

Date of Hearing: April 12, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 2860 (Brown) – As Amended March 28, 2016

[Note: This bill is doubled referred to the Assembly Education Committee and will be heard as it relates to issues under its jurisdiction.]

SUBJECT: Adult education: Adult Education Block Grant Program: appeals board.

SUMMARY: Creates the Adult Education Block Grant (AEBG) Appeals Board. Specifically, **this bill:**

- 1) Creates the AEBG Appeals Board; and, specifies that the Appeals Board shall consist of the following:
 - a) The California Community Colleges (CCC) Chancellor;
 - b) The State Superintendent of Public Instruction (SPI); and,
 - c) The Executive Director of the State Board of Education (SBE).
- 2) Authorizes a consortium member to submit an appeal to the AEBG Appeals Board.
- 3) Specifies that a consortium member or members may submit an appeal, in writing, for either of the following reasons:
 - a) The consortium has been unable to obtain the approval of its rules and procedures, as specified; and,
 - b) The consortium has failed to distribute funds, as specified.
- 4) Requires that when an appeal is submitted, the AEBG Appeals Board shall first determine if the appeal satisfies the requirements for an appeal; and, stipulates that the appeals board shall make this determination within 30 calendar days after receipt of the appeal.
- 5) Requires that if the AEBG Appeals Board finds that an appeal meets the requirements for an appeal, the AEBG Appeals Board shall schedule a meeting in order to hear the appeal; and, stipulates that the hearing shall be scheduled within 60 calendar days of determining an appeal is approved, in accordance with the Bagley-Keene Open Meeting Act, as specified.
- 6) Authorizes the AEBG Appeals Board to request additional information from the appealing consortium member or from the affected consortium, as necessary, in order to assist while the AEBG Appeals Board is hearing the appeal.
- 7) Requires the AEBG Appeals Board to post its decision of an appeal on the Internet Web site of the CCC Chancellor within 30 calendar days of the hearing.
- 8) Stipulates that the decision of the appeals board on an appeal shall be final.

EXISTING LAW:

- 1) Authorizes both the CCC and K-12 systems to offer and receive state funding for adult education courses (EC Sections 41976 and 84757).
- 2) Authorizes the following classes and courses to be offered by the school districts and county superintendent of schools for apportionment purposes from the adult education fund and prohibits state apportionment to be made for any course or class not specified in law:
 - a) Adult programs in parenting, including parent cooperative preschools, and classes in child growth and development, parent-child relationships, and parenting;
 - b) Adult programs in elementary and secondary basic skills and other courses and classes required for the high school diploma;
 - c) Adult education programs in English as a second language;
 - d) Adult education programs for immigrant 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, decisionmaking and problem solving skills, and other classes required for preparation to participate in job specific technical training;
 - e) Adult education programs for adults with disabilities;
 - f) Adult short-term career technical education programs with high employment potential;
 - g) Adult programs for older adults;
 - h) 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;
 - i) Adult programs in home economics; and,
 - j) Adult programs in health and safety education (EC Section 41976).
- 3) Authorizes a school district governing board to require a fee of an adult enrolled in a class for adults and prohibits the total of the fees required and revenues derived from average daily attendance from exceeding the estimated cost of maintaining such classes. Current law also prohibits the imposition of a charge of any kind for a class in English and citizenship or a class in an elementary subject, nor for any class which is designated as granting high school credit when the class is taken by a person who does not hold a high school diploma. To note: for a class in English and citizenship, a fee may be charged only until July 1, 2015 (EC Section 52612).
- 4) Prohibits the local governing board of a community college district (CCD) maintaining a noncredit course from requiring an adult enrolled in such a course to pay nonresident tuition or any fee or charge of any kind for a class in English and citizenship for foreigners, a class

in an elementary subject, a class designated as granting high school credit to an individual without a high school diploma or other adult basic education programs and courses, as specified (EC Section 76380).

- 5) Charges the CCC Chancellor's Office (CCCCO) and the CDE to jointly implement an adult education planning process; authorizes the CCCCCO and the CDE to distribute \$25 million to regional consortia to develop plans with the shared goal of better serving the educational needs of California's adult learners; and, specifies that the following five areas are to be addressed in the plans:
 - a) Elementary and secondary basic skills, including classes required for a high school diploma;
 - b) Classes and courses for immigrants in English as a second language, citizenship, and workforce preparations;
 - c) Education programs for adults with disabilities;
 - d) Short-term career technical education programs with high employment potential; and,
 - e) Programs for pre-apprenticeship training activities. (EC Section 84830).
- 6) Establishes the AEBG Program under the administration of the CCC Chancellor and the SPI and delineates the responsibilities of the CCC Chancellor and SPI in overseeing the Program. Tasks the CCC Chancellor and the SPI, with the advice of the Executive Director of the SBE to divide the state into regions that will best address the educational needs of adults in all regions of the state, specifying that there shall be only one adult education consortium in each region. Requires the CCC Chancellor and the SPI to approve, with the advice of the Executive Director of the SBE, for each consortium, rules and procedures, as specified (EC Section 84900, et seq.).
- 7) Requires a consortium, as a condition of receipt of an apportionment from the program, to approve a distribution schedule that includes: a) the amount of funds to be distributed to each member of the consortium for that fiscal year; and, 2) a narrative justifying how the planned allocations are consistent with the adult education plan (EC 84914).

FISCAL EFFECT: Unknown

COMMENTS: *Need for the measure.* According to the author, "The 70 state-wide consortia consist of at minimum one community college and one school district. The leader of each adult education delivery system, the Chancellor of the Community Colleges and the State Superintendent of Public Instruction, certified additional consortium funding for each region, according to demand for services in each community college district."

The author contends that, "current law does not include a process for mediation of disputes within each consortium. Furthermore, there is no third-party to intervene and mediate disputes, provide clarity around the interpretation of the legislation, or to swiftly move a consortium toward measurable progress. It is now March 2016, and very few of the consortia have distributed funding to the institutions who consider this funding as base funding."

Adult Education and Community College Noncredit. Adult education instruction is offered primarily at adult schools and community colleges. Some programs are also offered at community based organizations, libraries, correctional facilities, and the California Conservation Corps.

Adult Education Block Grant (AEBG) Framework. The California Community College Chancellor's Office and the California Department of Education are working in partnership to implement the AEBG. The 2015-2016 budget appropriated funding for adult education through the block grant. The AEBG appropriates these funds through regional consortia consisting of community college districts, school districts and county offices of education to implement regional plans to better serve the needs of adults.

Formal membership in consortia is limited to school and community college districts, county offices of education, and joint power agencies. Each formal member is represented by a designee of its governing board and each consortium determines its governance structure and submits its plan to the CCCCCO and CDE for approval.

Policy implications. The purpose of the AEBG Program and regional consortia is to have adult education providers work collaboratively; coming to consensus on their own, meeting the needs of their region. This measure sets up a state appeals process for adult education consortia members who are not able to come to a consensus. Community college districts throughout the regions have come together with their K-12 partners in order to develop their collective plans.

Committee staff understands that most of the consortia have been able to work out their differences as they seek to plan and provide education for adults. Furthermore, Committee staff understands that San Bernardino may be the only region unable to reach a consensus.

Should this measure move forward, the Committee may wish to consider whether or not it is sound policy to enact a measure that appears to run counter to the collaborative spirit of AB 86 and AEBG Program.

The AEBG program has been operational for less than one year, should the Legislature intervene to create a state appeals process so early in the implementation phase of the AEBG Program? Should an appeals process be created, it would appear that further delays to providing adults with education would result. To note, it is unclear as to how an appeals board would be funded. Would funds be taken from the AEBG to pay for the process?

Should this measure move forward, the Committee may wish to ask the author to determine how the appeals process will be funded.

Additionally, this measure specifies that the appeals board shall consist of the CCC Chancellor, the SPI and the Executive Director of the SBE. With two of the three members of the appeals board having a focus on the school district side of adult education, would there be parity for the community college side of adult education, should the three not agree when determining the outcome of an appeal?

If the concern of the author is that there is a need for a third-party to be able to break a tie in a regional consortium dispute, the creation of a state appeals process and board may not be the best policy solution, especially if the goal is to ensuring a faster delivery of necessary AEBG dollars to the participating adult education providers within a region.

Should this measure move forward, the Committee may wish to examine the feasibility of adding an unbiased and unaffiliated with the CCCCCO or CDE third party representative to each regional consortium.

Alternative approach. As an alternative to the proposal contained in this bill, the Committee and author may wish to task the CCCCCO and the CDE to develop and provide guidelines to the consortia when they are not able to reach a consensus; and, task the CCCCCO and CDE to conduct a study in order to determine if a widespread issue exists among the consortia, being sure to study the issues currently faced by San Bernardino.

REGISTERED SUPPORT / OPPOSITION:

Support

California Adult Education Administrators Association
California Council for Adult Education
San Bernardino City Unified School District

Opposition

San Bernardino Community College District

Analysis Prepared by: Jeanice Warden / HIGHER ED. / (916) 319-3960