

AB 1491 (McCarty) Senate Education Committee Amendments

Strike the contents of the bill and replace with the following:

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) "Carryover" means the amount of unspent adult education program funds from the prior fiscal year, certified on or before September 1 of the current fiscal year, expressed as a percentage of the prior fiscal year's allocation.

~~(b)~~ (c) "Consortium" means an adult education consortium approved pursuant to this article.

~~(c)~~ (d) "Executive director" means the executive director of the State Board of Education.

~~(d)~~ (e) "Program" means the Adult Education Program established by Section 84900.

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, **including having excessive carryover for at least two consecutive fiscal years,** 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, **including having excessive carryover for at least two consecutive fiscal years,** 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.

(d) (1) For purposes of this section, a finding made by a consortium shall require a majority vote of its membership.

(2) A consortium that makes a finding by majority vote pursuant to subparagraph (C) of paragraph (1) of subdivision (b) or subparagraph (C) of paragraph (2) of subdivision (b) based on a member having excessive carryover for at least two consecutive

fiscal years may reduce the member's allocation by no more than the amount of the member's carryover.

(e) (1) A consortium with carryover from one or more prior fiscal years exceeding 20 percent shall be required to submit a written expenditure plan, including future corrective actions to reduce the consortium's carryover to below 20 percent, to the chancellor and the Superintendent.

(2) For each fiscal year that a consortium has carryover of more than 20 percent, the chancellor and the Superintendent shall prescribe and assign technical assistance to that consortium to ensure that adequate adult education services are provided to the region in proportion to the region's available funding.

(3) The chancellor and the Superintendent shall ensure that the consortium funding remains dedicated to that consortium's region.