

Bylaw 9250: Remuneration, Reimbursement And Other Benefits

Status: DRAFT

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**Remuneration
Compensation**

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

On an annual basis, 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. Any increase made pursuant to this section shall be effective upon approval by the Board. (Education Code 35120)

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

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

A member may be ~~paid~~**compensated** for meetings he/she missed when the Board, by resolution, finds that he/she was performing designated services for the district at the time of the meeting or that he/she was 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)

Reimbursement of Expenses

Board members shall be reimbursed for traveling **actual and necessary** expenses incurred when **performing** authorized in advance by the Board **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 authorized in advance **performing services** directed by the Board. (Education Code 35044)

The rate of reimbursement shall be the same rate specified for district personnel:

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.

Board members may use district-issued credit cards while on official district business and consistent with the limits established for district personnel. Personal expenses shall not be charged on a district-issued credit card, even if the Board member intends to subsequently reimburse the district for the personal charges.

Health and Welfare Benefits for Current Board Members

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

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 program to the same extent that it pays for district employees.

Health and welfare benefits provided to Board members shall be extended at the same level to their spouse/registered domestic partner and to their eligible dependent children as specified in law and the health plan.

Health and Welfare Benefits for Retired Former Board Members

Former Board members may participate in the health and welfare benefits program provided for district employees under the conditions specified below.

Health and welfare benefits shall be no greater than those received by district nonsafety employees with the most generous schedule of benefits. (Government Code 53208.5)

Because the district paid for **Any other** former Board member **who served at least one term** may continue to participate in the district's health and welfare benefits **program** at the district's **his/her own** expense so long as that member satisfies all of the following conditions: (1) **if coverage is in effect at the time** he/she served in **leaves** office after January 1, 1981, (2) his/her term began before January 1, 1995, and (3) he/she has served for 12 or more years. These payments shall be made under the same terms as made for former Board members before January 1, 1994. (Government Code 53201)

Health and welfare benefits provided to a former Board member shall be extended, at his/her expense and at the same level, to his/her spouse/registered domestic partner and eligible dependent children as specified in law and the health plan.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 33050-33053

Description

[General waiver authority](#)

Ed. Code 33362-33363

[Reimbursement of expenses; board member or member-elect](#)

Ed. Code 35012

[Board members; number, election and terms](#)

Ed. Code 35044

[Payment of traveling expenses of representatives of board](#)

Ed. Code 35120

[Student board membership](#)

Ed. Code 35172

[Promotional activities](#)

Ed. Code 44038

[Cash deposits for transportation purchased on credit](#)

Fam. Code 297-297.5

[Rights, protections, benefits under the law; registered domestic partners](#)

Gov. Code 20322

[Elective officers; election to become member](#)

Gov. Code 20420-20445

[Membership in Public Employees' Retirement System; definition of safety employees](#)

Gov. Code 3543.7

[Duty to meet and negotiate in good faith](#)

Gov. Code 53200-53209

[Group insurance](#)

Gov. Code 54952.3

[Simultaneous or serial meetings; announcement of compensation](#)

Gov. Code 8314

[Use of public resources](#)

H&S Code 1373

[Health services plan; coverage for dependent children](#)

Ins. Code 10277-10278

[Group and individual health insurance; coverage for dependent children](#)

Federal References

26 CFR 1.403(b)-2
 26 USC 403
 42 USC 18011

Description

Tax-sheltered annuities; definition of employee
 Tax-sheltered annuities
 Right to maintain existing health coverage

Management Resources References

Attorney General Opinion
 Attorney General Opinion
 Court Decision
 Court Decision

 Institute for Local Government Publication

 Internal Revenue Service Publication

 Website
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83 Ops.Cal.Atty.Gen. 124 (2000)
 91 Ops.Cal.Atty.Gen. 37 (2008)
 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
 Sample Expense and Use of Public Resources Policy Statement, January 2006
 Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain Tax-Exempt Organizations, Publication 571, rev. February 2013
[CSBA District and County Office of Education Legal Services](#)
[Public Employees' Retirement System](#)
[Institute for Local Government](#)
[Internal Revenue Service](#)
[CSBA](#)

Cross References

1160
 3100
 3100
 3350
 3513.1
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