

**Education Audit Appeals Panel
State of California**

Appeal of 2015-16 Audit Finding 2016-03
by:

West Contra Costa Unified School
District,
Appellant.

EAAP Case No. 17-09

OAH No. 2017081020

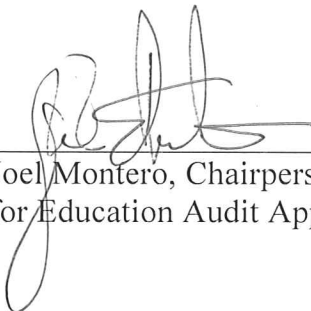
Decision

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

Effective date: April 23, 2018

IT IS SO ORDERED.

April 23, 2018
Date


Joel Montero, Chairperson
for Education Audit Appeals Panel

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BEFORE THE
EDUCATION AUDIT APPEALS PANEL
STATE OF CALIFORNIA

**IN THE MATTER OF THE APPEAL OF
FISCAL YEAR 2015-16 AUDIT FINDING
2016-03 BY WEST CONTRA COSTA
UNIFIED SCHOOL DISTRICT,**

Appellant.

OFFICE OF THE STATE CONTROLLER,

Respondent.

DEPARTMENT OF FINANCE,

Intervenor.

Case No. EAAP 17-09

OAH No. 2017081020

**STIPULATION AND SETTLEMENT
AGREEMENT**

Appellant West Contra Costa Unified School District (“Appellant”), Respondent Office of the State Controller (“SCO”), and Intervenor Department of Finance (“DOF”) (collectively known as “the Parties”) agree to a complete settlement of the above-captioned matter as follows:

RECITALS

A. Appellant’s audit for Fiscal Year 2015-16 contained a finding that Appellant’s Middle College High School was not in compliance with the instructional time requirements of Education Code section 46146.5.

1 B. In Audit Finding 2016-03, Appellant's auditor questioned \$1,287,850 in Average
2 Daily Attendance (ADA) funding that Appellant received for Fiscal Year 2015-16.

3 C. Appellant timely filed a request for formal appeal of the foregoing audit finding
4 pursuant to Education Code section 41344, subdivision (d), instituting this appeal before the
5 Education Audit Appeals Panel ("EAAP").

6 D. DOF intervened pursuant to Education Code section 41344.1, subdivision (b).

7 E. To avoid the cost and uncertainty of litigation, the parties to this case agree to
8 completely resolve this dispute on the terms and conditions described below.

9 **AGREEMENT**

10 For the purpose of completely settling and resolving the appeal of Audit Finding 2016-03,
11 the Parties, without any admission of liability or wrongdoing, except as provided in section 1
12 herein, and in furtherance thereof, do agree as set forth below:

13 1. Appellant shall repay in full satisfaction of Audit Finding 2016-03 the total sum of
14 \$424,714.71, without interest, which shall be withheld from Appellant's next principal
15 apportionment following EAAP's approval of this stipulated agreement.

16 2. This stipulated agreement fully and completely resolves all claims, demands, appeals,
17 obligations, or causes of action arising from or relating to Audit Finding 2016-03. Accordingly,
18 the Parties expressly waive any right or claim to assert or pursue hereafter any claim, demand,
19 obligation, and/or cause of action relating to Audit Finding 2016-03.

20 3. This Agreement constitutes the entire understanding between the Parties. This is an
21 integrated Agreement. It may not be modified or changed in any respect except in a writing
22 signed by each party.

23 4. This stipulated agreement is subject to and conditioned upon approval and adoption
24 by EAAP, pursuant to Education Code section 41344.1, subdivision (b).

25 5. This stipulated agreement may be executed in counterparts, each of which shall
26 constitute an original. Facsimile and pdf signatures by the parties and/or their designated
27 representatives are deemed the equivalent of original signatures.


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6. The parties shall bear their own attorneys' fees and costs.

Dated: 3-14-18

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

By: 
MATTHEW DUFFY
Superintendent


Dated: _____

OFFICE OF STATE CONTROLLER

By: _____
SCOTT MERRILL
Attorney for State Controller

Dated: 21 MAR 18

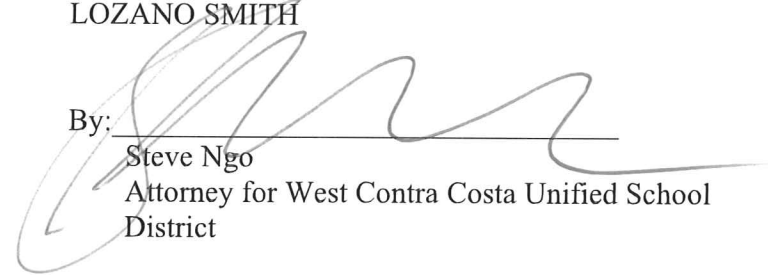
DEPARTMENT OF FINANCE

By: 
JEFF BELL
Program Budget Manager

AS TO FORM ONLY:


Dated: 3/16/18

LOZANO SMITH

By: 
Steve Ngo
Attorney for West Contra Costa Unified School District

Dated: 3/19/18

OFFICE OF THE ATTORNEY GENERAL

By: 
CHARLES J. ANTONEN
Attorney for Department of Finance

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6. The parties shall bear their own attorneys' fees and costs.

Dated: _____

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

By: _____
MATTHEW DUFFY
Superintendent

Dated: 3/15/18

OFFICE OF STATE CONTROLLER

By:  _____
SCOTT MERRILL
Attorney for State Controller

Dated: _____

DEPARTMENT OF FINANCE

By: _____
JEFF BELL
Program Budget Manager

AS TO FORM ONLY:

LOZANO SMITH

Dated: _____

By: _____
Steve Ngo
Attorney for West Contra Costa Unified School District

Dated: _____

OFFICE OF THE ATTORNEY GENERAL

By: _____
CHARLES J. ANTONEN
Attorney for Department of Finance

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