will annually review these guidelines.*

→ **One:** A district or charter may request a loan only when it has exhausted all interfund borrowing options, TRANS options, tax advance options, *deferral waiver options and any other relief offered by the state*. A district or charter must actively manage its cash in a positive manner. Charters funds will be pooled in fund 09 for access by all. Negative interest will be applied to the borrowing charter, so that charters that are cash positive will not be penalized. The COE loan is the solution of last resort.

Two: District loans receive priority over charter loans.

Three: The district or charter must request in writing the amount and timing of the loan. A Board resolution must accompany the request.

Four: No district or charter may borrow more than the amount of cash deferred by the State.

Five: Cash borrowings are temporary and one-time. They are not revolving lines of credit. Once repaid, a new request must be submitted for future requests.

Six: Cash loans are considered repaid as dollars are deposited in the county treasury. Districts/Charters must repay NCSOS with the first dollar earned.

Seven: Loans are to a district's/charter's general fund only. The district/charter must manage its own interfund transfers.

Eight: Districts/Charters acknowledge that the loans bear interest at the going rate of the interest earnings in the county treasury. Thus other LEA's interest earnings are not impacted by the borrowings.

This criteria will be incorporated into an agreement signed by all parties.

Loan Priorities

If multiple requests for funds are received, and the available funds are not sufficient to meet all needs, priorities will be set as follows:

Districts receive priority over charters.

A district's/charter's ability to repay the loan is a paramount consideration of NCSOS. The loan should be due to the systemic problems imposed by state deferrals and not due to the LEA's poor fiscal health. Only those LEAs that can demonstrate the ability to repay the loan will be granted a loan.

A Charter's history and demonstrated success will be evaluated which will include length of time in service and number of students served. Those with demonstrated longevity and higher number of students served will be granted preference over those in service less time and with fewer students.

This policy may be revoked at any time.



Considerations/Thoughts:

Our intent is to assist charters through challenging cash issues. However, our only remedy is severe; stopping payroll.

At the end of the year, they do become more like revolving lines of cred it in the Charter Fund

**RESOLUTION OF GOVERNING COUNCIL OF _____ CHARTER
TEMPORARY TRANSFER AGREEMENT**

This Temporary Transfer Agreement (the "Agreement") is made and effective this ___ day of _____, 20[___], by and between the Nevada County Superintendent of Schools, (the "County") and [INSERT NAME OF SCHOOL DISTRICT/CHARTER] (the "Charter").

WHEREAS, school district's and charters in our county are experiencing cash flow challenges as a result of apportionment deferrals and revised apportionment schedules included in the Enacted Budgets of SBX3 4 and ABX4 16 of 2009 and in subsequent legislation of ABX8 5 and ABX8 14, Statutes of 2010.

WHEREAS, Education Code section 42621 provides that the County Superintendent of Schools of each county with the approval of the County Board of Education, may make temporary transfers to any school district/charter which does not have sufficient money to its credit to meet current operating expenses from the county school service fund, in such amounts and at such times as he/she deems necessary. Such transfers shall not exceed 85 percent of the amount of money accruing to the school district at the time of transfer. The amounts so transferred shall be repaid to the county school service fund prior to June 30 of the current year from any funds subsequently received by the school district or community college.

** code attached*

WHEREAS, Education Code section 42622 allows the county superintendent of schools, with the approval of the county board of education, to make an apportionment to a school district/charter from the county funds conditional upon the repayment to the fund during the next succeeding fiscal year of the amount apportioned to the district and shall, during the next succeeding fiscal year, transfer the amount of such apportionment from the general fund of the district to the county school service fund.

WHEREAS, taxes and revenue limit accrued to this District during the 2010-11 fiscal year were \$ _____; and

WHEREAS, it is necessary to provide funds for meeting obligations incurred for maintenance purposes by this district;

IT IS THEREFORE RESOLVED AND ORDERED pursuant to the provisions of Education Code section 42621, 42622, as follows:

- 1) The Charter Director and Business Manager shall find and determine that the Transfers are in the public interest and serve a valid public purpose, and request the County to make the transfer.
- 2) The County will provide for temporary transfers from the County Office funds to the District/Charter.
- 3) \$ _____ is the maximum line of credit for the period from July 1 until June 30 not to exceed a total of 85% of taxes and state aid revenue limit funds accruing to the District. This amount represents the total available temporary transfer approved by the governing board for the 2011-12 fiscal year.
- 4) Apportionments across fiscal years, as provided in Education Code Section 42622 shall be made by transfer to cover negative balances in the General Fund. District/Charter shall be charged interest based on the amount transferred. Interest charged shall be the pooled rate of interest earned on funds in the Nevada County Treasury. Repayment for apportionments across fiscal years shall be made during the next succeeding fiscal year from the general fund of the district to the county school service fund.

- 5) The District/Charter needing to access County borrowing within these provisions, must first exhaust any available interfund borrowing within the district, in accordance with the provisions of EC 42603.
- 6) This resolution shall take effect immediately.

The Clerk/Secretary of this Council is directed to file a copy of this resolution with the County Superintendent of Schools.

PASSED AND ADOPTED by the Governing Council of the _____
Charter, County of Nevada, State of California, this _____ day of _____, 20____
By the following vote:

AYES:

NOES:

ABSENT:

STATE OF CALIFORNIA)
COUNTY OF Nevada)

I, _____, Clerk/Secretary of the Governing Council of the _____
Council, County of Nevada, State of California, do hereby certify that the foregoing is a true copy of a
resolution adopted by said Council at a meeting thereof, at the time and by the vote therein stated, which
original resolution is on file in the office of said Council.

Date

Clerk/Secretary of the Governing Council

EDUCATION CODE - EDC

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000. - 64100.] (*Title 2 enacted by Stats. 1976, Ch. 1010.*)

DIVISION 3. LOCAL ADMINISTRATION [35000. - 45460.] (*Division 3 enacted by Stats. 1976, Ch. 1010.*)

PART 24. SCHOOL FINANCE [41000. - 43052.] (*Part 24 enacted by Stats. 1976, Ch. 1010.*)

CHAPTER 9. School District Funds—Expenditures and Appropriations [42600. - 42694.] (*Chapter 9 enacted by Stats. 1976, Ch. 1010.*)

ARTICLE 3. Temporary Transfer—County to Districts, to Finance Excess Expenditure [42620. - 42623.] (*Article 3 enacted by Stats. 1976, Ch. 1010.*)

42622. The county superintendent of schools, with the approval of the county board of education, may make an apportionment to a school district or charter school from the county school service fund conditional upon the repayment to the fund during the next succeeding fiscal year of the amount apportioned to the school district or charter school and, during the next succeeding fiscal year, shall transfer the amount of the apportionment from the general fund of the school district or charter school to the county school service fund.

(*Amended by Stats. 2012, Ch. 38, Sec. 52. Effective June 27, 2012.*)

Ed Code 42622 - loans to Dist/Charters



The FISCAL REPORT an informational update

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Making Conservative Multiyear Projections

The Governor's May Revision seems like it was a long time ago, and a lot has changed in the world of school finance since then. One thing that hasn't changed is the need for chief business officials and superintendents to make conservative, but credible, revenue projections for both the current year and two out years. Making those estimates is more difficult than ever and the consequences are more significant.

Under prior law, districts received changes in revenue that were relatively equal to one another, and we had a long history of how the state would fund education in both good and bad times. Today, the new system is untested and offers widely divergent revenues for districts. We see at least three varieties of risk that need to be considered in district revenue projections.

Economic Risk

First, there is a continuation of the economic risk that all districts have faced in the past. That risk is likely to be ever-present in the California economy. If we look back over the past 20 years, we would see that the average increase in school district revenues has been a little over 3% over that long period of time. The highest increase was 10.3% in 2001, and the lowest a 12% cut over 2008-09 and 2009-10. So, including past and current year cost-of-living allowances, our economy during good times and bad has generated only a little more than 3% per year in new dollars.

Today, we find ourselves with a 22.272% deficit factor for revenue limits that disappears under the Local Control Funding Formula (LCFF), but nonetheless, is a factor in the Governor's planned targets. Based upon current economic projections, we would need to receive increases of 5% to 7% over a period of eight years in order to meet the Governor's goal. Will the economy that has provided 3% increases for 20 years really provide 5% to 7% increases for the next eight years?

Over that eight-year period, we will have four new Legislatures, at least one new Governor, a loss of \$6 billion in Proposition 30 revenues, and probably at least one or two recessions. We think that makes the economic risk high, and we think school districts need to be prepared for the next downturn as well as the next good year. Our own forecast is that state revenues look pretty solid in 2013-14 and 2014-15, but we are reserving judgment on years beyond that.

Bottom line: as much as we would like to see eight years of sunshine and happiness, we think we will see a bit of rain, and that represents risk.

Political Risk

Political risk is not limited to changes in the faces occupying state offices. There is also, in our view, considerable risk that the state will, again, shift its focus away from education and toward some other state goal. Education competes with social programs, prisons, reduction of the "wall of debt," new water initiatives, the high-speed rail, and a variety of other alternative uses of state funding.

For 2013-14, the Governor was able to channel nearly all new money into education despite a strong push-back from the Legislature. How many years in a row will he be able to do that? One? Two? Eight? Given past experience, political priorities will change from time-to-time to reflect the "issue du jour," and, over time, there will likely be other priorities that demand the state's attention. We think that when the Governor's education plan requires such a significant portion of future revenues for such a long period, it represents additional risk.

Process and Regulation Risk

Finally, the LCFF is the biggest change in public education funding in more than 40 years. It is less than one month old and likely to be revised in many ways. We saw dramatic changes in both the Governor's and Legislature's proposals between the Governor's January Budget Proposals and the state's Enacted Budget in June. We think it is reasonable to assume that the law is not yet perfect and will likely change over time.

We also see that the task given to the State Board of Education (SBE) to sort out some of the most controversial and significant provisions of the law regarding the Local Control Accountability Plan will be difficult and time consuming. After all, the pendulum has swung widely from full local control in January, to very tight state control in May, to broad principles with the details to be decided by the SBE in the Enacted Budget. The topic of local control and the restrictions placed upon districts was not kicked to the SBE because it was easy. The SBE will need to deal with quite a number of volatile issues. Again, we believe this increases uncertainty and risk.

Multiyear Projections

Multiyear projections remain the cornerstone of financial planning and long-term solvency. When we add a dollar in ongoing revenues in the first year, we improve the three-year projection by three dollars. Overly optimistic out-year projections create pressure to spend "projected" dollars now. We want to spend today's dollars on today's students, but not more than that. We do not want to borrow from the education of tomorrow's students.

Our planning recommendations have always reflected what we believe is a safe balance between current spending and future spending. That is as true under the LCFF as under the old revenue limits system. Our multiyear revenue projections provide full value for the dollars in the hand from year one, and a lower estimated value for the dollars remaining in the bush. As we have seen recently, there are years where there are no dollars and, in fact, no bush.

The test of any projection mechanism is how it stands the test of time. Our School Services of California, Inc., (SSC) Dartboard has stood the test of time, though it has been modified many times to meet changing conditions. We believe that districts that follow the guidance in our SSC Dartboard will continue to achieve better than satisfactory results.

Our Recommendations

For the past 35 years, SSC has been providing planning guidance directly to school agencies. Our goal has been to provide guidance that is consistent, accurate, relevant, timely, and conservative. Given all the uncertainties of any new system, it is difficult to measure with precision all of the elements of risk. Nonetheless, we attempt to do so in our guidance.

We believe that point estimates lack the precision that is implied; rather, we prefer range estimates that leave room for professional judgment. The results of the guidance contained in our SSC Dartboard and the resultant calculations from our SSC Simulator are a detailed portrayal of revenues for each individual district in the state. We take into account the unduplicated student eligibility counts and the LCFF base, and supplemental and concentration grants to which the district is entitled.

To ensure that the range of our revenue estimates is conservative, we apply the LCFF calculations to two different numbers. We first give full credit for the amount appropriated in the 2013-14 Budget Act in the first year in both calculations. But in the out years, we present the Administration's calculation based upon our understanding of the total amount of growth toward target that the Department of Finance projects as a planning factor. For 2013-14, this is displayed as the top of our range of revenue estimates. To establish the bottom of the range, we use an SSC-developed factor that is representative of the minimum amount we think the state would need to contribute in each year to at least maintain the overall purchasing power of the LCFF from one year to the next. These two calculations form the relevant range for planning.

Districts that budget according to the lower boundary have a high degree of confidence that, over the three-year period, revenues are likely to be provided as planned. Districts assume greater risk as they move from the lower boundary toward the upper boundary. For any given district, this additional risk may or may not be warranted. But the point is that there is definitely additional risk and the district should know that it is indeed assuming that risk. Your county office of education may also have an opinion about whether your district should assume that risk and what your backup plan might be.

Summary

Beyond our specific recommendations for this year, we think the overarching purpose of our methodology is to protect districts from the next "bad year" for the State Budget. We think there will be a year, or perhaps years, where the state's ability or willingness to fund education is far below the amount necessary to maintain progress toward the goal.

As stated above, state revenue projections look good for the next year or so and our model may initially produce a projection that is lower than the amount of funding actually realized in the out years. But, over time, we believe that the margin of safety provided by our planning factors will serve public education agencies well.

—*Ron Bennett*

posted 07/19/2013



The FISCAL REPORT *an informational update*

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Reminders on the Education Protection Account

We continue to receive many questions about the Education Protection Account (EPA) that was created by Proposition 30, including how the cash will be arriving this year and for how many years this is effective.

Proposition 30 included two temporary tax increases:

- A 0.25% increase in the sales and use tax for four years: 2013 through 2016
- An increase in the income tax rate for taxable incomes of over \$250,000 for seven years: 2012 through 2018

The revenues from these tax increases are deposited into the EPA, and the funds are released to K-14 school agencies. Last year, it was all distributed to local agencies in one payment at the end of June. This year, and during the rest of the life of these temporary taxes (through 2018), the EPA funds will be issued to local school agencies in 25% increments at the end of each quarter: September, December, March, and June.

To be clear, EPA funds are not additional funds for local school agencies. Rather, the EPA is another source of general purpose funds—similar to local property taxes—that offsets what would otherwise be state aid in the apportionments issued to local school agencies.

Even though these are general purpose funds, there are some requirements that must be met. Each year local school agencies are required to discuss the plan to spend EPA funds in a public meeting of the governing board, and the funds cannot be used for any administrative costs. Upon closing the books each year, each local school agency is required to post on its website a report of the amount of EPA funds received for the year along with how the funds were used. Your external audit firm will be required to verify that the EPA funds were used appropriately in accordance with the requirements of Proposition 30.

No specific reporting formats for the expenditure plan or for the annual report have been developed, so it is left up to each local school agency to design what works for them. A good practice would be to take the spending plan to the board, along with the adopted budget each year, and to add a step in the year-end closing process to prepare the report of annual revenues and expenditures and post it to your local agency website.

—Sheila G. Vickers

posted 08/06/2013

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Majority of Voters View Governor's Performance Favorably

According to a new *Field Poll*, 51% of voters approve of Governor Jerry Brown's job performance, while a third of voters disapprove. The approval rating, the second highest since assuming office in 2011 (see "Voters Feeling Good About Direction of the State, According to Recent Field Poll" in the March 8, 2013, *Fiscal Report*), caps a summer of accomplishments for the Governor as he signed his third on-time State Budget and pushed through his Local Control Funding Formula, reforming the way California's public schools are funded.

Among Democrats, Governor Brown's support approaches 70%, while 61% Republicans disapprove of his job performance. Governor Brown's job approval among voters with no major party preference was 54% to 29%.

Though he has yet to announce his gubernatorial plans for 2014, 43% of voters would be inclined to support another Brown term, including 57% of Democrats and 21% of Republicans. Thirty-eight percent of those surveyed would oppose his reelection.

The poll, released on Wednesday, July 24, 2013, surveyed more than 800 registered voters in the state and was conducted between June 26 and July 21.

—*Dave Heckler*

posted 07/25/2013

