

# SVAEC BYLAWS

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## **Rules & Guidelines for the Governance & Administration of the Salinas Valley Adult Education Consortium (SVAEC) under AB104 – Adult Education Block Grant Program**

SEPTEMBER 2021 version

The following document is based on AB104 legislation, guidelines issued by the State California Adult Education Program (“CAEP”) Office, and decisions made locally by the Salinas Valley Adult Education Consortium Steering Committee.

### **Article I. ENTITY**

These guidelines shall be agreed upon and followed by all local education agencies (LEAs) that serve as voting members (“Members”) of the Salinas Valley Adult Education Consortium (“SVAEC” or “the Consortium”). These Members are:

- Gonzales Unified School District
- North Monterey County Unified School District
- Salinas Union High School District
- Soledad Unified School District
- South Monterey County Joint Union High School District
- Hartnell Community College District
- Monterey County Office of Education

### **Article II. PURPOSE**

The Salinas Valley Adult Education Consortium’s purpose is to expand and improve adult education services in the Salinas Valley region (the boundaries of which are those of the Hartnell Community College District) through collaborative regional planning, coordination, and evaluation.

The establishment of the SVAEC and all Consortium activities shall be in accordance with the rules prescribed in California Assembly Bill 104 (AB104), Section 39, Article 9, Adult Education Block Grant Program (“AEBG”).

AB104 identifies seven program areas that may be supported by the Adult Education Block Grant:

- Programs in elementary and secondary skills, including those leading to a high school diploma or high school equivalency certificate.
- Programs for immigrants in citizenship, ESL, and workforce preparation.
- Programs for adults, including, but not limited to, older adults, that are primarily related to entry or reentry into the workforce.
- 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.
- Programs for adult with disabilities.
- Programs in career technical education that are short term in nature with high employment potential.

- Programs offering pre-apprenticeship training conducted in coordination with one or more apprenticeship programs approved by the Division of Apprenticeship Standards.

The Vision and Mission of the SVAEC are as follow:

### **VISION**

*All adults in the Salinas Valley will receive equitable access to the education, training, guidance, and support needed to set and achieve their educational and career goals.*

### **MISSION**

*The Salinas Valley Adult Education Consortium fosters the expansion, improvement, and accessibility of adult education services in the region.*

## **Article III. STRUCTURE**

### **Steering Committee**

A Steering Committee shall be comprised of member board-approved designees (“Designees”), the Consortium Director, and the Consortium Fiscal Agent. The Consortium Director and Fiscal Agent provide guidance only and have no voting power.

### **Member Designees**

Each Member must be represented by official Designees to the Consortium. Each Member must have at least one official designee, and a Member may have as many official Designees as it deems necessary. These Designees must be approved by their respective district governing boards as official representatives with the power to vote on behalf of their districts in Consortium proceedings. In the event of an emergency, an official Designee may appoint a temporary proxy by notifying the Director of the SVAEC in writing.

A Designee is the representative of the entire district and is expected to communicate with all constituents/stakeholders within the district, including instructors, students, staff, administrators, and the governing board, in order to represent them accurately and appropriately. A Designee is also expected to serve as the liaison between their district and the Consortium, and to assist in the gathering and sharing of district information and data. Members are requested to designate individuals who are either directly involved in or at minimum familiar with their districts’ adult education needs, resources, and activities.

### **Consortium Director**

The Consortium will employ a Director to:

- Serve as the Consortium’s liaison to the CAEP Office, the California Department of Education (CDE), and the California Community College Chancellor’s Office (CCCCO) (collectively “the State”); respond to State inquiries and requests
- Formalize and facilitate Consortium communication, meeting, and decision-making activities in accordance with approved governance rules

- Facilitate Consortium planning, assist in the implementation of planned strategies, and coordinate the assessment of implemented activities
- Collect, compile, and track member information, including programmatic, fiscal, and student-level data and activity
- Submit deliverables, including plans, reports, data, and other Consortium information to the State, with evidence of member agreement and approval
- Facilitate collaborative professional development activities for the Consortium
- Promote and strengthen the Consortium by assisting in marketing and outreach activities and facilitating relationship-building between members and partners
- Develop Consortium goals and timelines; track outcomes and deliverables

### ***Fiscal Agent***

The Consortium will choose a Member to serve as its Fiscal Agent to receive CAEP funds from the State on behalf of the Consortium and distribute the funds to Members. Contracts between the Fiscal Agent and Members will be entered into to formalize this arrangement, and to clarify the fact that Members are liable for their use of CAEP funds and subject to audit, not the Fiscal Agent.

Beginning in Fall 2015, Hartnell Community College District will serve as the Fiscal Agent for the SVAEC. Beginning in July 2016, the Fiscal Agent will discontinue the distribution of funds using a “reimbursement” or “sub-contract” fund distribution process, and will instead begin to utilize a “pass-through” fund distribution process in order to expedite Members’ receipt of their allocated funds.

In collaboration with the Consortium Director, the Fiscal Agent will:

- Coordinate the completion of contracts, budgets, reports, and related processes and documents, in collaboration with Consortium members, district administrators, and accounting staff
- Collect and roll up members’ budget and expenditure data for State reporting
- Collect and roll up members’ student enrollment and performance data for State reporting
- Complete and submit all fiscal administration documentation
- Ensure compliance of activities and expenditures with State and Consortium guidelines
- Ensure that member decisions are executed
- Purchase consortium-level items/pay for consortium-level services
- Hire and prepare payroll for consortium-level staffing

### ***Consortium Support Staff***

The Steering Committee may hire staff as needed to support the Consortium, particularly for fiscal and reporting activities. The Steering Committee must vote to determine the funding and duties for staff.

### ***Workgroups & Professional Learning Communities***

Members will be further represented by instructor and staff participation in workgroups or professional learning communities (“PLCs”). The objectives, outcomes/deliverables, and guidelines for these groups shall be agreed upon by the Steering Committee and the group participants.

## **Article IV. MEMBERSHIP**

### ***Member Eligibility***

All community college districts, school districts, county offices of education, and joint powers authorities that offer adult education services in the region shall be invited and allowed to join the SVAEC. These entities must be members of the Consortium in order to receive CAEP funding.

Per AB104, community college districts, K-12 school districts, COEs, or JPAs must be members of the Consortium if they receive funds from:

- LCFF apportionments for students 19+
- WIOA, Title II
- Carl D. Perkins CTE Act
- Community College District apportionment
- State funds for remedial education and job training for CalWORKS participants
- Adults in Correctional Facilities Programs

### ***Member Confirmation and Representation***

Members will vote on whether or not to invite an entity to become a new voting member or partner of the Consortium. Acceptance of membership will be confirmed by the new Member's submission of evidence of appointment of the required number of board-approved Designees to the SVAEC.

Each Member shall provide official documentation from their governing board or superintendent stating the names of its primary and alternate Designees to the SVAEC. This documentation will include evidence of board approval of their appointment which provides authorization for the Designee(s) to vote on the member district's behalf in SVAEC proceedings.

No one individual shall represent more than one Member as an official Designee (primary or alternate). No adult education program will be represented more than once (even if part of more than one member district).

### ***Member Withdrawal or Inactivity***

Members may voluntarily withdraw from the SVAEC but must provide written notification thirty (30) days prior to divesting their membership. Any Member that voluntarily chooses to withdraw from the Consortium must return the remainder of its allocation to the Fiscal Agent within 15 days of the effective date of withdrawal. The Steering Committee will determine how to redistribute the returned funds.

A Member may choose to be "Inactive" for a certain fiscal year without separating from the Consortium completely. A Member must notify the Steering Committee in writing by April 15 of the year prior to the fiscal year that it wishes to be Inactive. An Inactive Member shall not receive CAEP funding during the year of inactivity; however, it may continue to implement activities and expend funds during the current fiscal year and must continue to submit expenditure and performance reports on those activities. An Inactive Member shall not have voting power during the period of inactivity.

### ***Member Penalties and Dismissal***

The Steering Committee may take action to penalize or dismiss a Member if:

- The Member no longer wishes to provide services consistent with the adult education plan
- The Member cannot provide services that address the needs identified in the adult education plan

- 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

Possible penalties may include decreased or loss of funding, loss of voting power or forced inactivity, or dismissal from the Consortium. Any of these actions must be voted on by all Active Members. Such decisions will be communicated in writing by the Consortium Director to the penalized/dismissed Member's superintendent, with an explanation of the reason(s) for penalty/dismissal.

A penalized or dismissed Member must return the remainder (or agreed upon amount) of its allocation to the Fiscal Agent within 15 days of the effective date of dismissal. The Steering Committee will determine how to redistribute any returned funds.

## **Article V. MEMBER COMMITMENTS**

### ***Member Participation***

Members will participate fully in the work of the Consortium by attending monthly Steering Meetings, and other meetings as needed; communicating with fellow Members, the Consortium Director, and the Fiscal Agent as needed; providing the data and information requested by the Consortium and the State; and actively contributing to the development and approval of Consortium plans, budgets, and reports.

Members will encourage teachers/faculty and staff to participate in the professional learning communities (PLCs) and other workgroups, as possible.

Members will be knowledgeable of the CAEP objectives and regulations established by the State and locally by the Consortium, and will ensure that all Consortium Members, the Director, and the Fiscal Agent are acting in compliance and in the best interest of the Consortium and the region's adult learners.

### ***Planning***

All members must participate in the long-term and annual planning for the Consortium. The Steering Committee shall develop and approve (and amend, if necessary) a regional Three-Year Plan and a regional Annual Plan and Budget for each fiscal year. All Members must participate in the development and approval of every Consortium plan or deliverable, and a Designee from each Member must sign each deliverable (may use an electronic signature).

CAEP funds shall not be used for any activities or expenditures not included in the approved Annual Plan for that fiscal year and the regional Three-Year Plan.

All plans and budgets, or amendments to existing plans and budgets, must be discussed and approved in an open and transparent process. Thus, the Consortium shall:

- Discuss the document(s)/amendment(s) at a properly noticed public meeting
- Obtain Member input and public comment
- Involve all Members in the final decision on the document(s)/amendment(s)
- Publish the minutes of the decision for public viewing
- Use the State system for updating/uploading documents/amendments

AB104 requires Consortium Members to contribute to and approve adult education plans that include the following:

- An evaluation of the educational needs of adults in the region, including an evaluation of current levels and types of education and workforce services for adults in the region and a description of the providers and the services they offer.
- An evaluation of all adult education funds available to the members of the Consortium (in addition to CAEP funds).
- Actions that the members of the Consortium will take to address the educational needs of adult learners in the region and improve the effectiveness of their services.
- A description of the ways in which each Member contributed to the development of the plan.

### ***Implementation***

All CAEP fund recipients shall expend funds according to the approved regional adult education plans. If a Member's planned activities and budget need to be adjusted, the Member must consult with the Consortium Director and Fiscal Agent to ensure continued compliance and alignment and to inform plan amendments and budget transfers.

### ***Assessment & Reporting***

All CAEP fund recipients shall comply with the assessment and reporting guidelines and schedules required by the SVAEC and the State.

### ***Other Adult Education Funding Sources***

Members shall disclose all sources and amounts of adult education funding available to them for education, training, and workforce services for adults in the region. This funding information will be provided by each Member's Chief Business Officer and/or official Consortium designee to the SVAEC Fiscal Agent and Director on an annual and as-needed basis. The Fiscal Agent and Director will be responsible for reporting the information to the State. This information will inform regional adult education plans (annual and long-term), ensure alignment of resources with regional needs, priorities, and objectives, and help avoid supplanting and duplication of efforts.

## **Article VI. MEETINGS**

### ***Meeting Schedule***

A minimum of 8 Steering Meetings will be held each fiscal year. The SVAEC will create and publish an annual calendar of scheduled Steering Meetings. [Note: Members are still responsible for deliverables due to the Consortium and the State during months when no regular Steering Meeting is held, i.e. submitting information, data, and reports to the Consortium, and reviewing and approving plans and reports before they are sent to the State.]

Special Consortium Meetings may be held as needed, and will be announced through the Consortium email list and posted on the Consortium website with as much notice as possible.

Meeting schedules for Workgroups or PLCs shall be determined by each group's participants (according to each group's agreed guidelines and requirements).

## ***Open and Public Meetings***

Steering Meetings are open to the public and not exclusive to the Steering Committee. Member designees will not make decisions in closed meetings, and no action will be taken – at a meeting or electronically – on issues that have not been discussed at an open and public meeting.

Steering Meetings will be open to board-approved member designees with voting rights, non-voting member representatives, community partner representatives, and the public. All adult education stakeholders from member districts and partners are encouraged to attend Steering Meetings and participate in Consortium activities and dialogue.

The Steering Meeting Schedule will be posted on the SVAEC website at the beginning of each fiscal year.

Proposed decisions/actions will be included in the preliminary Steering Meeting agenda five (5) days before the meeting, which will be posted on the SVAEC website and distributed to the Consortium email list. Public comment will be invited and any comments made prior to a steering meeting will be distributed as an attachment to the agenda and reviewed at the meeting (per the section below).

## ***Public Comments***

Comments that are submitted by members of the public at least three (3) days in advance of a Steering Meeting will be added to the agenda and communicated at the Steering Meeting by the Director. Members of the public who wish to provide comments at a meeting will be given three (3) minutes maximum to speak and their comments will be included in the meeting minutes. Meeting minutes will be posted on the SVAEC website and distributed via the Consortium mailing list.

## ***Stakeholder Engagement***

The Consortium will solicit input from other adult education stakeholders by inviting them to attend and participate in discussion at the regularly scheduled steering meetings, asking them to give presentations about their programs and services at meetings, periodically holding special meetings or events with current and potential partners, inviting stakeholders to participate in SVAEC Professional Learning Communities and workgroups (when relevant and appropriate), and member/partner/stakeholder site visits. The Consortium Director and Members will continue to reach out to regional stakeholders to build and strengthen these relationships. Partners and other stakeholders will also be added to the SVAEC email list. These activities are key to identifying common needs and opportunities and leveraging regional resources.

## ***Meeting Agendas and Minutes***

The preliminary agenda for each Steering Meeting as well as minutes from the previous meeting will be disseminated five (5) days in advance to the SVAEC members, partners, and public through the Consortium email list and posted on the Consortium website. This allows time for additions or changes to be made. The final agenda will be distributed one (1) day before the Steering Meeting.

All public comments will be permitted at the Steering Meetings with a limit of three (3) minutes per person, unless otherwise scheduled on the agenda. At the beginning of each Steering Meeting, the agenda will be reviewed and approved. Designees shall only vote on items that are on the approved agenda. New items can be added to the agenda at the beginning of the meeting and can be voted

on at that meeting if a member designee from each member district is present and all designees present agree that a vote may be held. If new items are presented but not all members are present, then there may be discussion but the vote will be postponed until the next Steering Meeting or held electronically so that all members may participate.

It is the Consortium Director's responsibility to facilitate Steering Meetings and ensure compliance with these rules and procedures.

Consortium Workgroup or Professional Learning Community meetings shall be scheduled and organized by each group and attended by individuals appointed to the group or invited to the meetings. Each group will keep records of meeting agendas, minutes, and attendance.

## **Article VII. DECISION-MAKING**

### ***Requirements***

The AB104 legislation requires that:

- All members shall participate in any decision made by the Consortium.
- A proposed decision is considered at an open, properly noticed public meeting of the Consortium.
- 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.
- 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, and those comments have been considered and responded to.
- A decision is final.

### ***Voting and Quorum***

There must be a minimum of 50% + 1 member designees present for a vote to take place (i.e., quorum will be 4 out of 6 members or 5 out of 7 members). A vote will be postponed if there is no quorum.

Each member district will have one vote. If a Member's primary Designee is not present, a board-approved alternate Designee will vote on the Member's behalf.

Decisions will be made by consensus. All attempts will be made to reach consensus (100% vote in favor); however, if consensus cannot be reached, a motion may be made to vote with majority rules (50% + 1).

All Consortium decisions, whether fiscal, governance, or programmatic in nature, will be made by majority vote (50% + 1, which for the SVAEC means that a motion will carry only if 4 out of 6 or 5 out of 7 Member Districts vote in favor).

The only exception to this policy is the following:

A Member's baseline annual allocation may only be changed (increased or decreased) if all Members vote in favor (unanimous agreement of Members participating in the vote; all Members must have the opportunity to participate in the vote), per California Adult Education Program (CAEP) guidance.



However, an exception may be made to the aforementioned exception:

A Member's funding may be reduced by majority vote (50% + 1) if and when sufficient evidence is provided that:

- 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.

In the case of (C), sufficient evidence must be gathered over the course of one (1) entire fiscal year through the following process, which consortia are required to follow, per CAEP guidance:

If Consortium decides that a member has been consistently ineffective in providing services that address the needs identified in the adult education plan and is not following the member requirements or general assurances, Consortium must take the following steps:

1. Document the member's ineffectiveness (i.e., what requirements are they not meeting).
2. Notify the member that they are being monitored for effectiveness and their funds could be reduced as a result.
3. Notify CAEP TAP for technical assistance for the member.
4. Provide the information in #1-3 to the CAEP Office.
5. Work with CAEP TAP and the CAEP Office to determine if reasonable interventions have not resulted in improvements.
6. If no improvements after steps #1-4, reduce the member's funding and update the CFAD allocation schedule. Copy the CAEP Office on all correspondence related to member funding reduction.

This means that decisions regarding the following situations shall be decided by majority vote:

- Use/allocation of new/additional funding from the State (e.g., COLA allocations) .
- Use/allocation of Member carryover funds that are returned to the Consortium Shared Funds (per the Consortium's 18-month rule).
- Use/allocation of Shared Consortium Funds, including reallocation to Members.

Only a Member Designee (or an approved proxy) may make a motion to vote in a meeting, and it must be seconded by another Designee. All Designees will vote on the motion using "Aye" in favor, or "No" in opposition. The call to "Abstain" can be made if the Designee chooses to withhold a vote; that Member's vote will not be counted in the total votes tallied but will be listed as an abstention.

Motions that result in a tied vote are considered unapproved, and a new or revised motion must be made and further discussion held until a majority vote is reached.

Votes may be held and submitted electronically (via email or online survey) only on matters already discussed in an open and public meeting.

## ***Mediation***

If a matter does not appear to be easily or effectively resolved by Members, the Director will seek external assistance for mediation and resolution.

## **Article VIII. FUNDING & SPENDING**

### ***Eligibility for Funding***

Recipients of CAEP funding (MOE and non-MOE Regional Consortium Funding) are required to fulfill the following criteria in order to receive an apportionment:

- Be a member of Consortium (members may sub-contract with non-members).
- Have approved the Consortium's adult education plan for that fiscal year.
- Use CAEP funds (MOE and non-MOE) on only the seven approved program areas and only for adults eighteen (18) years of age or older.

In order to be eligible to receive and retain its approved annual allocation in full, a Member must be in good standing with the SVAEC and the State, meaning the district is willing and able to spend funds in accordance with the AB104 legislation and approved regional plans and budgets. A Member who is not in good standing may lose its eligibility for funding. A Member is not in good standing if:

- The Member no longer wishes to provide services consistent with the adult education plan.
- The Member cannot provide services that address the needs identified in the adult education plan.
- 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.

If a Member loses its eligibility for funding, the SVAEC Steering Committee will determine how to spend that Member's allocation. The Member may choose or be asked to sub-contract with another Member or partner who will be able to provide the services as planned.

### ***Requests for Funding***

All requests for funding must be made in writing using the Consortium template and submitted by deadlines established by Consortium members. Requests must be supported by evidence of Member need, capacity to successfully utilize the funds for activities aligned with the Consortium's regional adult education plans and funding criteria, and plans to effectively evaluate the impact made by the funded activities.

### ***Approval of Funding***

All requests for funding shall be reviewed and voted on by all Members. The Consortium's Allocation Schedule shall be determined by vote at an open and public Steering Meeting. The approved Allocation Schedule and corresponding Budget will be communicated to the State by the Consortium Director and Fiscal Agent. Regardless of the standard voting procedures adopted by the Consortium (majority or consensus), any decision to change the existing SVAEC Allocation Schedule must be unanimously agreed upon by all Members.

### ***Allowable Costs***

Per AB104, all allowable costs must meet three primary criteria:

- The cost must be necessary, reasonable, and substantiated for proper and effective administration of the allocations.
- The cost must be allocable to the funding source activities.
- The cost must not be a general expense required to carry out the Member's overall responsibilities (i.e., not supplanting other funds). The funds may not free up state or local dollars for other purposes, but should create or augment programs to an extent not possible without CAEP funding.

However, even if the costs meet the prior three criteria, the costs must be approved within the Consortium's Three-Year Plan and Annual Plan (or an amendment to both documents). Otherwise, they are not allowable within that year. Also the State has the discretion to impose special conditions above and beyond the funding source which would also determine allowability of cost.

### ***Restricted Funds***

CAEP funds are restricted funds.

### ***Student Fees***

Fees may be charged to students only when required or authorized by law.

### ***Indirect Costs***

Members may use their approved district rate for indirect costs for any CAEP apportioned funding.

### ***Administration Cap***

The Consortium may use no more than five percent (5%) of funds allocated in a given fiscal year for Consortium-wide programmatic and fiscal administration activities (may be less, depending on the needs of the Consortium).

### ***Budget Adjustments***

A Member may make budget adjustments without receiving approval by the other Members as long as all activities and expenditures still remain in alignment with the Consortium plans and State regulations. Regardless, the Director and Fiscal Agent must always be informed of changes in Member activities and expenditures and will determine whether or not the changes should be included in a Consortium Plan Amendment.

### ***Fund Reallocations***

Reallocation of Consortium funds must be discussed and approved unanimously by all Members. If a Member is in need of funds beyond its original allocation, it must petition fellow Members for additional Consortium funds, providing sufficient evidence of need and satisfactory plans for use of the additional funds. The reallocation of funds from one Member to another Member will be made possible by a sub-contract between the two, and the State will be notified of the change.

### ***Potential Loss or Decrease of Funding***

The AB104 legislation addresses the possibility of a decrease in funding or loss of funding by Members for one or more of the following:

- The Member no longer wishes to provide services consistent with the adult education plan.
- The Member cannot provide services that address the needs identified in the adult education plan.
- 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.

### **Article IX. MONITORING & ASSESSMENT**

#### ***Reporting***

All members commit to reporting on a quarterly basis:

- Expenditures by AB104 program area, AB104 objective, and major object code.
- Activities and performance by AB104 program area and performance measure.

All members commit to reporting on an annual basis:

- Student data and outcomes according to CAEP performance measures.
- All sources and amounts of adult education funding.