

**REMUNERATION, REIMBURSEMENT, AND OTHER BENEFITS**

**Remuneration**

Each member of the Board of Trustees may receive a monthly stipend as provided for in law.

On an annual basis, the compensation of Board members will be increased by a percentage, equal to the average total compensation increase provided to all employees in the preceding fiscal year, but not-to-exceed five percent based on the present monthly rate of compensation as authorized by Education Code § 35120. Increases will not be retroactive.

If a member does not attend all Board meetings during the month, they may receive only a percentage of their monthly stipend equal to the percentage of meetings attended unless otherwise authorized by the Board in accordance with law. (Education Code § 35120)

Members may be paid for meetings missed when the Board, by resolution, finds that they were performing designated duties of the District at the time of the meeting. During any year, members also may be paid for up to two meetings when the Board, by resolution, finds that they were absent because of illness. (Education Code § 35120)

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

District Board members who wish to join the Public Employees' Retirement System (PERS) must file with PERS an election in writing to become a member.

**Reimbursement of Expenses**

Board members shall be reimbursed for all expenses incurred in attending meetings, or making trips on official District business, when so authorized 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 when invited by the Superintendent or designee; 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.

## REMUNERATION, REIMBURSEMENT, AND OTHER BENEFITS (continued)

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

The rate of reimbursement shall not exceed limitations specified for District personnel.

*(cf. 4133 - Travel Expenses)*

*(cf. 9240 - Development in Service)*

### Health and Welfare Benefits

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)

### Retired Board Members

Any members retiring from the Board after at least three full terms may continue the health and welfare benefits program at their own expense if coverage is in effect at the time of retirement.

*Legal Reference:*

EDUCATION CODE

33050-33053 *General waiver authority*

33362-33363 *Reimbursement of expenses for attendance at workshops*

35012 *Board members; number, election and term*

35044 *Payment of traveling expenses of representatives of board*

35120 *Compensation for services as member of governing board*

35172 *Promotional activities*

44038 *Cash deposits for transportation purchased on credit*

FAMILY CODE

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

GOVERNMENT CODE

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*

UNITED STATES CODE, TITLE 26

403 *Tax-sheltered annuities*

UNITED STATES CODE, TITLE 42

18011 *Right to maintain existing health coverage*

CODE OF FEDERAL REGULATIONS, TITLE 26

1.403(b)-2 *Tax-sheltered annuities, definition of employee*

**REMUNERATION, REIMBURSEMENT, AND OTHER BENEFITS (continued)**

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*

ATTORNEY GENERAL OPINIONS

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

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

Policy  
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**CAPISTRANO UNIFIED SCHOOL DISTRICT**  
San Juan Capistrano, California