

**BEFORE THE BOARD OF EDUCATION OF THE LINDEN UNIFIED SCHOOL
DISTRICT OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA**

**RESOLUTION NO. 051612-R22
ACCEPTING STATE CATEGORICAL FUNDS AND IMPLEMENTING FLEXIBILITY
AUTHORIZED BY SBX3 4 (CHAPTER 12-2009), ABX4 2 (CHAPTER 2/2009),
SB 70 (CHAPTER 7/2011), AND AB189 (CHAPTER 606/2011)**

WHEREAS, the students in programs operated by the Linden Unified School District deserve the highest quality education; and,

WHEREAS, SBX3 4 (Chapter 12/2009) and ABX4 2 (Chapter 2/2009) provided limited fiscal flexibility for five fiscal years to allow school districts to utilize funding received from the State Budget Act for "Tier III" categorical programs for any educational purpose; and,

WHEREAS, SB70 (Chapter 7/2011) extended flexibility options by two additional years; and,

WHEREAS, AB189 (Chapter 606/2011) requires governing boards to separately act to close any Tier III categorical programs eligible for flexibility; and,

WHEREAS, the Board of Education of the Linden Unified School District identified the Tier III categorical programs proposed to be closed; and

WHEREAS, the Board allowed testimony at a regularly scheduled public hearing from the public, including parents, community members, and representatives from all school personnel including teachers, administrators and classified employees; and,

WHEREAS, following the public testimony, the Board discussed the flexibility provision, how to prioritize the use of limited resources, and the effect on the specific programs offered by the school district; and,

WHEREAS, any transfer of funds will be used to ensure that the district's overall goals for student learning will be at the forefront of the use of this flexibility; and,

NOW, THEREFORE, BE IT RESOLVED, that, following a public hearing in which Tier III categorical programs proposed to be closed were identified and an opportunity to provide input was offered to a broad array of stakeholders, the Board of Education of the Linden Unified School District agrees to accept state categorical funds and will utilize the flexibility provided through SBX3 4, ABX4 2, SB 70 and AB 189 during the state's fiscal crisis to transfer funds in Tier III categorical programs for use for any education purpose.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that, in order to provide transparency and accountability, the Superintendent or designee shall establish an accounting procedure that identifies the funding sources affected and the program to which the funding will be transferred.

PASSED AND ADOPTED this _____ day of _____, 2012, by the Board of Education of the Linden Unified School District:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mardy White
Clerk of the Board of Education

Fred Podesta
President of the Board of Education