

Adult Education Solutions



AB 104

HANDBOOK

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INTRODUCTION

On June 24, 2015 Governor Jerry Brown signed into law Assembly Bill 104, the major education trailer bill that accompanied the state's 2015-16 state budget. This measure includes the section that defines the state's expectations for its new Adult Education Block Grant program.

This handbook provides a roadmap for both understanding the provisions of AB 104 as well as the initial expectations for the three-year implementation plan. Additionally, this document provides the following summary of AB 104: overview; background; major changes to adult education; a summary of the AB 104 adult education provisions; actual language of relevant adult education/consortium provisions of AB 104; other AB 104 provisions that link to adult education; necessary initial actions that an individual consortium should consider based on the expectations of the state legislature and the Governor.

As background, Assembly Bill 104 is the major education trailer bill that accompanied Assembly Bill 93, the 2015-16 state budget bill. AB 104 includes a segment on the enactment of the Adult Education Block Grant that represents the actualization of planning begun with the passage of Assembly Bill 86 in 2013. AB 86 provided \$25 million to 70 consortia statewide to support the development of regional adult education consortium plans with a focus on expanding and improving opportunities for education and workforce services for adults.

Beginning July 1, 2013, K-12 adult education programs were funded at the 2012-13 level for two years. During this period, AB 86 consortia, consisting of school districts and community college districts, developed regional education and workforce service plans for adults. AB 86 also included the commitment of the state legislature to fund adult education at the conclusion of the planning period June 30, 2015.

The Adult Education Block Grant program in AB 104 represents the 2015/16 transition from the planning that took place with AB 86 to the actualization of a new California adult education program supported with \$525 million, more than any other state in the nation.

MAJOR ADULT EDUCATION PROGRAM CHANGES

As consortia members begin work on this landmark legislation, a number of points are worth observing since they represent major changes to the state's adult education program from what existed prior to the enactment of AB 86 in 2013. It is worth noting that major changes to programs enacted by the Legislature may need additional legislation to clarify provisions. This potential for additional changes needs to be observed as AB 104 is implemented statewide.

AB 104:

Calls for California's Adult Education Program To Have a Workforce Focus:

AB 104 requires adult education programs to produce results that respond to the workforce education and training needs of the state's adults.

Requires Local Planning and Decision Making With Flexibility and Outcome Requirements:

Similar to the state's K-12's Local Control Funding Formula, this legislation is requiring adult educators to design and deliver programs that respond to the education and job training demands of adults in a regional consortium. While flexibility is granted in designing a local program, local plan results will impact future funding.

Replaces A.D.A. Entitlement Programs with a Grant Program:

Prior to AB 104, apportionments to K-12 districts were based on average daily attendance (A.D.A.) units that were earned by pupil attendance. Each unit of A.D.A. was worth about \$2500 and required 525 hours of pupil attendance.

The AB 104 grant program calls for a consortium to implement a three-year plan with annual updates that will be evaluated by state officials. Two major factors will be used to evaluate the successful implementation of a consortium plan and determine future funding: number of students served and specific student outcomes of a consortium plan to determine its effectiveness.

Requires Immediate and Definitive Decisions and Actions at the Consortium Level:

AB 104 contains provisions that call for consortium-level decisions and actions that need to be addressed as soon as possible in order to begin the implementation of a three-year adult education plan in 2015-16 and maximize opportunities and funding in fiscal year 2016-17. Immediately, governing boards need to approve district representatives as consortium members.

Requires Consortium Participation:

Prior to AB 86 and AB 104, K-12 adult education programs and community college non-credit programs operated separately and autonomously. Now both entities are required to be in a consortium to secure state and federal funds. With AB 104, county offices of education and joint powers involved in adult education and workforce services are also now required to be members of a consortium to be eligible for funding.

Provides for Multi-State Agencies Oversight of Adult Education:

The oversight of AB 104 grant programs is now a shared responsibility of the California Department of Education and the Office of the State Community College Chancellor, with involvement by the Department of Finance and the Executive Director of the State Board of Education. Prior to AB 104, oversight was divided with the Department of Education responsible for K-12 adult education and the Chancellor responsible for community college programs.

Requires Public Notifications:

Plans to implement programs and distribute adult education funds will require consortia to institute a timely public notice and decision-making process with requirements that are similar to those of the Brown Act. The Brown Act governs the public notice and decision-making requirements of publicly elected boards, committees, and appointed commissions in California.

Requires Sharing of Information on District Programs and Resources:

Consortium members will need to share information on related programs that they offer and the resources being used to support these programs. This requirement is an integral part of the state's effort to leverage resources and maximize outcomes in adult education and workforce services.

Allows Seven Adult Education Program Areas:

AB 104 identifies seven course areas that may be offered with the use of Adult Education Block Grant funds:

1. Programs in elementary and secondary skills, including those leading to a high school diploma or high school equivalency certificate.
2. Programs for immigrants in citizenship, ESL, and workforce preparation.
3. Programs for adults, including, but not limited to, older adults, that are primarily related to entry or reentry into the workforce.
4. Programs for adults, including, but not limited to, older adults, that are primarily designed to develop knowledge and skills to assist elementary and secondary school children to succeed academically in school.
5. Programs for adult with disabilities.
6. Programs in career technical education that are short term in nature with high employment potential.
7. Programs offering pre-apprenticeship training conducted in coordination with one or more apprenticeship programs approved by the Division of Apprenticeship Standards.

Allows Local Control Funding for Other Authorized Areas of instruction:

Prior to this measure, adult education was authorized within 10 areas of instruction. A school district may use its Local Control Funding Formula revenues to support any of the 10 areas previously authorized.

RECOMMENDED STEPS FOR IMPLEMENTING THE ADULT EDUCATION BLOCK GRANT PROGRAM

The following represent steps that an individual consortium should consider as it begins its work on fulfilling the requirements of AB 104. These steps only represent a beginning since as work is initiated, other requirements will need to be addressed. With the multiple immediate requirements a consortium faces, timely action is essential in this initial year.

1. Become AB 104 experts:

Consortium members should study and know the provisions of AB 104 that apply to the Adult Education Block Grant. The measure details 21 Education Code sections numbering from E.C. 84900 to E.C. 84920. Regardless of interpretations, AB 104 language represents the statutory provisions to be observed. Further, consortium members should understand other provisions that relate to Adult Education.

2. Establish Official Consortium Membership:

Pursuant to E.C. 84905, each consortium member representative will need to be approved by the member's district governing board. The critical factor is that the governing board of the district needs to know who is representing their district at the consortium.

3. Establish Official Consortium Member Districts:

AB 104 expands the eligible member districts to include county offices of education and joint powers. The consortium should take it upon itself to make the contact and offer membership.

4. Seek Legal Advice:

Secure the assistance of an attorney or firm in drafting the formal consortium provisions that will govern membership, consortium by-laws and rules, decision-making, and factors regarding public notice and conflict-of-interest requirements.

5. Gather Information on Region's Adult Education and Workforce Services:

Begin gathering the information on the programs and resources of each consortium member and partner. This work was begun with July 2014 filing of the AB 86 report.

6. Review Local Regional Consortium AB 86 Plan to Decide on 2015-16 Plan:

Review the region's March 1, 2015 consortium plan and decide on actions to be taken and accomplished in 2015-16/17/18. AB 104 stipulates that for these next three years, the AB 86 plan that was submitted on March 1, 2015 may serve as the basis for meeting the three-year plan requirement. However, the March 2015 plan will need to be reviewed and restructured to serve as a three-year implementation plan. Consortium members will need to decide on what is to be implemented in 2015-16 and the subsequent two-years. A consortium's effectiveness in reaching planned targeted outcomes in 2015-16 will affect its funding for the following year, 2016-17.

- 7. Plan the Expenditure of Additional Forthcoming Funds for Consortia Activities:**
By no later than November 30, 2015 each consortium will receive funding from the amount remaining after districts have received their MOE funds. Again, each consortium needs to review its March 1, 2015 AB 86 Plan to decide on activities that need to be undertaken based on that consortium's guiding principles and criteria as well as AB 104 criteria for measurement.
- 8. Select a Fund Administrator:**
A participant member needs to be identified as the fiscal manager of consortium funds. This will be needed to administer funds that the consortium receives from the state and other potential sources.
- 9. Data Collection:**
Start deciding on the data, tools, and key performance indicators that the consortium will use to assess its effectiveness in executing its 2015-16 plan. Based on the AB 104 measurement criteria and the consortium plan, begin identifying the factors that will drive data collection as the 2015-16 Plan is implemented.

GUIDE TO THE LEGISLATIVE SECTIONS OF THE ADULT EDUCATION BLOCK GRANT PROGRAM

(As Enacted in Assembly Bill 104 – June 24, 2015)

The following provides information on the sections of AB 104 that may be of most interest to district personnel as they begin work on the Adult Education Block Grant program. Readers are advised to refer to the actual bill language, at the end of this handbook, when seeking further clarification.

E.C. 84900-84904: Definitions

Establishes the grant program and provides definitions of an adult, consortium, and executive director. Describes methodology for dividing the state into consortia and determining regional needs for adult education. Defines an adult as a person 18 years of age or older.

E.C. 84905: Consortium Rules and Procedures

Chancellor and Superintendent with the advice of the Executive Director of the State Board of Education shall approve rules and procedures for each consortium:

- **Consortium Membership:**
Within a community college region, a community college district, school district, a county office of education, or a joint powers consisting of school or community college districts involved in adult education and workforce services shall be permitted to join the consortium.
- **Consortium Representation:**
A member of the consortium shall be represented only by an official designated by the governing board of the member.
- **Members' Reporting of Adult Education and Workforce Services Funds:**
As a condition of joining a consortium, a member shall commit to reporting any funds available to that member for the purposes of education and workforce services for adults and the use of those funds.
- **Decision Making Procedures and Public Notice Requirements:**
Establishes the process for public notice and decision-making by a consortium. Specifies that a decision includes, but is not limited to, the approval of a plan pursuant to E.C. 84906 and approval of a distribution schedule pursuant to E.C. 84913.

E.C. 84906: Elements of a Consortium Adult Education Plan

As a condition of receiving funds, a consortium shall have approved a plan that includes the following:

- An evaluation of the educational needs of adults in the region, and services provided to meet these needs. A list of the following:
 - Entities that provide education and workforce services to adults in the region
 - Entities that are impacted by the provisions of the services
 - Descriptions of the services provided by the aforementioned entities
 - An evaluation of the current levels and types of education and workforce needs for adults in the region.
 - An evaluation of funds available to consortium members
 - Actions that members of the consortium will take to address the educational needs of adults
 - Actions that members will take to improve the effectiveness of their services
 - Integration of services to improve transitions
- Members will identify actions they will take to address the following factors:
- Placement of adults seeking education and workforce services
 - Alignment of academic and curricula
 - Qualifications of instructors, including common standards across entities
 - Collection and availability of data
 - Alignment of adult education services supported by this grant
 - A description of how the factors listed above contributed to the development of the consortium plan
- A Consortium 2015-16 Plan:
Members of a consortium shall approve a 2015-16 regional plan to begin the implementation of a three-year plan. For the 2015-16, 2016-17, and 2017-18 fiscal years, the AB 86 report submitted on March 1, 2015 shall satisfy the requirement for a three-year plan [the March 1 Plan needs to be adapted to AB104 guidelines]. The plan shall be updated at least once each year. *(Refer to section on Recommended Steps for Each Consortium to Consider in Beginning to Implement AB 104, No. 6.)*

E.C. 84908: 2015-16 and 2016-17 Funding Calendars and Related Conditions

The following outlines the dates for releasing Adult Education Block Grant funds to districts and consortia:

- July 31, 2015 – Superintendent and Chancellor certify MOE amounts for districts to receive.
- August 30, 2015 – Superintendent and Chancellor apportion funds to school districts.
- October 30, 2015 – Superintendent and Chancellor, with concurrence of Executive Director of State Board of Education, shall approve a schedule of consortia allocations from funds remaining after the August 30th distribution. Amounts for each consortium shall be based on the region’s share of statewide needs as referenced in E.C. 84911.
- November 30, 2015 – Superintendent and Chancellor shall release the funds determined by October 30.

2016-17 Funding Calendar:

The 2016-17 funding will be based on the following timeline (*Funding in this fiscal year represents a significant departure from the process used in 2015-16*):

- January 31, 2016 – Chancellor and Superintendent shall submit a plan to distribute the funds from two federal programs, WIAO Title II and Perkins, through consortia (E.C. 84915).
- February 28, 2016 – The Superintendent and Chancellor shall approve a schedule of consortium apportionments for 2016-17 based on the Governor’s proposed budget for 2016-17.
- July 15, 2016 or 15 days after the enactment of the state budget (E.C. 84909) – Superintendent and Chancellor shall approve a schedule of apportionments to each consortium based on the following three factors:
 - Apportionments to each district in the immediate preceding year.
 - Region’s share of statewide need for adult education.
 - Consortium’s effectiveness.
- September 30, 2016 and subsequent fiscal years – Superintendent and Chancellor shall submit a report to the Director of Finance, State Board of Education, and Legislature that includes at least the following:
 - Summary of the plan for each consortium.
 - Distribution of apportionments for each consortium.
 - Types and levels of services for each consortium.
 - Effectiveness of each consortium.
 - Recommendations related to services, inclusive of improved alignment with state programs.

Other Related Conditions:

Consortium Membership Required:

School districts, community college districts, county offices of education, and joint powers involved in adult education and workforce services are required to be members of a consortium to receive adult education and related state and federal funds.

Funding to Districts Limited to \$375 million:

Of the \$500 million for this grant program in 2015-16, the amount for districts to continue their maintenance of effort (MOE) is capped at \$375 million.

Funding for Consortia Activities in 2015-16:

For 2015-16, the Superintendent and Chancellor, with the concurrence of the Executive Director, shall approve a schedule of allocations to each consortium by no later than

October 30, 2015. The amount available shall be the amount remaining after the aforementioned MOE is funded. *(At this point the amount for consortia activities in 2015-16 is estimated to be \$166 million. Additionally, for 2015-16, the state budget is providing \$25 million to support adult education data collection by local consortia and state agencies, with 85 percent for consortia and the balance for state agencies)*

Release of Funds to a Consortium:

Beginning with the 2016-17 fiscal year and thereafter, funds shall be released to a consortium fund administrator no more than 30 days after approval of a final schedule of allocations, or apportion funds to members of a consortium beginning no more than 30 days after approval of the final schedule of allocations.

E.C. 84911: Determining Need for Adult Education

The Superintendent and Chancellor shall consider the following factors to determine adult education and workforce service needs:

1. Adult population
2. Employment
3. Immigration
4. Educational attainment
5. Adult literacy

E.C. 84913: Allowable Program Areas

The following program areas are allowable with this grant program:

1. Elementary and secondary skills, including programs leading to a high school diploma or equivalency certificate.
2. Programs for immigrants inclusive of services in citizenship, ESL, and workforce preparation.
3. Programs for adults, including, but not limited to, older adults, that are primarily related to entry or reentry into the workforce.
4. Programs for adults, including, but not limited to, older adults that are primarily designed to develop knowledge and skills to assist elementary and secondary school children to succeed academically in school.
5. Programs for adults with disabilities.
6. Programs in career technical education that are short term in nature and have high employment potential.
7. Programs offering pre-apprenticeship training activities conducted in coordination with one or more apprenticeship programs.

Limit on Administrative and Consortium Expenditures:

A consortium may use no more than 5 percent of funds allocated in a given year for the sum of the following:

1. The costs of administration of these programs.
2. The costs of a consortium. *[Recent interpretations by state officials have offered the opinion that the 5 percent limit will not include such expenditures as salaries and benefits, teachers and administrative support, classified employee support, and project managers and consultants.]*

E.C. 84914: Distribution of Adult Education Block Grant Funds within a Consortium

Beginning with the 2016-17 fiscal year and thereafter, as a condition of receipt of funds to each member of the consortium, a consortium shall approve a distribution schedule that includes the following:

1. Amount to be distributed to each member.
2. A narrative justifying that the planned allocations are consistent with the adult education plan.
3. A distribution schedule shall also include preliminary projections of the amount of funds that would be distributed to each member of the consortium in the subsequent two fiscal years. [for 16/17 there is no mention of a formula for consortium funding]

Reducing or Eliminating Funding for a Member:

A consortium may reduce or eliminate funding for a member if one of three findings is determined:

1. The member no longer wishes to provide services.
2. The member cannot provide services that address needs identified in the adult education plan.
3. The member has been consistently ineffective in providing services and reasonable interventions have not resulted in improvements.

E.C. 84915: Funding WIOA Title II and Perkins through Consortia

By January 31, 2016, the Superintendent and Chancellor shall submit a plan to the Department of Finance (DOF), State Board of Education, and Legislature for distributing the federal WIAO Title II and Perkins funds through consortia. This change in distribution reflects the Legislature's intent to coordinate programs that support education and workforce services for adults.

E.C. 84916: Consortium Membership Required to Receive Related Workforce Funds:

To maximize the benefits of public funds, a school or community college district, county office of education, or joint powers will need to be a member of a consortium to be eligible to receive funds from any of the following six programs:

- Adult in Correctional Facilities program
- WIOA Title II
- Perkins
- Local Control Funding Formula apportionments for students who are 19 years of age or older
- Community college apportionments for courses identified in E.C. 84913
- Remedial education and workforce training in the CalWORKS program

E.C. 84917: Annual Reports on Each Consortium

Starting in 2016, by each September 30th, the Superintendent and Chancellor shall submit a report to DOF, State Board of Education, and Legislature on the use of these grant funds that includes the following:

1. Summary of plan for each consortium.
2. Distribution schedule for each consortium.
3. Types and levels of services for each consortium.
4. Effectiveness of each consortium.
5. Recommendations on delivery of education and workforce services.

E.C. 84920: Assessing Effectiveness of Consortia with \$25 million Support

By January 1, 2016, the Superintendent and Chancellor shall identify the measures for assessing the effectiveness of consortia that will be the basis for the September 30 reports noted in E.C. 84917.

The measures to assess effectiveness shall include, but not necessarily be limited to, the following:

1. Number of adults served by members of the consortium.
2. Demonstration of the following:
 - Improved literacy skills.
 - Completion of high school diplomas and recognized equivalents.
 - Completion of postsecondary certificates, degrees, or training programs.
 - Placement into jobs.
 - Improved wages.

Update on Identifying Effectiveness Factors:

By November 1, 2015, the Superintendent and Chancellor shall submit a report to the Department of Finance, the State Board of Education, and appropriate policy and fiscal committees of the Legislature on the progress in identifying the factors that will determine consortia effectiveness.

Distribution of \$25 Million for Data Support:

The Superintendent and Chancellor shall distribute these funds to consortia on the following basis:

- 85 percent for grants to consortia to establish systems or obtain data necessary to submit reports on consortia outcomes.
- 15 percent for grants for the development of statewide policies and procedures related to data collection or reporting or technical assistance.

OTHER SECTIONS OF AB 104 THAT ALSO REFER TO ADULT EDUCATION

Aside from the provisions defining the Adult Education Block Program, AB 104 contains three sections that reference Adult Education:

E.C. 8238: Part-Day Preschool Programs Referrals to Adult Education

As a condition of offering part-day preschool programs, requires referrals of parents and guardians of children in participating classrooms, as necessary, to providers of adult education and English as a second language in order to improve their academic skills.

E.C. 41975: Continued District Authorization to Offer 10 Areas of Adult Education

Provides authority for school districts to offer the 10 areas of adult education. For areas outside those included in the Adult Education Block Grant, districts would need to identify alternative funding sources, such as, but not limited to the following: K-12 Local Control Funding Formula (LCFF) and other sources, including fees and grants from local, state, and federal entities.

E.C. 52616: Use of LCFF Funds to Support Adult Education

Clarifies that Local Control Funding Formula (LCFF) funds shall be the sole source of K-12 revenues that a district may use to support adult education.

APPENDIX

APPENDIX A – ARTICLE 9: ADULT EDUCATION BLOCK GRANT PROGRAM

Article 9. Adult Education Block Grant Program

84900.

The Adult Education Block Grant Program is hereby established under the administration of the Chancellor of the California Community Colleges and the Superintendent of Public Instruction.

84901.

For purposes of this article, the following definitions shall apply, unless otherwise specified:

- (a) “Adult” means a person 18 years of age or older.
- (b) “Consortium” means an adult education consortium approved pursuant to this article.
- (c) “Executive director” means the executive director of the State Board of Education.
- (d) “Program” means the Adult Education Block Grant Program established by Section 84900.

84902.

(a) The chancellor and the Superintendent are the state officials responsible for identifying and understanding the educational needs of adults in the state.

(b) The chancellor and the Superintendent shall use the powers provided by this article to support the effective provision of services that address the educational needs of adults in all regions of the state.

(c) In performing duties under this article, the chancellor and the Superintendent shall seek advice from, and coordinate with, other state officials responsible for programs for adults.

84903.

(a) The chancellor and the Superintendent, with the advice of the executive director, shall divide the state into adult education regions and shall determine the physical boundaries of each region.

(b) When determining the boundaries of the adult education regions, the chancellor and the Superintendent shall consider factors that impact the provision of adult education, including all of the following:

- (1) Economic and demographic factors, including the locations of regional labor markets.
- (2) The boundaries of regions used to distribute funds for other state programs.
- (3) The presence of adult education providers that have demonstrated effectiveness in meeting the educational needs of adults.

(c) Until otherwise determined by the chancellor and the Superintendent, the physical boundaries of the adult education regions shall be the same as the physical boundaries of the regions established for purposes of providing planning and implementation grants pursuant to Section 84830.

84904.

(a) The chancellor and the Superintendent, with the advice of the executive director, shall approve one adult education consortium in each adult education region.

(b) Until otherwise determined by the chancellor and the Superintendent, the consortia to which planning and implementation grants were apportioned pursuant to Section 84830 shall be deemed approved for purposes of this section.

84905.

The chancellor and the Superintendent, with the advice of the executive director, shall approve, for each consortium, rules and procedures that adhere to all of the following conditions:

(a) Any community college district, school district, or county office of education, or any joint powers authority consisting of community college districts, school districts, county offices of education, or a combination of these, located within the boundaries of the adult education region shall be permitted to join the consortium as a member.

(b) As a condition of joining a consortium, a member shall commit to reporting any funds available to that member for the purposes of education and workforce services for adults and the uses of those funds.

(c) A member of the consortium shall be represented only by an official designated by the governing board of the member.

(d) (1) Decision making procedures are specified that ensure that all of the following conditions are satisfied:

(A) All members of the consortium shall participate in any decision made by the consortium.

(B) A proposed decision is considered at an open, properly noticed public meeting of the consortium at which members of the public may comment.

(C) The consortium has provided the public with adequate notice of a proposed decision and considered any comments submitted by members of the public, and any comments submitted by members of the public have been distributed publicly.

(D) (i) The consortium has requested comments regarding a proposed decision from other entities located in the adult education region that provide education and workforce services for adults.

(ii) The consortium has considered and responded to any comments submitted by entities pursuant to clause (i).

(iii) For purposes of this subparagraph, entities that provide education and workforce services to adults include, but are not necessarily limited to, local public agencies, departments, and offices, particularly those with responsibility for local public safety and social services; workforce investment boards; libraries; and community-based organizations.

(E) A decision is final.

(2) For purposes of this subdivision, a decision includes approval of an adult education plan pursuant to Section 84906 and approval of a distribution schedule pursuant to Section 84913.

(e) The members of the consortium may decide to designate a member to serve as the fund administrator to receive and distribute funds from the program.

84906.

(a) As a condition of receipt of an apportionment of funds from this program for a fiscal year, the members of a consortium shall have approved an adult education plan that addresses that fiscal year.

(b) An adult education plan shall include all of the following:

(1) An evaluation of the educational needs of adults in the region.

(2) A list of the following:

(A) Entities that provide education and workforce services to adults in the region.

(B) Entities that are impacted by, or that have a fundamental interest in, the provision of those services.

(3) A description of the services provided by entities listed pursuant to paragraph (2).

(4) An evaluation of current levels and types of education and workforce services for adults in the region.

(5) An evaluation of the funds available to the members of the consortium and the entities listed pursuant to paragraph (2), including funds other than those apportioned pursuant to this article.

(6) Actions that the members of the consortium will take to address the educational needs identified pursuant to paragraph (1).

(7) Actions that the members of the consortium will take to improve the effectiveness of their services.

(8) Actions that the members of the consortium, the entities listed pursuant to paragraph (2), and other interested parties will take to improve integration of services and to improve transitions into postsecondary education and the workforce, including actions related to all of the following:

(A) Placement of adults seeking education and workforce services into adult education programs.

(B) Alignment of academic standards and curricula for programs across entities that provide education and workforce services to adults.

(C) Qualifications of instructors, including common standards across entities that provide education and workforce services to adults.

(D) Collection and availability of data.

(9) A description of the alignment of adult education services supported by this program with those described in other education and workforce plans guiding services in the region, including plans pertaining to the building of career pathways and the employment of workforce sector strategies and those required pursuant to the federal Workforce Innovation and Opportunity Act (Public Law 113-128).

(10) A description of the ways in which each of the entities identified in paragraph (2) contributed to the development of the plan.

(c) The members of a consortium shall approve an adult education plan at least once every three years. The plan shall be updated at least once each year based on available data.

(d) For the 2015–16, 2016–17, and 2017–18 fiscal years, a regional plan developed pursuant to Section 84830 shall satisfy the requirements of this section.

84907.

No later than July 31, 2015, the chancellor and the Superintendent, with the advice of the executive director, shall certify, for each school district and county office of education, the amount of state funds required to be expended for adult education pursuant to paragraph (7) of subdivision (a) of Section 42238.03, and paragraph (3) of subdivision (k) of Section 2575, respectively.

84908.

(a) If the total amount certified for all school districts and county offices of education pursuant to Section 84907 is less than three hundred seventy-five million dollars (\$375,000,000), the chancellor and the Superintendent shall do both of the following:

(1) Apportion funds appropriated for the program in the Budget Act of 2015, no later than August 30, 2015, to each school district or county office of education in an amount equal to the amount certified for that school district or county office of education pursuant to

Section 84907. As a condition of receipt of an apportionment, a school district or county office of education is required to be a member of a consortium.

(2) (A) (i) With the concurrence of the executive director, approve a schedule of allocations to each consortium, no later than October 30, 2015, of any funds appropriated for the program in the Budget Act of 2015 that remain after funds have been apportioned pursuant to paragraph (1).

(ii) The chancellor and the Superintendent shall determine the amount to be allocated to each consortium pursuant to this paragraph based on that adult education region's share of the statewide need for adult education.

(B) Using the schedule approved pursuant to subparagraph (A), the chancellor and the Superintendent shall do one of the following for each consortium:

(i) Apportion funds to a fund administrator designated by the members of a consortium beginning no more than 30 days after approval of the schedule pursuant to subparagraph (A).

(ii) Apportion funds to members of a consortium beginning no more than 30 days after receipt of a final distribution schedule from that consortium.

(b) If the total amount certified for all school districts and county offices of education pursuant to Section 84907 equals or exceeds three hundred seventy-five million dollars (\$375,000,000), the chancellor and the Superintendent shall do both of the following:

(1) Apportion funds appropriated for the program in the Budget Act of 2015, no later than August 30, 2015, to each school district or county office of education in an amount equal to the amount certified for that school district or county office of education pursuant to Section 84907 multiplied by three hundred seventy-five million dollars (\$375,000,000), divided by the total amount certified for all school districts and county offices of education pursuant to Section 84907.

(2) (A) (i) With the concurrence of the executive director, approve a schedule of allocations to each consortium, no later than October 30, 2015, of any funds appropriated for this program in the Budget Act of 2015 that remain after funds have been apportioned pursuant to paragraph (1).

(ii) The chancellor and the Superintendent shall determine the amount to be allocated to each consortium pursuant to this paragraph based on that adult education region's share of the statewide need for adult education.

(B) Using the schedule approved pursuant to subparagraph (A), the chancellor and the Superintendent shall do one of the following for each consortium:

(i) Apportion funds to a fund administrator designated by the members of a consortium beginning no more than 30 days after approval of the schedule pursuant to subparagraph (A).

(ii) Apportion funds to members of a consortium beginning no more than 30 days after receipt of a final distribution schedule from that consortium.

(c) This section shall become inoperative on July 1, 2016, and, as of January 1, 2017, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2017, deletes or extends the dates on which it becomes inoperative and is repealed.

84909.

(a) This section shall apply commencing with the 2016–17 fiscal year.

(b) The chancellor and the Superintendent, with the advice of the executive director, shall approve, no later than February 28 of the prior fiscal year, a preliminary schedule of allocations to each consortium of any funds proposed in the Governor’s Budget for the program.

(c) The chancellor and the Superintendent, with the advice of the executive director, shall approve, within 15 days of enactment of the annual Budget Act, a final schedule of allocations to each consortium of any funds appropriated by the Legislature for the program.

(d) The chancellor and the Superintendent shall determine the amount to be allocated to each consortium based on the following:

(1) The amount of funds apportioned to the members of that consortium in the immediately preceding fiscal year.

(2) That adult education region’s share of the statewide need for adult education.

(3) That consortium’s effectiveness in meeting the educational needs of adults in the adult education region based on available data.

(e) Using the final schedule approved pursuant to subdivision (c), the chancellor and the Superintendent shall do one of the following for each consortium:

(1) Apportion funds to a fund administrator designated by the members of a consortium beginning no more than 30 days after approval of the final schedule of allocations.

(2) Apportion funds to members of a consortium beginning no more than 30 days after receipt of a final distribution schedule from that consortium.

84910.

The chancellor and the Superintendent shall, when approving a schedule of allocations for a fiscal year, also present preliminary projections for the amounts that would be allocated in the

subsequent two fiscal years. This preliminary presentation shall not constitute a binding commitment of funds.

84911.

To determine the need for adult education, the chancellor and the Superintendent shall consider, at a minimum, measures related to adult population, employment, immigration, educational attainment, and adult literacy.

84912.

The chancellor and the Superintendent shall apportion funds appropriated for the program in a given year in compliance with all of the following:

- (a) No more than one-twelfth of the total amount appropriated shall have been apportioned by the end of July.
- (b) No more than one-sixth of the total amount appropriated shall have been apportioned by the end of August.
- (c) No more than one-quarter of the total amount appropriated shall have been apportioned by the end of September.
- (d) No more than one-third of the total amount appropriated shall have been apportioned by the end of October.
- (e) No more than five-twelfths of the total amount appropriated shall have been apportioned by the end of November.
- (f) No more than one-half of the total amount appropriated shall have been apportioned by the end of December.
- (g) No more than seven-twelfths of the total amount appropriated shall have been apportioned by the end of January.
- (h) No more than two-thirds of the total amount appropriated shall have been apportioned by the end of February.
- (i) No more than three-quarters of the total amount appropriated shall have been apportioned by the end of March.
- (j) No more than five-sixths of the total amount appropriated shall have been apportioned by the end of April.
- (k) No more than eleven-twelfths of the total amount appropriated shall have been apportioned by the end of May.

84913.

(a) Funds apportioned for the program shall be used only for support of the following:

(1) Programs in elementary and secondary basic skills, including programs leading to a high school diploma or high school equivalency certificate.

(2) Programs for immigrants eligible for educational services in citizenship, English as a second language, and workforce preparation.

(3) Programs for adults, including, but not limited to, older adults, that are primarily related to entry or reentry into the workforce.

(4) Programs for adults, including, but not limited to, older adults, that are primarily designed to develop knowledge and skills to assist elementary and secondary school children to succeed academically in school.

(5) Programs for adults with disabilities.

(6) Programs in career technical education that are short term in nature and have high employment potential.

(7) Programs offering pre-apprenticeship training activities conducted in coordination with one or more apprenticeship programs approved by the Division of Apprenticeship Standards for the occupation and geographic area.

(b) A consortium may use no more than 5 percent of funds allocated in a given fiscal year for the sum of the following:

(1) The costs of administration of these programs.

(2) The costs of the consortium.

84914.

(a) As a condition of receipt of an apportionment from the program, a consortium shall approve a distribution schedule that includes both of the following:

(1) The amount of funds to be distributed to each member of the consortium for that fiscal year.

(2) A narrative justifying how the planned allocations are consistent with the adult education plan.

(b) (1) For any fiscal year for which the chancellor and the Superintendent allocate an amount of funds to the consortium greater than the amount allocated in the prior fiscal year, the amount of funds to be distributed to a member of that consortium shall be equal to or greater than the amount distributed in the prior fiscal year, unless the consortium makes at least one of the following findings related to the member for which the distribution would be reduced:

(A) The member no longer wishes to provide services consistent with the adult education plan.

(B) The member cannot provide services that address the needs identified in the adult education plan.

(C) The member has been consistently ineffective in providing services that address the needs identified in the adult education plan and reasonable interventions have not resulted in improvements.

(2) For any year for which the chancellor and the Superintendent allocate an amount of funds to the consortium less than the amount allocated in the prior year, the amount of funds to be distributed to a member of that consortium shall not be reduced by a percentage greater than the percentage by which the total amount of funds allocated to the consortium decreased, unless the consortium makes at least one of the following findings related to the member for which the distribution would be reduced further:

(A) The member no longer wishes to provide services consistent with the adult education plan.

(B) The member cannot provide services that address the needs identified in the adult education plan.

(C) The member has been ineffective in providing services that address the needs identified in the adult education plan and reasonable interventions have not resulted in improvements.

(c) A distribution schedule shall also include preliminary projections of the amount of funds that would be distributed to each member of the consortium in each of the subsequent two fiscal years. The preliminary projections shall not constitute a binding commitment of funds.

84915.

(a) It is the intent of the Legislature to coordinate programs that support education and workforce services for adults.

(b) No later than January 31, 2016, the chancellor and the Superintendent shall submit to the Director of Finance, to the State Board of Education, and, in conformity with Section 9795 of the Government Code, to the Legislature a plan approved by the chancellor and the Superintendent to distribute funds from the following programs to the consortia:

(1) (A) The federal Adult Education and Family Literacy Act (Title II of the federal Workforce Innovation and Opportunity Act).

(B) The plan for allocating funds under this paragraph shall comply with the criteria enumerated in subsection (e) of Section 3321 of Title 29 of the United States Code related to base disbursement of these funds.

(2) The federal Carl D. Perkins Career and Technical Education Act (Public Law 109-270).

84916.

In order to maximize the benefits derived from public funds provided for the purpose of addressing the educational needs of adults and to ensure the efficient and coordinated use of resources, it is the intent and expectation of the Legislature that any community college district, school district, or county office of education, or any joint powers authority consisting of community college districts, school districts, county offices of education, or a combination of these, located within the boundaries of the adult education region shall be a member of a consortium pursuant to this article if it receives funds from any of the following programs or allocations:

(a) The Adults in Correctional Facilities program.

(b) The federal Adult Education and Family Literacy Act (Title II of the federal Workforce Innovation and Opportunity Act).

(c) The federal Carl D. Perkins Career and Technical Education Act (Public Law 109-270).

(d) Local Control Funding Formula apportionments received for students who are 19 years of age or older.

(e) Community college apportionments received for providing instruction in courses in the areas listed in subdivision (a) of Section 84913.

(f) State funds for remedial education and job training services for participants in the CalWORKs program.

84917.

(a) To inform actions taken by the Governor and the Legislature related to adult education, the chancellor and the Superintendent shall submit to the Director of Finance, to the State Board of Education, and, in conformity with Section 9795 of the Government Code, to the Legislature, by September 30 following any fiscal year for which funds are appropriated for the program, a report about the use of these funds and outcomes for adults statewide and in each adult education region. The report shall include at least all of the following:

(1) A summary of the adult education plan operative for each consortium.

(2) The distribution schedule for each consortium.

(3) The types and levels of services provided by each consortium.

(4) The effectiveness of each consortium in meeting the educational needs of adults in its respective region.

(5) Any recommendations related to delivery of education and workforce services for adults, including recommendations related to improved alignment of state programs.

(b) (1) The chancellor and the Superintendent may require a consortium, as a condition of receipt of an apportionment, to submit any reports or data necessary to produce the report described in subdivision (a).

(2) The chancellor and the Superintendent shall align the data used to produce the report described in subdivision (a) with data reported by local educational agencies for other purposes, such as data used for purposes of the federal Workforce Opportunity and Innovation Act (Public Law 113-128).

(3) The Employment Development Department and the California Workforce Investment Board shall provide any assistance needed to align delivery of services across state and regional workforce, education, and job service programs.

SEC. 40.

Section 84920 is added to the Education Code, to read:

84920.

(a) To the extent that one-time funding is made available in the Budget Act of 2015, consistent with the provisions of Section 84917, the chancellor and the Superintendent shall identify common measures for determining the effectiveness of members of each consortium in meeting the educational needs of adults. At a minimum, the chancellor and the Superintendent shall accomplish both of the following:

(1) Define the specific data each consortium shall collect.

(2) Establish a menu of common assessments and policies regarding placement of adults seeking education and workforce services into adult education programs to be used by each consortium to measure educational needs of adults and the effectiveness of providers in addressing those needs.

(b) It is the intent of the Legislature that both of the following occur:

(1) That the educational needs of adults in the state be better identified and understood through better sharing of data across state agencies.

(2) That, at a minimum, the chancellor and the Superintendent shall enter into agreements to share data related to effectiveness of the consortia between their agencies and with other state agencies, including, but not necessarily limited to, the Employment Development Department and the California Workforce Investment Board.

(c) The chancellor and the Superintendent shall identify, no later than January 1, 2016, the measures for assessing the effectiveness of consortia that will be used in the report that,

pursuant to Section 84917, is to be submitted by September 30, 2016. These measures shall include, but not necessarily be limited to, all of the following:

- (1) How many adults are served by members of the consortium.
- (2) How many adults served by members of the consortium have demonstrated the following:
 - (A) Improved literacy skills.
 - (B) Completion of high school diplomas or their recognized equivalents.
 - (C) Completion of postsecondary certificates, degrees, or training programs.
 - (D) Placement into jobs.
 - (E) Improved wages.

(d) No later than November 1, 2015, the chancellor and the Superintendent shall submit to the Director of Finance, the state board, and the appropriate policy and fiscal committees in the Legislature a report of its progress in meeting the requirements of subdivisions (a) and (b).

(e) The chancellor and the Superintendent shall apportion the funds appropriated for purposes of this section in the Budget Act of 2015 in accordance with both of the following:

(1) Eighty-five percent of these funds shall be used for grants to consortia to establish systems or obtain data necessary to submit any reports or data required pursuant to subdivision (b) of Section 84917.

(2) Fifteen percent of these funds shall be used for grants for development of statewide policies and procedures related to data collection or reporting or for technical assistance to consortia, or both.

(f) The chancellor and the Superintendent shall provide any guidance to the consortia necessary to support the sharing of data included in systems established by consortia pursuant to this section across consortia.

APPENDIX B – E.C. 8238: PART-DAY PRESCHOOL PROGRAMS REFERRALS TO ADULT EDUCATION

SEC. 3.

Section 8238 of the Education Code is amended to read:

8238.

As a condition of receipt of funds pursuant to Section 8238.4, a participating part-day preschool program shall coordinate the provision of all of the following:

(a) Opportunities for parents and legal guardians to work with their children on interactive literacy activities. For purposes of this subdivision, “interactive literacy activities” means activities in which parents or legal guardians actively participate in facilitating the acquisition by their children of pre-reading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development.

(b) Parenting education for parents and legal guardians of children in participating classrooms to support the development by their children of literacy skills. Parenting education shall include, but not be limited to, instruction in all of the following:

- (1) Providing support for the educational growth and success of their children.
- (2) Improving parent-school communications and parental understanding of school structures and expectations.
- (3) Becoming active partners with teachers in the education of their children.
- (4) Improving parental knowledge of local resources for the identification of and services for developmental disabilities, including, but not limited to, contact information for school district special education referral.

(c) Referrals, as necessary, to providers of instruction in adult education and English as a second language in order to improve the academic skills of parents and legal guardians of children in participating classrooms.

(d) Staff development for teachers in participating classrooms that includes, but is not limited to, all of the following:

- (1) Development of a pedagogical knowledge, including, but not limited to, improved instructional and behavioral strategies.
- (2) Knowledge and application of developmentally appropriate assessments of the pre-reading skills of children in participating classrooms.
- (3) Information on working with families, including the use of onsite coaching, for guided practice in interactive literacy activities.
- (4) Providing targeted interventions for all young children to improve kindergarten readiness upon program completion.

APPENDIX C – E.C. 41976: CONTINUED DISTRICT AUTHORIZATION TO OFFER 10 AREAS OF ADULT EDUCATION

SEC. 22.

Section 41976 of the Education Code is amended to read:

41976.

(a) For purposes of this chapter, the following classes and courses are authorized to be offered by school districts and county superintendents of schools for apportionment purposes from the adult education fund:

(1) Adult programs in parenting, including parent cooperative preschools, and classes in child growth and development, parent-child relationships, and parenting.

(2) Adult programs in elementary and secondary basic skills and other courses and classes required for the high school diploma. Apportionments for these courses and classes may only be generated by students who do not possess a high school diploma, except for remedial academic courses or classes in reading, mathematics, and language arts.

(3) Adult education programs in English as a second language.

(4) Adult education programs for immigrants eligible for educational services in citizenship, English as a second language, and workforce preparation classes in the basic skills of speaking, listening, reading, writing, mathematics, decision making and problem solving skills, and other classes required for preparation to participate in job specific technical training.

(5) Adult education programs for adults with disabilities.

(6) Adult short-term career technical education programs with high employment potential. Any reference to “vocational” education or programs in adult education means “career technical” education or programs in adult education.

(7) Adult programs for older adults.

(8) Programs offering pre-apprenticeship training activities conducted in coordination with one or more apprenticeship programs approved by the Division of Apprenticeship Standards for the occupation and geographic area.

(9) Adult programs in home economics.

(10) Adult programs in health and safety education.

(b) No state apportionment shall be made for any course or class that is not set forth in subdivision (a).

APPENDIX D – E.C. 52616: USE OF LCFF FUNDS TO SUPPORT ADULT EDUCATION

SEC. 34.

Section 52616 of the Education Code is amended to read:

52616.

(a) Notwithstanding any other law, commencing July 1, 1993, the Superintendent shall determine an adult block entitlement, to be paid from appropriations to Section A of the State School Fund as part of the principal apportionment to school districts, for those school districts that maintain education programs for adults by multiplying the adult education revenue limit per unit of average daily attendance determined pursuant to Section 52616.16 and the adult education average daily attendance determined pursuant to Section 52616.17.

(b) The adult block entitlement shall be deposited in a separate fund of the school district to be known as the “adult education fund.” Money in an adult education fund shall be expended only for adult education purposes. Except for moneys received pursuant to the local control funding formula, moneys received for programs other than adult education shall not be expended for adult education.