

**Education Audit Appeals Panel
State of California**

Appeal of 2005-06 Audit Finding 06-06 by:

Conejo Valley Unified School District,
Appellant.

EAAP Case No. 07-06

OAH No. 2011010108

Decision

The Education Audit Appeals Panel has adopted the attached Settlement Agreement and Proposed Decision of the parties as its Decision in the above-entitled matter.

Effective date: 1/23/2012.

IT IS SO ORDERED.

1/23/2012

Date

Original Signed

Diana L. Ducay, Chairperson
for Education Audit Appeals Panel

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Department of Finance

8 BEFORE THE EDUCATION AUDIT APPEALS PANEL
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12 **In the Matter of the Appeal of Fiscal Year**
2005 – 06 Audit Finding 06-06 by:

Case No. EAAP 07-06

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14 **CONEJO VALLEY UNIFIED SCHOOL**
DISTRICT,

OAH No. 2011010108

SETTLEMENT AGREEMENT
AND PROPOSED DECISION

15 Appellant.

16 The Conejo Valley Unified School District (Appellant or District), the Office of the State
17 Controller (Controller); and intervener California Department of Finance (Finance) (collectively
18 the Parties) agree to a complete resolution of this matter as follows:

19
20 **I.**

RECITALS

21 A. This matter involves the maximum allowable average daily attendance (ADA) for
22 independent study students at the continuation school at Conejo Valley High School.

23 B. The Comprehensive Annual Financial Report was issued for the fiscal year ended
24 June 30, 2006 by Quezada & Company, 2500 E. Foothill Blvd., Suite 502, Pasadena, CA 91107
25 (Auditor).
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1 C. The Controller certified the Audit Findings for fiscal year 2005-06. Audit Finding
2 06-06 reported that appellant exceeded the 10% cap on ADA for independent study students in
3 the continuation school.

4 D. Appellant timely appealed this decision on November 17, 2010.

5 E. The Auditor originally determined that the effect of Appellant's non-compliance in
6 Audit Finding 06-06 was \$196,137.00. This finding was later revised and reduced by the Auditor
7 to \$191,353.00, which amount was certified by the Controller.

8 II

9 AGREEMENT

10 For the purpose of completely settling and resolving Audit Finding 06-06, the Parties
11 hereby agree:

12 1. In resolution of the District's Appeal, the Parties agree to settle this matter for
13 \$191,353.00 to be paid in four equal annual installments, with no interest, through reduction of
14 the payments of the District's Total Principal Apportionment by the California Department of
15 Education (CDE) for each of the next four fiscal years by \$47,838.25.

16 2. The Parties further agree that this Agreement constitutes a full and final resolution
17 of all claims and issues arising from this Appeal of Audit Finding 06-06.

18 3. This Agreement is subject to and conditioned upon approval by the District's
19 Governing Board.

20 4. This Agreement is subject to and conditioned upon approval and adoption by
21 EAAP, pursuant to Education Code section 41344.1, subdivision (b). This Agreement shall be
22 filed with OAH to document the agreement of the Parties and the pending resolution of this
23 matter.

24 5. This Agreement may be executed in counterparts, each of which shall constitute an
25 original. Facsimile signatures transmitted to other parties to this Agreement are deemed to be the
26 equivalent of original signatures or counterparts.

27 6. Each party shall bear its own fees and costs of this proceeding.

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7. The Parties ratify the preceding terms and conditions through the signature of their representatives as follows:

Dated:

11/29/11

CONEJO VALLEY UNIFIED
SCHOOL DISTRICT

Original Signed

LINDA BEKENY
ASSISTANT SUPERINTENDENT

Dated:

12/9/11

CONEJO VALLEY UNIFIED
SCHOOL DISTRICT

Original Signed

BOARD OF TRUSTEES

Dated:

11/8/2011

OFFICE OF THE STATE CONTROLLER

Original Signed

GARY HÖRI, COUNSEL

Dated:

11/9/11

KAMALA D. HARRIS
Attorney General of California
RICHARD T. WALDOW
Supervising Deputy Attorney General

Original Signed

S. PAUL BRUGUÉRA
Deputy Attorney General
Attorneys for Intervener
Department of Finance

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