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# Memo

**To** Board of Education

**From** Kyla Johnson-Trammell, Superintendent  
Michael Smith, Interim General Counsel

**Board Meeting Date** 5/8/2019

**Subject** Amendment, Board Policy – Business and Noninstructional Operations – BP 3220.1 Lottery Funds

**Action Requested and Recommendation** Approval by the Board of Education of amendments to Board Policy – Business and Noninstructional Operations – BP 3220.1 Lottery Funds

**Background and Discussion** Periodically modifications to board policies are recommended to align with changes in law or recommended best practices. The proposed modifications to the board policies reflect the District’s standards and are based on the California School Boards Association’s model policies.

The changes to the policy are shown on the attachment. The proposed deletions are indicated with **blue strikeouts**. The recommended additions are shown in **red**.

**Fiscal Impact** No direct funding implications

**Attachments** Board Policy BP 3220.1 Lottery Funds

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

### Business and Noninstructional Operations

BP 3220.1

Lottery Funds

The Governing Board intends to use ~~lottery~~ California State Lottery funds for supplemental and nonrecurring expenditures ~~which~~ in support ~~of~~ educational programs and activities. In recognition of the ~~fact that amounts~~ yearly fluctuations of lottery funds received ~~from~~ by the ~~California State Lottery fluctuate from year to year~~ district, the Board shall not commit lottery funds for any purpose until they have been received.

(cf. 3000 - Concepts and Roles)

(cf. 3100 - Budget)

The Board shall establish funding priorities and approve all allocations ~~within the parameters of~~ in accordance with law. ~~Lottery funds allocated for the purchase of instructional materials pursuant to Government Code 8880.4 (Proposition 20, March 2000 ballot initiative) shall be expended on instructional materials as defined in Education Code 60010.~~

~~"Instructional materials" means all materials that are designed for use by students and their teachers as a learning resource to help students to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials and tests. (Education Code 60010)~~

~~(cf. 6161 - Equipment, Books and Materials)~~

~~(cf. 6161.1 - Selection and Evaluation of Instructional Materials)~~

Lottery funds allocated by the state for the purchase of instructional materials shall be expended on instructional materials as defined in Education Code 60010. Lottery funds shall not be used to acquire for the acquisition of real estate, build property, construction of school facilities, finance financing of research, or serve any other noninstructional purpose, such as those related to school maintenance, business. (Government Code 8880.4, 8880.5)

(cf. 3460 - Financial Reports and administrative operations. Accountability)

~~The Board encourages staff~~ For the receipt and ~~community members to participate in determining how~~ expenditure of lottery funds ~~will be used. The, the~~ Superintendent or ~~Deputy Superintendent of Business Services may solicit input through district advisory groups, school site councils, and/or individual students, staff, parents/guardians and community members.~~

~~(cf. 0420 - School Plans/Site Councils)~~

~~(cf. 1220—Citizen Advisory Committees)~~

The ~~Superintendent or Deputy Superintendent of Business Services~~ designee shall establish a separate account ~~for the receipt and distribution of lottery funds~~ that shall be clearly identified as a lottery education account. (Government Code 8880.5)

~~(cf. 3100—Budget)~~

Legal Reference:

EDUCATION CODE

14600 Legislative findings and declarations: state control of lottery funds

14700-14701 Use of lottery funds

60010 Definitions

60119 ~~Hearings, steps to ensure availability~~ Sufficiency of ~~textbooks and~~ instructional materials

GOVERNMENT CODE

8880-8880.5 California ~~state lottery~~ State Lottery: general provisions

CODE OF REGULATIONS, TITLE 5

19834 Audits, Proposition 20 lottery funds

19835 Audits, state lottery funds

Management Resources:

~~CDE COMMUNICATIONS~~

2000 CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

2001.05.10 Proposition 20 - Allocation of Lottery Funds for Instructional Materials

WEB SITES

~~CDE~~ California Department of Education, Finance and Grants: <http://www.cde.ca.gov/fg>

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

7/14/04; 5/8/19A (if adopted)

# **OAKLAND UNIFIED SCHOOL DISTRICT**

## **Board Policy**

### **Business and Noninstructional Operations**

#### **BP 3220.1**

#### **Lottery Funds**

The Governing Board intends to use California State Lottery funds for supplemental and nonrecurring expenditures in support of educational programs and activities. In recognition of the yearly fluctuations of lottery funds received by the district, the Board shall not commit lottery funds for any purpose until they have been received.

(cf. 3000 - Concepts and Roles)

(cf. 3100 - Budget)

The Board shall establish funding priorities and approve all allocations in accordance with law.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

Lottery funds allocated by the state for the purchase of instructional materials shall be expended on instructional materials as defined in Education Code 60010. Lottery funds shall not be used for the acquisition of real property, construction of school facilities, financing of research, or any other noninstructional purpose. (Government Code 8880.4, 8880.5)

(cf. 3460 - Financial Reports and Accountability)

For the receipt and expenditure of lottery funds, the Superintendent or designee shall establish a separate account that shall be clearly identified as a lottery education account. (Government Code 8880.5)

#### Legal Reference:

##### EDUCATION CODE

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7/14/04; 5/8/19A (if adopted)



5/9/19

Aimee Eng  
President, Board of Education



5/9/19

Kyla Johnson-Trammell  
Secretary, Board of Education