



COLLABORATING TO BETTER SERVE  
THE EDUCATIONAL NEEDS OF ADULTS

# AB 86: Adult Education

Webinar Series

<http://ab86.cccco.edu>

7-24-2015



CALIFORNIA COMMUNITY COLLEGES  
CHANCELLOR'S OFFICE



California Department of  
EDUCATION

# Agenda for Today's Webinar

- AEBG Summit – September 24-25
- Status Update
- Feedback Questions
- Consortia Regional Boundaries
- Fiscal Agent
- Governance

# AEBG Summit 2015



Save the Date

- September 24-25, 2015 – Sacramento CA
- Sheraton Grand – 1230 J Street
- 9/24– 9:00am registration
- 9/25– closing by 12noon
- Hotel/travel/ incidentals on your own
- AB86 Office will pay for registration.
- Details & registration info out soon.
- Need volunteer helpers and workshop presenters.
- E-mail the [ab86@cccco.edu](mailto:ab86@cccco.edu) in box if interested.

## Status Update

- Grant Award Approved
- MOE – to be certified soon
- Regional Consortia – working on it
- Fiscal Agent – need to know soon
- Project Director – update contact information
- Guidelines – working on it
- Deliverables – due dates out soon.

## Follow up areas from last few weeks webinars

- Disclaimer
- Governance
- Allowability
- Accountability

## Disclaimer

- Please note.....
- This is the DRAFT that reflects current thinking.
- It is not official, it will be edited, and it should not be used as guidelines at this time.
- It is subject to change.
- Feedback on today's material.....
  - Today – via chat room and the AB86 inbox
  - Afterwards – via the AB86 inbox  
[ab86@cccoco.edu](mailto:ab86@cccoco.edu)

# Governance

- Need governance questionnaire
- Role of COEs & JPA in consortia
- What is the consortium's authority?
- Can you have more than one designee from a member?
- Brown Act - we need to know whether all the elements are Brown Act are invoked by the AB104 language.
- If the County of Education Office has no adult ed funds, do they need to be invited to join as a member?

# Allowability

- Program Definitions
- Does allowability guidance pertain to both MOE and consortia?
- The 17/18 year old student question
- How do we avoid supplanting of apportionment funding aka double dipping?
- Have we addressed what the 5% indirect allocation refers to? Will the 5% be based on the total regional consortium allocation, I.E., MOE and consortium combined? How is this applied to a fiscal agent model vs. a multiple fiscal agent model?
- If the rules for the AEBG apply to the MOE funds going directly to districts, does the consortium have to approve budgets for the adult schools' individual MOE funds?
- If we don't have a fiscal agent and a school doesn't spend all their allocation funds by the end of the year, what happens to those unexpended funds? Do they fall to the district's reserve or go back into the consortium?

## Allowability (cont.)

- The supplanting/mixed use issue should be addressed more extensively. For example, there was a suggestion to develop a remedial/transitional course using AEBG funds. Then, that same course would be offered for apportionment. Is this second part allowable?
- Are there any Education Code or Community College regulations to enforce for the Adult Education Block Grant?

# Accountability

- The allocation of funds separated by MOE and Consortium funds will be reported by the district office or each school?
- Will you be working with CASAS and ASAP to develop a new forms and reports to align with new reporting requirements?
- Consortium "point person" may be more than one person, correct? Co-chairs from both systems.
- Will any of the extra 25mil for data systems be available to consortia? Innovation projects etc.?
- If 2014-15 is a baseline year, and MOE doesn't let adult schools to maintain that year's capacity, it's a real problem.

# Regional Boundaries

Question: Can regions split their consortium down to smaller areas?

Answer: Not at this time. The original 72 regional planning consortia will stay the same as they were for the planning phase and will continue into the implementation block grant. These 72 existing regional consortia can petition to be combined like a few already did.

Note: The budget bill language related to regional boundaries is clear on this – reference section 84903 of the budget bill related to the adult education block grant.

# Fiscal Agent

- What does a fiscal agent do?
- What qualities do I look for in a fiscal agent?
- If our consortium opts out of having a fiscal agent, what are we responsible for on the block grant?
- What role does the consortia point person play in all this?
- What is the timeline for these decisions?

## What does a fiscal agent do?

- A fiscal agent is a bank (or acts as a banker).
- Processes expenses related to the grant as agreed upon by the consortium members.
- Certifies that the grant expenditures have been prepared in accordance with the applicable Federal and State regulations.
- Works with the consortium to implement fiscal decisions made by the members.

## A fiscal agent is not.....

- A consortium decision maker.
- An authority to approve expenses applied against the grant.
- Assigned the oversight role in the consortium for program & fiscal decisions.
- Part of the governance group.

# What qualities do I look for in a fiscal agent?

- Is responsive to consortium members and will follow its direction.
- In case of approval items - has a board that meets monthly .
- Their board has a high dollar threshold for items to go to the board for approval. Meaning that not everything will have to go for board approval.
- Their accounting office that turns things around quickly - contracts, MOUs
- Does not have internal or district policies that are in addition to state regulations for the grant.
- Has experience in handling grants from state agencies (different than their current state agency).
- Has a good track record in the region.
- Is not interested in adult education program/policy - meaning will play the fiscal agent/banker role with fairness to all members.
- Is responsive to the State.
- Works well with Project Point of Contact

If our consortium opts out of having a fiscal agent, what is the consortia responsible for on the block grant?

- Consortium must role up all member funding and report consortium budget & quarterly expenditures to the State.
- Consortium must certify that the grant expenditures have been prepared in accordance with the applicable Federal and State regulations.
- Consortium must follow budget & expenditure plans as agreed upon by members according to the plan submitted to the State.

## What role does the consortia point person/chairs play in all this?

- Works with the fiscal agent to submit annual budget and quarterly expenditure reports.
- Works to ensure that member decisions are followed through by the fiscal agent.
- Formalizes the open meeting requirement to make sure fiscal decisions are approved using the agreed upon governance rules.
- Submits deliverables to the State demonstrating consortium agreement (member sign off).

# What is the timeline for these decisions?

- CDE and CCCCO are working on Regional Consortia formula.
- Consortia should start looking at:
  - What does your annual plan look like for 15-16?
  - How will you spend the money?
  - What will your grant budget look like?
  - How will you make decisions?
  - Who are your officially designated members?
  - Who will be my fiscal agent(s)?
  - How will my consortium function within the budget language and soon to be released guidance?

## Governance

- What is the intent of the governance process?
- How will rules & procedures be developed?
- What is the timing?
- What are the questions in the online template?
- How will that process work?

# Governance Guiding Principles

- Guiding Principles (*for decision making*) - are the specific application of the language in AB104.
- Transparency, inclusiveness, inviting broad participation and comment, timely notice of decisions, clarity about representation and process in decisions, and a consistent focus on the plan itself.
- Each consortium will need determine how these principles play out in their local context.

| Question                        | How will required consortia Rules and procedures (per 84905) be developed?  |
|---------------------------------|---|
| Emerging point of view / status | <p><b>First</b>, in the spirit of local flexibility, there will be no mandated single template with uniform language for all consortia. Each consortia will develop and formally adopt their own Rules and Procedures that meet legal requirements.</p> <p><b>Second</b>, to ensure minimum consistency and compliance with the Law, the AB104 implementation guidelines will include a list of required elements to be included in individual Rules and Procedures (eg., decision making rules, public notice rules, rules for adding/removing members, etc.)</p> <p><b>Third</b>, to support consortia in their efforts, CDE/CCC will create an online questionnaire form that will prompt consortia to think through all required elements and offer additional information as appropriate. The finalized version of the Rules and Procedures form must be approved by the Governing Body of each member, and by CDE/CCC in order to be enacted.</p> <p><b>Fourth</b>, in addition, to support consortia, CDE/CCC will host a resource library of approved consortia Rules and Regulations that others may use as reference documents.</p> |
| Additional info                 | <p><b>Example 1:</b> Frequent question is how will decisions be made. AB104 specifies that</p> <ol style="list-style-type: none"> <li>1) All members MUST participate in the decision-making process.</li> <li>2) A member is any (formally accepted) – CCD, K-12, COE, Joint Powers Authority</li> <li>3) Each member has an formally designated official.</li> </ol> <p>However, AB104 does not specify:</p> <ol style="list-style-type: none"> <li>1) How many votes does each member have? (e.g.: 1 member=1 vote, 1 institution=1vote, votes proportionate to adult students served)</li> <li>2) How many votes are needed to approve a decision? (e.g.: 51%? 50%+1 vote? 2/3 of votes? consensus?)</li> </ol> <p>Under this guideline, each consortia will have to agree on how they want to be jointly making decisions and include it in their Rules and Procedures.</p> <p><b>Example 2:</b> Brown Act or no Brown Act - up to each Consortia to decide how to adhere to public notice process</p>   |

|  |  |
|--|--|
| <b>Question</b>                        | What should the timing be for development and approval of the required rules and procedures for each consortium be so they can get the 2015/16 consortia funding?  |
| <b>Background</b>                      | Consortia have a long list of deliverables over short period of time   |
| <b>Emerging point of view / status</b> | <p><b>First</b>, Rules and procedures <b>MUST</b> be formalized before 2015/16 money is distributed. FYI, money must be available to be distributed by Oct/ Nov 2015, though CDE/CCC are working hard to making funding available sooner.</p> <p><b>Second</b>, Possible sequence of events:</p> <ul style="list-style-type: none"> <li>*Each member's Governance Board designates an "official" to the consortia</li> <li>*These officials collectively drafts / deliberates / agrees / approves "Rules and procedures"             <ul style="list-style-type: none"> <li>- drawing on what they've developed for the planning</li> <li>- use the Rules and Procedures questionnaire as a guide</li> </ul> </li> <li>*CCC/CDE approves individual "rules and procedures"</li> <li>*Consortia develop proposed decision for distribution schedule and any plan amendments</li> <li>*Consortia goes through open meeting process to formally approve the distribution schedule and amendments</li> <li>*Consortia develops the required budget documentation and follow administrative process for fund release</li> </ul> |
| <b>Next steps</b>                      | How should consortia be supported to AGREE on rules and procedures in a timely effort?   |

## Timeline (cont.)

- Determine who will be representing each member.
- Have them schedule the designation process with their local board.
- At the same time begin the rules & procedures process.
- Begin using the questionnaire as a guide (out soon).
- Complete the governance template (will be posted soon).
- Provide the State information on consortium structure along with agreed upon Governance Plan.

What are the questions in the online template?

## Questionnaire / Template (part 1)

1. Have all community college districts, school districts, or county offices 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 been allowed to join the consortium as a member?
2. Have all members committed to reporting any funds available to that member for the purposes of education and workforce services for adults and the uses of those funds? How will the available funds be reported and evaluated?
3. How will you assure that each member of the consortium is represented only by an official designated by the governing board of the member?
4. How will you assure that all members of the consortium shall participate in any decision made by the consortium?

## Questionnaire / Template (part 2)

5. What will be the relative voting power of each member?

e.g., 1 member = 1 vote

e.g., 1 institution = 1 vote (thus giving districts with multiple institutions multiple votes)

e.g., Other (eg, votes proportionate to adult students served)

6. How will decisions be approved?

E.g., by majority vote of 51%, or 50% +1 vote, or  $\frac{2}{3}$  of votes

e.g. by consensus

7. How did you arrive at that decision-making model?

8. How will proposed decisions be considered in open, properly noticed public meeting of the consortium at which members of the public may comment?

9. Describe how will you provide the public with adequate notice of a proposed decision and consider any comments submitted by members of the public?

## Questionnaire / Template (part 3)

10. Describe how comments submitted by members of the public will be distributed publicly.
11. Describe the process by which the consortium will solicit and consider comments and input regarding a proposed decision from other entities located in the adult education region that provide education and workforce services for adults. Such entities will include but not necessarily be 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.
12. How will you determine approval of a distribution schedule pursuant to Section 84913?

## Questionnaire / Template (part 4)

13. Has the consortium A) designated a member to serve as the fund administrator to receive and distribute funds from the program or B) chosen to have a funds flow directly to the member districts based upon the approved distribution schedule?
14. How will members join, leave, or be dismissed from the consortium?
15. Does the consortium have a formal document detailing its working beyond this questionnaire? (Please provide a link)

## Concerns

- As we have been given this heads up to guidance, but need to have representatives named by their school boards and create rules to be ready to allocate funds by November, is there any discussion about extending the timelines?
- Since most boards cannot meet until September to designate official voting members, can we use our current planning "voting" committees to pass action items -as long as they do not have anything to do with allocation of implementation funds?

# AB86

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