

AB 104 Education Omnibus Trailer Bill

SEC. 39. Article 9 (commencing with Section 84900) is added to Chapter 5 of Part 50 of Division 7 of Title 3 of the Education Code, to read:

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.