

MODESTO CITY SCHOOLS

Board Bylaw

BB 9250

BOARD OF EDUCATION

Remuneration, Reimbursement and Other Benefits

Compensation

Each member of the Governing Board may receive the maximum monthly compensation as provided for in Education Code 35120.

On an annual basis, when the District is fiscally stable, the Board may increase the compensation of Board members beyond the limit delineated in Education Code 35120 in an amount not to exceed five percent based on the present monthly rate of compensation. (Education Code 35120)

Board members are not required to accept payment for meetings attended.

Any member who does not attend all Board meetings during the month is eligible to receive only a percentage of the monthly compensation equal to the percentage of meetings they attended, unless otherwise authorized by the Board in accordance with law. (Education Code 35120)

A member may be compensated for meetings they missed when the Board, by resolution, finds that they were performing designated services for the District at the time of the meeting or that they were absent because of illness, jury duty, or a hardship deemed acceptable by the Board. (Education Code 35120)

Student Board members shall receive no compensation for meetings attended. (Education Code 35012)

Whenever a quorum of Board members serves as another legislative body which will meet simultaneously or in serial order to a Board meeting, the Board clerk or a member of the Board shall verbally announce the amount of any additional compensation or stipend that each member will be entitled to receive as a result of convening the simultaneous or serial meeting. (Government Code 54952.3)

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Reimbursement of Expenses

Board members shall be reimbursed for actual and necessary expenses incurred when performing authorized services for the District. Expenses for travel, telephone, business meals, or other authorized purposes shall be in accordance with policies established for District personnel and at the same rate of reimbursement.

Board members shall be reimbursed for travel expenses incurred when performing services directed by the Board. (Education Code 35044)

Authorized purposes may include, but are not limited to, attendance at educational seminars or conferences designed to improve Board members' skills and knowledge; participation in regional, state, or national organizations whose activities affect the District's interests; attendance at District or community events; and meetings with state or federal officials on issues of community concern.

Personal expenses shall be the responsibility of individual Board members. Personal expenses include, but are not limited to, the personal portion of any trip, tips or gratuities, alcohol, entertainment, laundry, expenses of any family member who is accompanying the Board member on District-related business, personal use of an automobile, and personal losses and traffic violation fees incurred while on District business.

Any questions regarding the propriety of a particular type of expense should be resolved by the Superintendent or designee before the expense is incurred.

Health and Welfare Benefits for Current Board Members

Board members may participate in the health and welfare benefits program provided for District employees.

Government Code Section 53200 defines "Health and welfare benefit" as including, but not being limited to, medical, dental, hospital, surgical, disability, legal expense, or income protection insurance whether provided on an insurance or a service basis and includes group life insurance.

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Health and welfare benefits for Board members shall be no greater than that received by the District's nonsafety employees with the most generous schedule of benefits.
(Government Code 53208.5)

The District shall pay the premiums required for Board members electing to participate in the District health and welfare benefits program to the same extent that it pays for District employees.

Where a Board member pays for their own approved health benefits plan, the District may reimburse the Board member for their premium expense up to the maximum benefit allowance/contribution. The District shall not pay a Board member cash-in-lieu of health benefits. The District shall require proper documentation from Board members for reimbursement.

Legal References:

EDUCATION CODE

33050-33053 General waiver authority
33362-33363 Reimbursement of expenses; board member or member-elect
35012 Board members; number, election and terms
35044 Payment of traveling expenses of representatives of board
35120 Course credit for student board members
35172 Promotional activities
44038 Cash deposits for transportation purchased on credit

FAMILY CODE

297-297.5 Rights, protections, benefits under the law; registered domestic partners

GOVERNMENT CODE

3543.7 Duty to meet and negotiate in good faith
8314 Use of public resources
20322 Elective officers; election to become member
20420-20445 Membership in public employees' Retirement System; definition of safety employees
53200-53209 Group insurance
54952.3 Simultaneous or serial meetings; announcement of compensation

HEALTH AND SAFETY CODE

1373 Health services plan; coverage for dependent children

INSURANCE CODE

10277-10278 Group and individual health insurance; coverage for dependent children

CODE OF FEDERAL REGULATIONS, TITLE 26

1.403(b)-2 Tax-sheltered annuities; definition of employee
18011 Right to maintain existing health coverage

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Legal References (cont.):

UNITED STATES CODE, TITLE 26

403 Tax-sheltered annuities

UNITED STATES CODE, TITLE 42

18011 Right to maintain existing health coverage

Management Resources:

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 124 (2000)

91 Ops.Cal.Atty.Gen. 37 (2008)

COURT DECISIONS

Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598

Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93 Cal.App.3d 578

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATION

Sample Expense and Use of Public Resources Policy Statement, January 2006

INTERNAL REVENUE SERVICE PUBLICATION

Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain Tax-Exempt Organizations, Publication 571, rev. February 2013

WEBSITES

Public Employees' Retirement System: <https://www.calpers.ca.gov/>

Institute for Local Government: <https://www.ca-ilg.org/>

Internal Revenue Service: <https://www.irs.gov/>

CSBA: <https://www.csba.org/>

CSBA District and County Office of Education Legal Services: <https://legalservices.csba.org/>

Cross References (cf.):

1160 – Political Processes

3100 – Budget (N/A)

3350 – Travel Expenses

3513.1 – Cellular Phone Reimbursement

3513.1 – Facilities, Equipment, and Supply Use by Students and Employees

4154/4254/4352 – Health and Welfare Benefits (N/A)

9110 – Terms of Office (N/A)

9150 – Student Board Members

9240 – Board Training

9324 – Minutes Meetings and Recordings

ADOPTED: April 1, 2023