



## **Kern Adult Education Consortium**

### **Bylaws**

**ADOPTED:** February 20, 2026

**REVISED:**

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### **KAEC Mission Statement**

**OUR MISSION:** We are committed to empowering adult learners by providing the education and training needed to secure meaningful employment, achieve economic mobility, and embrace lifelong learning. By working hand-in-hand with our regional partners, we ensure every student has the support, skills, and resources to thrive in their chosen educational and workforce pathway and reduce barriers to personal success.

### **KAEC Vision Statement**

**OUR VISION:** To build vibrant and diverse communities where adults have the opportunity to pursue their personal and professional goals through accessible, high-quality education, contributing to a more skilled and resilient workforce and resulting in sustainable living wages and the breaking of poverty cycles.

## ARTICLE I. Definitions

For purposes of these bylaws:

- A. "Consortium" refers to KAEC
- B. "Governing Board" is used to refer to the KAEC decision-making body. Unless otherwise noted, "Board" refers to the KAEC Governing Board.
- C. "Adult" means a person 18 years or older.
- D. "Notice(d)" means included on a regular board meeting agenda and posted in compliance with the Brown Act.
- E. "Consensus" is defined as a generally accepted opinion or decision among a group of people.
- F. "GC" refers to California Government Code.
- G. "EC" refers to California Education Code.
- H. "Member District" refers to a CAEP-funded education entity
- I. "AB104" refers to the original funding source 1014-15 AB104, Section 39, Article 9
- J. "CAEP" refers to the California Adult Education Program AB104
- K. "CAEP Fiscal Management Guide" refers to the July 1, 2025 update

## **ARTICLE II. Consortium Name and Membership**

### **A. Consortium Name**

The name of this Consortium shall be the Kern Adult Education Consortium (KAEC).

### **B. Consortium Members**

1. The Kern Adult Education Consortium shall be comprised of:

Delano Joint Union High School District  
Inyo County Office of Education  
Kern Community College District  
- Bakersfield College  
- Cerro Coso College  
- Porterville College  
Kern County Superintendent of Schools  
Kern High School District  
McFarland Unified School District  
Mojave Unified School District  
Mono County Office of Education  
Muroc Joint Unified School District  
Porterville Unified School District  
Sierra Sands Unified School District  
Tehachapi Unified School District  
Wasco Union High School District

2. Consortium Subregions and School Names

The consortium is divided into three sub-regions to focus on work pertaining to each area. Subregions do not have any formal structure or governance authority.

#### **North Region**

- Porterville Unified School District (Porterville Adult School)
- Delano Joint Union High School District (Delano Adult School)
- McFarland Unified School District (McFarland Adult School)
- Wasco Union High School District (Wasco Adult School)
- Porterville College

#### **East Region**

- Tehachapi Unified School District (Tehachapi Adult School)
- Mojave Unified School District (Mojave Adult School)
- Muroc Joint Unified School District (Muroc Adult School)

- Sierra Sands Unified School District (Sierra Sands Adult School)
- Inyo County Office of Education
- Mono County Office of Education
- Cerro Coso Community College

**Central Region**

- Kern High School District (Bakersfield Adult School)
- Kern County Superintendent of Schools
- Bakersfield College

3. Any organization or institution receiving funding from the State of California for the delivery of adult education as described in Assembly Bill 104, Article 9, Section 84905, and that operates within the KAEC region, shall be permitted to join the Consortium as a member. To be added as a member:

(a) The district superintendent, chancellor, or executive officer of such organization must provide a written request to the KAEC Governing Board, including verification of the funding described in EC 84905(b).

(b) A representative must be appointed by the board of the new institution or organization. Verification of approval of this appointment must be presented to the KAEC Governing Board in the form of approved board meeting minutes.

(c) Requests for membership shall be reviewed, and membership shall be approved at a noticed and agendaized "open meeting" by the KAEC Governing Board.

(d) Once appointed, the district representative shall work with KAEC representatives to incorporate and align their district with KAEC's regional comprehensive plan.

4. Any member may elect to leave the Consortium through a written request by the district superintendent, chancellor, or the agency's executive officer. Any member leaving the consortium shall:

(a) Provide written notice to the KAEC Governing Board thirty (30) days prior to vacating membership.

(b) Return its remaining allocation to the Consortium as agree by the KAEC Governing Board.

5. Dismissal from the Consortium shall follow in alignment with AB104 and Education Code Section 84914

**C. Member Rights and Responsibilities**

1) Rights of members

(a) Members have the right to participate in the decision-making process for development of regional adult education plans.

(b) Members have the right to participate in determining the allocation of Consortium funding.

2) Responsibilities of Members

(a) Members shall adhere to laws and regulations governing adult education programs and services outlined in Education Code 84900-84920, including submission of annual plans and reporting requirements for expenditures and student data.

(b) Members shall agree to implement the current regional 3-year and annual plans.

(c) Members shall designate one “official representative” to serve on the Governing Board and represent the interests of the member organization. Designation shall be in writing and formally approved by the Governing Board of each institution.

(d) Members are encouraged to designate one “point person” to represent the interests and perspectives of their respective districts during Consortium-related activities.

(e) Members shall actively participate in Consortium meetings and the decision-making process for development of regional adult education programs and services.

(f) Members must follow the Consortium’s bylaws, and abide by AB104 legislative member requirements and California Education Code.

(g) Consortium membership alone does not guarantee funding. Failure to comply with these requirements may result in a member's dismissal from the Consortium, or a reduction in CAEP funding.

(h) Each individual member district is directly funded from the state.

i. Each member district is responsible for complying with federal, state, program, and district guidelines, which includes adhering to reporting deadlines in accordance with AB104 regulations and government and education codes.

ii. Each funded member district must ensure all expenses are consistent with the Adult Education Fiscal Management Guide: Allowable Uses of Adult Education Program Funds distributed by the CAEP program office.

(i) To ensure compliance with state education code and fiscal management guidelines, members agree to participate in a review process, as deemed necessary.

*Note: KAEC adheres to consortium membership requirements (EC [84905](#), [84916](#)):*

### ARTICLE III. Mission, Vision, and Purpose

**A. Mission:** KAEC is committed to empowering adult learners by supporting and providing the education and training needed to secure meaningful employment, achieve economic mobility, and embrace lifelong learning by meeting our adult students where they are, not where we think they are, and by working hand-in-hand with our regional partners to ensure every student has the support, skills, and resources to thrive in their chosen pathway.

**B. Vision:** To build vibrant and diverse communities where adults have the opportunity to pursue their personal and professional goals through accessible, high-quality education, contributing to a more skilled and resilient workforce and resulting in sustainable living wages and the breaking of poverty cycles.

**C. Purpose:** The Kern Adult Education Consortium will provide seamless programs and pathways to workforce and higher education that are efficient, comprehensive, student-centered, and regionally relevant. KAEC will sustain, expand and improve adult education. To achieve our vision and mission, KAEC will leverage community resources through a structured and collaborative interagency approach. Its programs will be student-centered, data-driven, and focused on best practices. Adult Education students will gain 21<sup>st</sup> century skills; meet their employment, academic and civic goals; and contribute to the economic vitality of the Greater Kern, Inyo, Mono, and Tulare region.

CAEP allocations to KAEC may only be used to support the following seven program areas:

- 1) Elementary and secondary basic skills, including classes required for 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 older adults, for entry or reentry into the workforce;
- 4) Programs for adults, including older adults, to develop knowledge and skills to assist elementary and secondary school children to succeed academically;
- 5) Programs for adults with disabilities;
- 6) Short term career technical educational programs with high employment potential;

- 7) Programs offering pre-apprenticeship training, in coordination with apprenticeship program(s), as specified.

**Note:** Funded KAEC Member Districts may determine which California Adult Education Program (CAEP) program areas to offer in accordance with California Education Code Section 84913, based on documented local need, demonstrated programmatic capacity, labor market demand, and subregional demographic characteristics. Member Districts are not required to provide instruction in all seven CAEP program areas. Programs and services offered by funded members shall be aligned with the Consortium's approved Three-Year Plan and Annual Plan and coordinated to minimize unnecessary duplication, leverage regional resources, and ensure equitable access to adult education services across the Consortium region.

## **ARTICLE IV. Governance and Decision-making**

### **A. Governing Structure**

- 1) The KAEC Governing Board, as outlined in Article V, provides direction to the Consortium.
- 2) The Consortium Director, with the assistance of Staff and as outlined in Article VII, coordinates and supports regional-level program development, ensures compliance with applicable laws and regulations, and performs management duties.
- 3) Steering Committee Members, as outlined in Article VIII, operationalize the KAEC plan at their respective local district sites and provide member-district perspective during Consortium activities.
- 4) Special committees, as outlined in Article IX, provide expertise and participate in activities to advance implementation of the 3-year and annual plans in their respective districts.

### **B. Decision Making**

- 1) The KAEC Governing Board makes final decisions on work plans, allocates funding, and adopts policies and procedures necessary to comply with AB 104 and EC 84900-84920.
- 2) When making final decisions the KAEC Governing Board shall use input from the Steering Committee, Staff, working groups, partner organizations, and the public. Input shall be provided in accordance with the Brown Act.
- 3) The Governing Board uses consensus as a first approach to decision-making.
- 4) In the event consensus cannot be reached, a motion can be passed by a majority of voting members as long as a quorum is established, as outlined in Article VII, Section E.
- 5) For purposes of voting, each member district has one vote and Governing Board members must be “present” at meeting to cast a vote. There are no proxies. For purposes of this item, “present” may include teleconferencing provided that compliance with Brown Act is met. (SB707)(GC 54952-54957)
- 6) Pursuant to EC 84906(F), decisions are final.

### **C. Voting Representation**

Each Member District shall appoint one (1) official voting representative, by title, and one (1) alternate, by title, to serve on the Kern Adult Education Consortium (KAEC) Governing Board. For the K12 institutions and colleges, the primary voting representative shall be the Member District's Superintendent or Chancellor. The alternate can be appointed by the Member District's Board of Education or Board of Trustees. The voting representatives shall be formally appointed by action of the Member District's Board of Education or Board of Trustees, with such appointments documented in the Member District's board agenda and corresponding board minutes. All appointment documentation (board agenda and approved minutes) shall be submitted to the Consortium and maintained by the KAEC Director.

Primary representatives may also designate an alternate who may serve as a proxy for the voting representative, provided the alternate has been approved by the Member District's Board of Education or Board of Trustees. The alternate voting member may exercise voting authority only when the appointed voting representative is absent. At no time shall more than one individual per Member District exercise voting authority.

### **D. Policy Adoption and Monitoring**

- 1) The KAEC Governing Board shall govern by adopting policies that reflect the Consortium's vision and comply with applicable laws and regulations.
- 2) The KAEC Governing Board shall establish a clear policy development process through which it may deliberate on issues, identify priorities, assign responsibilities, identify goals and courses of action, and review policy decisions.
- 3) The KAEC Governing Board shall also adopt bylaws that promote cooperation, trust, and teamwork among its members, provide parameters for the KAEC Governing Board's operations as a governing body, and ensure that its meetings proceed efficiently and in compliance with the law.

## **ARTICLE V. Governing Board**

### **A. Members of the KAEC Governing Board**

The KAEC Governing Board shall be composed by duly appointed voting representatives from each voting member as described in Article IV Section C.

### **B. Voting**

- 1) All attempts will be made to reach consensus. When consensus cannot be reached, decisions shall be made by majority vote (50%+1) of voting members present at a meeting where quorum has been established. Quorum is established if a majority (50%+1) of the membership is in attendance. Each member agency is allocated one (1) vote. For K-12 and community college districts with multiple institutional sites, only the district representative may cast the vote on behalf of all sites within the district.
- 2) The KAEC recognizes that members have a duty to vote on matters before them when no conflict of interest requires abstention. Members shall participate in all voting activities except when abstention is required by law due to a conflict of interest. When a member abstains due to a conflict of interest, the abstention shall not be counted in determining whether a quorum is present or whether a majority of the voting membership has approved an action.

### **C. Roles and Responsibilities of the KAEC Governing Board**

- 1) The KAEC Governing Board is selected by each Member District's Board of Education/Trustees to provide leadership and citizen oversight of the Consortium's plan. The KAEC Governing Board shall work with the Consortium Director to fulfill its major roles, which include:
  - (a) Providing direction for the development of plans for regional delivery of adult education programs and services in accordance with the laws and regulations of the State of California, AB104, and EC 84900-84920.
  - (b) Allocating funds to each district in accordance with the laws and regulations of the State of California, and EC 84900-84920 and approving the Consortium Fiscal Administration Declaration (CFAD),
  - (c) Overseeing the implementation of the Consortium's 3-year and annual plans in their respective districts, including communication and coordination with local stakeholders.

(d) Coordinating with member agencies to ensure fiscal compliance with the California Adult Education Program Fiscal Management Guide Allowable Uses of Program Funds and supplemental guidance provided by the CAEP office.

(e) Establishing and maintaining consortium operations, including selection of the Consortium Director, adoption of policies, curriculum, performance outcome reviews, and the Consortium budget.

(f) Ensuring accountability to the local community, including personnel, programmatic and fiscal accountability, and serving as a judicial and appeals body as needed.

(g) Providing community leadership and advocacy at the local, state and national levels on behalf of students, consortium programs, and public adult education.

- 2) The KAEK Governing Board is authorized to establish and finance any program or activity that is not in conflict with, inconsistent with, or preempted by law.
- 3) The KAEK Governing Board may delegate any of its duties to the Consortium Director or designee but shall be ultimately responsible for the performance of any duties it delegates.

#### **D. Professional Governance Standards**

- 1) Board Members shall abide by the following standards of governance:
  - (a) Members shall develop and communicate a common vision that has as its primary focus learning and achievement for all students.
  - (b) Members shall operate openly, with trust and integrity.
  - (c) Members shall govern in a dignified and professional manner, treating everyone with civility and respect, and shall understand the implications of demeanor and behavior.
  - (d) Members shall consider discussion and citizen comment at publicly held meetings when making policy decisions and shall make policy decisions keeping in mind the interests of all adult learners enrolled in or receiving services under CAEP.

(e) Members shall maintain an ongoing awareness of issues, projects, activities, and trends that impact adult education and the KAEC Region.

(f) In order to maintain high ethical standards and help ensure that decisions are made in the best interest of the Consortium and the public, member representatives shall disclose any related conflict of interest and, as necessary, shall abstain from participating in related decision-making.

(g) Members shall operate in compliance with the Brown Act (SB707)(GC 54952-54957) by:

- i. Providing for open and transparent public meetings when applicable
- ii. Not engaging in serial meetings
- iii. Providing opportunity for public comment
- iv. Providing board documents for public inspection
- v. Posting agendas in advance
- vi. Having discussions aligned with the agenda
- vii. Following closed session policies

## ARTICLE VI. Meetings

### A. Regular Meetings

- 1) The KAEC Governing Board shall hold at least four (4) regular meetings at a time and on dates determined by the Board on or before the last meeting of each year. One of these meetings will be for Annual Plan development; one meeting will be for CFAD approval.
- 2) Meeting dates and times are posted on the Consortium website, at each meeting location, and made available to the public in board packets.
- 3) Meeting locations shall be open to the public and in compliance with the Brown Act and may include in-person and teleconferencing sites. A quorum of locations will be within the KAEC region. Online access and remote public comment may also be provided to allow for increased public participation. (in compliance with SB707 and GC 54952-54957)
- 4) The KAEC Governing Board may reschedule, delay, or relocate scheduled meetings, as necessary.
- 5) KAEC Governing Board agendas, containing a brief general description of each item of business to be transacted or discussed at the meeting, are posted to the Consortium website, at the meeting location, and distributed to each member district for posting, at least 72 hours prior to the time of a Regular Meeting. (in compliance with SB707 and GC 54952-54957)
- 6) All meetings shall operate in compliance with the Brown Act (SB707)(GC 54952-54957) and include an opportunity for public comment.
- 7) Meeting minutes are included in the board packet for the next meeting and are posted on the Consortium website after official approval.

### B. Special Meetings

- 1) Special meetings may be called by the Consortium Director or by the majority of the KAEC Governing Board at a duly noticed board meeting. The purpose of the meetings shall be stated and specified in the agenda.
- 2) The agenda for a special meeting shall be posted at least 24 hours prior to the meeting.
- 3) No other business, other than noted in the posted agenda, should be considered during the special meeting. (in compliance with SB707 and GC 54952-54957)

### **C. Emergency Meeting**

- 1) Emergency meetings may be called in compliance with (in compliance with SB707 and 54952-54957)

### **D. Closed Session**

- 1) The KAEC Governing Board may hold a closed session in compliance with GC 54952-54957. These meetings shall be noticed, agendized, and conducted in compliance with the Brown Act.
- 2) Although these items are not typically under the purview of the KAEC Governing Board, closed sessions are only permitted for the specific purposes listed below:
  - (a) To instruct negotiators on real property transactions
  - (b) To instruct labor negotiators
  - (c) To discuss "pending litigation" with agency attorneys
  - (d) To consider the appointment, employment, evaluation, discipline, or dismissal of a public employee. (Not general staffing)
  - (e) Employee complaints or charges
  - (f) Meetings regarding threats to security of public buildings or essential public services
  - (g) Student matters such as discipline or records challenges

### **E. Quorum**

- 1) 50%+1 of KAEC Governing Board members shall constitute a quorum for the transaction of business. The Members needed to make quorum must include one (1) college district and one (1) county office of education. If a quorum is not present within 15 minutes of the posted start time, those present may adjourn the meeting to a specified time.

### **F. Public Participation**

- 1) Except as specifically exempted by law, all meetings of the KAEC Governing Board shall be open and public. Unless otherwise protected by applicable law, all KAEC Governing Board records shall be open to public inspection. (SB707)(GC 54952-54957)
- 2) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the KAEC Governing Board on any item of interest to the public, before or during the legislative body's consideration of the item at the time specified and agendized for public comment, unless otherwise determined by the KAEC Governing Board. Those interested in offering a public comment shall check in with staff

at the meeting prior to the public comment section. There are no sign-ups in advance of the meeting. Speakers will be accepted on a first-come first-serve basis when doors open, with a maximum of 20 speakers.

- 3) Unless otherwise determined by the KAEC Governing Board, the following agreements pertain to speakers. Speakers shall be given no more than 3 minutes to address the Board. An additional 3 minutes may be provided when translation is required, or an accommodation is necessary. Speakers shall be given a single appearance at any given meeting.
- 4) With regard to public comments, KAEC Governing Board members may take no action and no discussion shall be undertaken on any item not appearing on the posted agenda, except that Board Members may briefly respond to statements made or questions posed by persons exercising their public testimony rights.
- 5) Requests for disability-related modification or reasonable accommodation shall be made at least 24 hours in advance by calling the KAEC office.
- 6) Request for translation should be made at least 48 hours in advance by calling the KAEC office.
- 7) The KAEC Governing Board may schedule a Board workshop as part of a regular or special meeting. The Consortium Director may allow for expanded participation by the public and other stakeholders. Participation details shall be provided at the start of the workshop.
- 8) Board meeting materials distributed to the KAEC Governing Board are available for public inspection during the meeting and within 5 working days after the meeting on the consortium website.
- 9) The KAEC Governing Board agenda is posted at least 72 hours in advance in compliance with the Brown Act. (SB707)(GC 54952-54957)

#### **G. Agenda and Meeting Materials**

- 1) The KAEC Governing Board meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (SB707)(GC 54952-54957)

- 2) The agenda shall provide members of the public the opportunity to address the KAEC Governing Board on any agenda item before or during the KAEC Governing Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda, but which are within the subject matter jurisdiction of the KAEC Governing Board.  
(Education Code 35145.5)(SB707)(GC 54952-54957)
- 3) A person wishing to be heard by the KAEC Governing Board shall first be recognized by the chairperson and shall then proceed to comment as briefly as the subject permits. Individual speakers will be allowed three minutes to address the KAEC Governing Board on each agenda item, or non-agenda item. The KAEC Governing Board shall limit the total time for public input for each agenda item to 20 minutes. The KAEC Governing Board chairperson may take a poll of speakers for or against a particular issue and may ask that only those individuals with something new to add request to speak. With KAEC Governing Board consent, the KAEC Governing Board chairperson may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard.
- 4) Whenever a member of the public initiates specific complaints or charges against an employee, the KAEC Governing Board chairperson shall inform the complainant that in order to protect the employee's right to adequate notice before a hearing of such complaints and charges, and also to preserve the ability of the KAEC Governing Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the policy of the KAEC Governing Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to GC 54952-54957. The KAEC Governing Board chairperson shall also encourage the complainant to file a complaint using the appropriate Consortium complaint procedure.
- 5) The KAEC Governing Board chairperson shall not permit any disturbance or willful interruption of KAEC Governing Board meetings. Persistent disruption, by an individual or group, shall be grounds for the chairperson to terminate the privilege of addressing the KAEC Governing Board.
- 6) The KAEC Governing Board may remove disruptive individuals and order the room cleared if necessary; in this case, members of the media not participating in the disturbance shall be allowed to remain, and individual(s) not participating in such disturbances may be allowed to remain at the discretion of the KAEC Governing Board. When the room is ordered cleared due to a disturbance, further KAEC Governing Board proceedings shall concern only matters appearing on the agenda. (SB707)(GC 54952-54957)

- 7) When such disruptive conduct occurs, the Consortium Director or designee shall contact local law enforcement.
- 8) The agenda shall specify that an individual should contact in writing, the Consortium Director or designee if he/she requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the KAEC Governing Board meeting. (SB707)(GC 54952-54957)

#### **H. Consent Agenda/Calendar**

- 1) In order to promote efficient meetings, the KAEC Governing Board may bundle several items and act upon them together by a single vote through via a consent agenda. Consent items shall be items of a routine nature or items for which no KAEC Governing Board discussion is anticipated and for which the Consortium Director recommends approval.
- 2) At the request of any member of the KAEC Governing Board, any item on the consent agenda shall be removed and given considered individually for action as a regular agenda item.
- 3) The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered. However, the agenda need not provide an opportunity for public comment when the consent agenda item has previously been considered at an open meeting of a committee comprised exclusively of all the Member Representatives provided that members of the public were afforded an opportunity to comment on the item at that meeting, unless the item has been substantially changed since the committee considered it. (SB707)(GC 54952-54957)

## ARTICLE VII. Consortium Director and Staff

### A. Consortium-Level Staff

- 1) The Consortium can allocate Consortium funds to provide support staff, however a member district must serve as the employer of record. Consortium staff shall officially work for the employer of record. When new positions are added, the KAEC Governing Board shall stipulate the district employer of record, reporting structure, and evaluation protocol. The KAEC Governing Board will ensure that all actions align with employer-of-record collective bargaining agreements and the California Education Code.
- 2) Support staff shall follow working procedures, policies, calendar, and contract of the employer of record.
- 3) Job descriptions of support staff shall be approved by the KAEC Governing Board.
- 4) Although Consortium staff are employees of the employer of record and follow the evaluation and reporting lines of said district, the KAEC Governing Board may provide recommendations and considerations to the member district Board representative regarding the employee, as long as such comments are made in compliance with the Brown Act (SB707)(GC 54952-54957)including protecting employee privacy GC 54952-54957)
  - (a) Unless otherwise determined by the KAEC Governing Board, evaluative considerations about consortium-level KAEC personnel (Classified and certificated staff), shall be directed to the Project Director or the designated employer-of-record supervisor (VIII.A(1)) All communications should be in compliance with Brown Act. The project director or designated supervisor shall be responsible for any evaluation activities, assistance, or guidance in compliance with employer-of-record protocols and practices.
  - (b) Evaluative considerations related to the KAEC Consortium Director can be addressed by the KAEC Governing Board in compliance with the Brown Act and in consultation with the employer-of-record supervisor. The KAEC Governing Board may determine a schedule and protocol for evaluating or providing guidance for the Project Director.
- 5) As appropriate, KAEC Governing Board members may participate in reviewing applications, selecting interview candidates, creating interview questions, participating on interview panels, and making recommendations for the final candidate as allowable within the designated employer-of-record practices and labor bargaining agreements.

## **B. Consortium Director Roles and Responsibilities**

- 1) Coordinates the development, implementation, monitoring, and evaluation of KAEK's 3-year plan and annual plans.
- 2) Coordinates the Consortium's activities and monitors data and outcomes related to the program's performance and efficiency.
- 3) Analyzes the region's gaps in adult education services as well as student needs, and recommends strategies to address gaps and appropriate responses to needs.
- 4) Synthesizes information regarding the fiscal, operational, and /or programmatic impact of proposed policy or legislative changes in relation to program, fiscal mandates, reports, and annual budget considerations for the Consortium.
- 5) Coordinates all member-districts' implementation of the strategies identified in the 3-Year and annual plans, and reviews, interprets, and prepares reports to state policies affecting the Consortium.
- 6) Coordinates the activities, projects, and deliverables of the Steering Committee, working groups, and ad hoc committees.
- 7) Coordinates the Consortium's responses to the State CAEP office, KAEK Governing Board, working groups, and other stakeholder requests.
- 8) Coordinates the development and distribution of periodic performance reports and documents current trends and scope/quality of the programs provided by KAEK.
- 9) Collaborates with member-districts and Steering Committee members in the implementation of evidence-based promising practices, activities, and programs, and their evaluation.
- 10) Plans and prepares concept papers and project proposals including those for grants and partnerships, by collaborating with a variety of entities.
- 11) Prepares press releases marketing materials for dissemination.
- 12) Represents KAEK in presentations, meetings, public events, etc. as needed.

- 13) Schedules meetings, set agendas, provide minutes or meetings, and hire/supervise applicable staff to ensure timely completion of projects and activities.
- 14) Archives documents and work products.
- 15) Serves as the liaison between the KAEC Governing Board and state stakeholders.
- 16) Collaborates with Steering Committee members regarding Consortium activities.
- 17) Coordinates activities of the KAEC Staff.
- 18) Facilitates the logistics of the KAEC Governing Board meetings.
- 19) Reports on all meetings, conferences, and workshops where the Consortium Director represents stakeholders.
- 20) Performs other duties as assigned.

**C. KAEC Certificated Staff (if applicable)**

- 1) Works under the direction of the KAEC Consortium Director, or designee.
- 2) Facilitates services and support to ensure compliance with district, state, and federal guidelines, regulations and laws.
- 3) Develops, coordinates, and implements activities consistent with KAEC's 3-year and annual plans.
- 4) Provide technical assistance to schools with the implementation of KAEC's 3-year and annual plan strategies, activities, workgroups, and programs.
- 5) Reviews and monitors activities, new programs, and strategies implementation reports.
- 6) Works with administrators, teachers, students, parents, and the community to increase awareness of adult education programs.
- 7) Assists schools and workgroups with preparation of program parameters and reports.
- 8) Monitors workgroup program goals, enrollment objectives, program growth, and collection of data.

- 9) Assists with the preparation and response to state and Consortium requests for information and/or audits.
  
- 10) Performs other duties as assigned.

**D. Hiring the Consortium Director**

Kern Community College District (KCCD) shall serve as the lead agency for the recruitment, hiring, and employment of an Consortium Director for the Kern Adult Education Consortium (KAEC). KCCD shall conduct the hiring process in accordance with applicable laws and district policies, while ensuring meaningful input from the Consortium through the inclusion of representatives of the Member Districts appointed by the KAEC Governing Board, who shall serve on all hiring committees associated with the position. These member representatives shall participate in candidate review, interviews, and selection deliberations to ensure that the Consortium Director reflects the collective priorities and regional needs of the Consortium. KCCD shall serve as the employer of record and administer all personnel and contractual matters, while the Consortium Director shall be accountable to the KAEC Governing Board, but reporting for employment purposes to the KCCD Chancellor or designee.

## **ARTICLE VIII. Committees**

### **A. Steering Committee Organization**

- 1) The KAEC Governing Board shall establish a Steering Committee composed of the college presidents, assistant superintendents, principals, directors, or equivalent senior administrators from each Member District's Adult Education program.
- 2) The Steering Committee shall meet monthly and serve as an operational advisory body to the KAEC Governing Board.
- 3) The Steering Committee's purpose shall be to provide ongoing guidance related to program implementation, coordination across member agencies, operational challenges, and emerging regional needs.
- 4) The Steering Committee may review and provide input on matters including, but not limited to, instructional delivery, student services, data and reporting processes, professional development, and cross-agency collaboration.
- 5) The Steering Committee shall not possess independent decision-making or voting authority and shall operate in an advisory capacity, with recommendations forwarded to the Consortium Director and KAEC Governing Board for consideration.
- 6) The Consortium Director shall convene monthly meetings of the Steering Committee, which can be cancelled if the meeting is not needed.

### **B. Roles and Responsibilities**

- 1) Operationalizes the KAEC plan at their respective local district sites.
- 2) Addresses local barriers related to policy, procedures, and students.
- 3) Identifies support needs of respective districts. Works with KAEC Consortium staff and individual district leadership to address those needs.
- 4) Works with the appropriate stakeholders from their organization to inform CAEP implementation.
- 5) Provides the perspective of their organization during Consortium activities.
- 6) In combination with their Governing Board member, supports the work of the various KAEC working groups and members from their respective organizations.

- 7) In conjunction with Staff:
  - (a) Develop annual surveys as described in the 3-year and annual plans.
  - (b) Provide communication and clarification to respective school-level staff and administrators regarding Consortium activities.
  - (c) Contribute to a coordinated calendar for working groups and professional development.

### **C. Selection of Steering Committee Members**

- 1) Each district may select one staff member to serve as their district's representative on the Steering Committee.
  - (a) Each KAEC Governing Board member shall officially designate their district point person by sending a written notification to the KAEC Consortium Director stating the effective date of the change.
- 2) Appointment to the Steering Committee does not require district Board action or KAEC Governing Board action.

### **D. Steering Committee Meetings**

- 1) Steering Committee meetings will take place monthly via Zoom, and may be cancelled if there are no agenda items.
- 2) These meetings are intended to provide an opportunity for KAEC Staff and key staff from each district to coordinate activities and provide district perspective related to Consortium activities.
- 3) These meetings are to facilitate the implementation of projects and work approved by the KAEC Governing Board and outlined in the 3-year and annual plans.
- 4) To maintain "staff" standing and comply with the Brown Act, Steering Committee members:
  - (a) Should participate in an advisory capacity to their respective KAEC Governing Board Member, the KAEC Consortium Director, and not the Board as a whole.
  - (b) Shall not provide views of members of the KAEC Governing Board or reconcile views of various Board members, as this may constitute an action outside a meeting. (SB707)(GC 54952-54957)

(c) May work together with KAEC staff to carry out the work of the 3-year and annual plans, but do not represent or communicate the views of their KAEC Governing Board Member.

## **ARTICLE IX. Special and AD HOC Committees**

**A.** Special and Ad Hoc committees may be created with KAEC Governing Board approval in accordance with the Brown Act.

**B.** When creating a committee, the KAEC Governing Board shall clarify:

- 1) The specific inquiry, investigation, study, or task which shall be undertaken for the purpose of presenting communications, recommendations or reports to the Board.
- 2) The specific deliverable(s) requested or expected.
- 3) The time frame for the deliverables, committee meetings, and the presentation of findings.
- 4) The method to which the members of the committee shall be selected and represent the interests of all member districts.
- 5) The number of committee members.
- 6) The specifics on who shall chair and co-chair this committee.
- 7) The method for establishing consensus or agreement, including the communication of dissenting opinions.

**C.** Unless otherwise determined, ad hoc committees that contain non-Board members, or a quorum of KAEC Governing Board members, are subject to the Brown Act and must comply with open and transparent meeting provisions.

**D.** Unless otherwise noted, committee members shall be compensated as determined by the individual member district to which they are employed.

**E.** The KAEC Governing Board shall determine, based on the content and nature of the committee, if the committee falls under the Brown Act and must comply with open and transparent meeting provisions.

## **ARTICLE X. Consortium Administrative Oversight**

- A.** Consortium administrative oversight consists of an assessment of each member.
  - 1) Assessment of the member's ability to meet CAEP requirements.
  - 2) Review general assurances (basic member requirements) signed off by each member in the CFAD as part of the annual plan process.
  - 3) Review bylaws and governance for additional member requirements.
  
- B.** Consortium oversight consists of an evaluation of each member. Using the Three-Year Plan, Annual Plan, CAEP student data, and other resources Member District programs will be evaluated using the following:
  - 1) Evaluation of program needs as identified to meet the needs of the community.
  - 2) Evaluation of current levels and types of services (enrollment, outcomes).
  - 3) Evaluation of funds provided to members (cost effective)
  - 4) Evaluation of member effectiveness (overall effectiveness)

## ARTICLE XI. Consortium Effectiveness

California Adult Education Program Measures of Effectiveness are in EC Section [84920](#).

These measures shall include, but are not necessarily limited to:

- 1) The number of adults served by members of the consortium
- 2) The number of adults served by members of the consortium that have demonstrated the following:
  - (A) Improved literacy skills
  - (B) Immigrant integration in the areas consistent with, but not limited to, those already identified for English literacy and civics under Title II of the federal Workforce Innovation and Opportunity Act (Public Law 113-128), including increased participation in civic and community life
  - (C) Completion of high school diplomas or their recognized equivalents
  - (D) Completion of postsecondary certificates, degrees, or training programs
  - (E) Placement into jobs
  - (F) Improved wages
  - (G) Transition

### A. Evaluation (EC [84906\(b\)](#), [84914](#))

- 1) Consortium has evaluated members to identify that the services provided meet the needs identified in the adult education plan.
- 2) Consortium submitted an Annual Plan that includes program strategies for the upcoming program year consistent with the Three-Year adult education plan.

### B . Funding (EC [84913](#), [84914](#)):

- 1) CAEP funds are planned to be, or have been, expended within the seven CAEP program areas and are consistent with each consortium's Three-Year Plan.
- 2) Consortium allocations are consistent with the objectives of the consortium's Annual Plan as approved by the regional consortium board.

### C. Governance and Collaboration (EC [84905](#)):

- 1) Consortium has identified a governance structure for decision-making.
- 2) Consortium has followed governance plans, by-laws, and CAEP requirements for decision making and public meetings.

**D. Membership (EC [84905](#), [84916](#)):**

- 1) Consortium has permitted all eligible members in the region to participate in the CAEP initiative.
- 2) All members are located within the regional boundaries of designated consortium.

**E. Planning (EC [84906](#), [84914](#), [84916](#)):**

- 1) Consortium has submitted the required Annual Plan.
- 2) Consortium has approved and submitted the Three-Year Plan
- 3) Consortium members have shared information on related programs that are offered, and the resources being used to support these programs.
- 4) Consortium has participated in statewide leadership activities (CAEP Summit, CAEP Director's Conference).

**F. Reporting (EC [84916](#), [84920](#)):**

- 1) Consortium has reported student level enrollment data and outcomes for quarterly and final reporting.
- 2) Consortium has submitted all requested financial expenditure and progress reports.

**G. Carryover Funds (EC [84914](#)):**

- 1) Any consortium with carryover from one or more prior fiscal years exceeding 20 percent has submitted 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 have prescribed and assigned 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) Consortium is participating (or has participated in) prescribed technical assistance activities.
- 4) Member Reduction: For a consortium that made a finding by majority vote based on a member having excessive carryover for at least two consecutive fiscal years, the consortium has reduced the member's allocation for the current fiscal year by no more than the amount of the member's carryover. The consortium has determined the excessive member carryover percentage threshold as required.

## **ARTICLE XII. Member Effectiveness**

In addition to consortium effectiveness, the CDE and CCCC0 have identified the following to indicate member effectiveness. Potential ineffective members will be referred to the KAEC Compliance Committee for review and technical assistance will be provided.

- 1) Each member must participate in completing and updating the Annual Plan Template.
- 2) CAEP member funds must be expended within the seven program areas, and services provided must be consistent with the consortium's three year and annual plan. Funds must be expended in accordance with the excessive carryover guidelines referenced in Article XXIV.
- 3) Each member must participate in completing and updating the 3-year Consortium Plan, including any amendments.
- 4) Member expenditures of CAEP funds must align with the objectives of the Consortium's Three-Year and Annual Plans as approved by the KAEC Governing Board.
- 5) Members participate in consortium/public meetings.
- 6) Members participate in consortium final decisions.
- 7) Members report student level enrollment data and outcomes for quarterly and final reporting.
- 8) Members must share information on programs offered, and the resources being used to support the programs.
- 9) Members provide services that address the needs identified in the adult education plan.
  - a. New CTE courses must align with Labor Market Information available for the region as per new Education Code 84906(3).
  - b. Members must submit course description and corresponding LMI to the KAEC Governing Board for approval.
- 10) Members file financial expenditure and progress reports with the regional consortium and input financial data into the state reporting system.
- 11) The consortium office will monitor member effectiveness based on the criteria shown below. Members not meeting effectiveness criteria will be offered technical assistance and may be referred to the KAEC Governing Board for further review.
- 12) Members shall adhere to consortium determined carryover thresholds and may have their funding reduced based on a member having excessive carryover for at least two consecutive fiscal years.
- 13) Members shall follow the guidelines in the Beginning of Year letter issued by CDE and the CCCC0.
- 14) Members shall adhere to the Assurances outlined in the CFAD.

For additional information, refer to these documents:

*CAEP Adult Education Program Fiscal Management Guide*

<https://caladulted.org/DownloadFile/1396>

*Memo on Member Effectiveness*

<https://caladulted.org/DownloadFile/1216>

*Program Guidance for AB104*

<https://caladulted.org/DownloadFile/1301>

*Annual Beginning of Year Letter*

<https://caladulted.org/DownloadFile/1399>

### ARTICLE XIII. Reduction of Member District Funding

Member funding is addressed in EC Section [84914](#), which reads in part:

- A.** 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:
- 1) The member no longer wishes to provide services consistent with the adult education plan.
  - 2) The member cannot provide services that address the needs identified in the KAEC Three-Year and Annual Plans.
  - 3) 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 beginning with the 2022–23 fiscal year, and evaluated in each fiscal year thereafter, and reasonable interventions have not resulted in improvements.
  - 4) (A) For purposes of this section, a finding made by the KAEC Governing Board shall require a majority vote of its membership.  
  
(B) If the KAEC Governing Board makes a finding by majority vote that a Member District 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.
- B.** If the KAEC Governing Board determines that a member has been consistently ineffective in providing services that address the needs identified in the adult education plan, KAEC may take the following steps:
- 1) Monitor the member’s performance related to the CAEP assurances and identify any members for non-compliance.
  - 2) Document the member’s ineffectiveness (what requirements are they not meeting, etc.).
  - 3) Notify the Member District that they are being monitored for effectiveness and their funds could be reduced as a result.
  - 4) Provide members with technical assistance and/or reach out to the CAEP Technical Assistance Project (TAP) as part of reasonable intervention to help their members.

5) Provide the information in steps 1-4 to the CAEP Office recommended within 30 days of making a determination by submitting a request to CAEP TAP via email to both: [tap@caladulthood.org](mailto:tap@caladulthood.org) and [CCtap@noce.edu](mailto:CCtap@noce.edu) .

- C.** If no improvement in performance is evident after steps 1-5, the KAEC Governing Board may proceed with the following steps to reduce the member's funding:
- 1) Document the reason, the technical assistance/reasonable intervention provided, and the public meeting minutes of how/when the decision was made.
  - 2) Upload this documentation to the consortium's Supporting Documentation section in NOVA.
  - 3) Copy the CAEP Office on all correspondence related to member funding reduction.
- D.** If the KAEC Governing Board makes a finding by majority vote 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. KAEC must have also determined an internal excessive member carryover percentage threshold and followed its by-laws.

## **ARTICLE XIV. Departure of Member District**

### **A. Departure of a Member District**

- 1) Any Member District may elect to leave the Consortium through a written request by the Member District superintendent, chancellor, or the agency's executive officer.
- 2) If a member no longer wishes to provide services or cannot provide services, existing funds shall be reallocated to other members in the consortium.
- 3) The reallocation of funds shall be voted by the KAEC Governing Board after a thorough review of requests from other Member Districts.
- 4) The Consortium will amend planning documentation to ensure services are being provided in the region (as a result of a member that no longer wishes to provide services or cannot provide services).
- 5) The consortium shall also notify the CAEP Office and update the CFAD allocation schedule for the upcoming program year.

### **B. Any Member District leaving the Consortium shall:**

- 1) Provide written notice to the KAEC Governing Board thirty (30) days prior to vacating membership.
- 2) Return its remaining allocation to the Consortium as agreed by the KAEC Governing Board.
- 3) Make written recommendations to the KAEC Governing Board regarding which services and programs are impacted across the affected region.

## **ARTICLE XV. Adding/Funding a New Member**

### **A. Adding a New Member**

- 1) If a consortium chooses to add one or more new members, the member(s) must meet the State requirements for consortium membership as outlined in the [CAEP Program Guidance](#).
- 2) If State requirements are met, the consortium will follow the processes identified in the consortium-level governance and/or bylaws to add a new member.
- 3) New members must be added in NOVA during the Consortium Fiscal Administrative Declaration (CFAD) process.

### **B. New Member Funding**

New consortium members are not required to be funded. Members that aren't funded may not vote, but may participate in and contribute to deliberations. The consortium may fund a new voting member in accordance with consortium governance processes. Ongoing and permanent funding is completed during the CFAD process and must be reviewed and approved by the CAEP Office for legislative compliance.

### **C. Request for Services**

If a community located within the geographic boundaries of the Kern Community College District that is not currently receiving adult education services submits a formal request for such services, the request shall be brought to the KAEC Steering Committee for consideration.

#### **1) Steering Committee Authority**

Upon receipt of a qualifying request, the KAEC Steering Committee shall determine the most appropriate, feasible, and equitable method for providing adult education services to the requesting community. The Steering Committee's determination shall be guided by documented community need, available consortium capacity, fiscal considerations, and alignment with the Consortium's approved Three-Year Plan and Annual Plan.

#### **2) Modes of Service Delivery**

The Steering Committee may authorize one or more instructional delivery models, including but not limited to:

- o In-person instruction;
- o Hybrid or HyFlex instructional models;

- o Distance learning or fully remote instruction;
- o Contracted or shared-service arrangements among Member Districts; and/or
- o Partnerships with other KAEC Member Districts or approved providers.

**3) No Guarantee of Permanent Programming**

A determination to provide services under this section does not obligate the Consortium or any Member District to establish a permanent physical site or ongoing program in the requesting community unless subsequently approved through the Consortium’s regular planning, funding, and governance processes.

**4) Consistency with Regional Coordination**

All actions taken pursuant to this section shall be consistent with CAEP’s intent to promote regional coordination, reduce service gaps, and avoid unnecessary duplication of adult education services, as required under Education Code Sections 84901, 84903, and 84906.

## **ARTICLE XVI. Encouraging Accountability**

- A.** The Consortium staff communicate with all Member Districts via email all due dates for submitting reports, documents, and spending of funds. This communication shall take place two-weeks and one-week prior to the due date. This notification will be based on the CAEP due dates published on the [caladulthood.org/DueDates.org](http://caladulthood.org/DueDates.org) website.
- B.** If a deadline is missed by a Member District, the Consortium staff will work with Member to offer assistance in completing missing report, submission, document, etc. The Member District's Superintendent, Principal/Director, and Chief Business Officer will also be notified.
- C.** All members are required to use state accountability systems for financial and data reporting.
- D.** The Consortium staff will conduct orientation sessions with each new member, or for any member, by request.
- E.** All Member Districts shall comply with the CAEP Assurances which are listed in the CFAD approval in NOVA.

## ARTICLE XVII. Code of Conduct

- A.** The KAEC Governing Board maintains high standards of ethical conduct for its members. As members of the KAEC Governing Board, working as a collective unit in conjunction with administration, staff, students, and the communities the KAEC Governing Board serves, will execute to the best of its abilities the duties and responsibilities vested in it by the California Adult Education Program (CAEP) and entrusted to the KAEC Governing Board. Member Representatives recognize that their actions, behaviors, and verbal statements will be under the watchful eye of the citizenry at all times. Therefore, the decisions made as a KAEC Governing Board must reflect our dedication to promote adult education along with opportunities for professional, vocational, and technical growth and enhancement. As officials of public education, Member Representatives must be a positive reflection of those for whom we speak.
- B.** The KAEC Governing Board expects its members to work with each other and the Consortium Director to ensure that a high-quality education is provided to each student. Member Representatives also shall assume collective responsibility for building unity and creating a positive organizational culture.
- C.** To operate effectively, the KAEC Governing Board shall have a unity of purpose, and each individual Member Representative shall:
1. Agree to work with fellow Member Representatives in a spirit of cooperation and compromise despite differences of opinion that may arise during debates on issues.
    - I. Keep learning and achievement for all students as the primary focus
    - II. Value, support and advocate for public education
    - III. Communicate a common vision
    - IV. Recognize and respect differences of perspective and style on the KAEC Governing Board and among staff, students, parents and the community
  2. Participate in professional development and commit the time and energy necessary to be an informed and effective leader, including being prepared to attend KAEC meeting.
  3. Agree to respect the office that we hold. Remembering that as an individual we have no legal authority outside the meetings of the KAEC. Member Representatives should never misuse the power inherent in their office. Member Representatives will abide by state and federal anti-discrimination and harassment laws.
    - I. Act with dignity, and understand the implications of demeanor and behavior
    - II. Govern within KAEC Governing Board-adopted policies and procedures
    - III. Govern in a dignified and professional manner, treating everyone with civility and respect

- IV. Member Representatives pledge to avoid any situation that constitutes a conflict of interest. When a matter arises that may involve a question of conflict of interest, Member Representatives will notify the Consortium Director and/or the KAEC Governing Board Chair.
  
- D. Resist influencing votes or actions of other Member Representatives or of any employee, through threat, promise of award, deception, exchange of vote, or by any other means than legitimate open discussion.
  - I. Member Representatives recognize the fact that the strength and effectiveness of the KAEC Governing Board is as a total KAEC Governing Board, not as a group of individuals.
  - II. Operate openly, with trust and integrity
  
- E. Agree to conduct all official business by the KAEC Governing Board in open public meetings except for those issues which are by law more appropriately dealt with in closed session and ensure opportunities for the diverse range of views in the community have a voice to inform KAEC Governing Board deliberations.
  
- F. Recognize that all discussion in closed session should not be released or discussed by individual Member Representatives, outside the confines of the closed session. Any information disclosed from closed session will only be released with the approval of the KAEC Governing Board by majority vote.
  
- G. Acknowledge that the KAEC Governing Board's function is to establish the policies of KAEC. The KAEC Governing Board shall hold the Consortium Director and his/her staff accountable for the administration of the educational program and the conduct of consortium business. Any complaints, criticisms, and comments received by individual Member Representatives regarding the actions taken by the consortium should be shared with the entire KAEC Governing Board. Violations of this policy may subject the member violating it to censure by the KAEC Governing Board.
  - I. Understand the distinctions between KAEC Governing Board and staff roles, and refrain from performing management functions that are the responsibility of the staff
  - II. Take collective responsibility for the KAEC Governing Board's performance
  - III. Periodically evaluate its own effectiveness

### **ARTICLE XVIII. Limits of KAEC Governing Board Authority**

- A.** The KAEC Governing Board recognizes that the KAEC Governing Board is the unit of authority over the Consortium and that a Member Representative has no individual authority. Member Representatives shall hold the education of adult students above any partisan principle, group interest, or personal interest.
- B.** Individually, a Member Representative may not commit the Consortium to any policy, act or expenditure.
- C.** Unless agreed to by the KAEC Governing Board as a whole, individual members of the KAEC Governing Board shall not exercise any administrative responsibility with respect to the Consortium or the Consortium Office business or staff. Individual Member Representatives shall submit requests for information to the Consortium Director or designee.
- D.** Individual Member Representatives do not have the authority to resolve complaints. Any Member Representative approached directly by a person with a complaint should refer the complaint to the Consortium Director or designee so that the problem may receive proper consideration and be handled through the appropriate Consortium process.
- E.** The Consortium Director or designee shall provide a copy of the KAEC Bylaws to each Member Representative.
- F.** Member Representatives are responsible for complying with the requirements of the KAEC Bylaws.

## **ARTICLE XIX. Conflict of Interest**

- A.** The KAEC Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the Consortium and the public. In accordance with law, Member Representatives and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.
- B.** The KAEC Governing Board shall adopt a resolution that specifies the terms of the Consortium's conflict of interest code, the Consortium's designated positions, and the disclosure categories required for each position.
- C.** Upon direction by the code reviewing body, the KAEC Governing Board shall review the Consortium's conflict of interest code and submit any changes to the code reviewing body.
- D.** When a change in the Consortium's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days. (GC 87306)
- E.** When reviewing and preparing the Consortium's conflict of interest code, the Consortium Director or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views (GC 87311)

## **ARTICLE XX. Conflict of Interest under GC 1090**

- A.** Member Representatives, and designated employees, or Consortium consultants shall not be financially interested in any contract made by the KAEC Governing Board on behalf of the Consortium, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Member Representative has such a financial interest, the Consortium is barred from entering into the contract or in any contract they make in their capacity as Member Representatives or designated employees. (GC 1090; *Klistoff v. Superior Court*, (2007) 157 Cal. App. 4th 469)
- B.** A Member Representative shall not be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in GC 1091.5. One such noninterest is when a Member Representative's spouse/registered domestic partner has been a Consortium employee for at least one year prior to the Member Representative's election or appointment. (GC 1090.5)
- C.** A Member Representative shall not be deemed to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in GC 1091 and if the remote interest is disclosed during a KAEC Governing Board meeting and noted in the official KAEC Governing Board minutes. The affected Member Representative shall not vote or debate on the matter or attempt to influence any other Member Representative to enter into the contract. Remote interests are specified in GC 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child or step-child. (GC 1091)
- D.** Even if there is no prohibited conflict of interest, a Member Representative shall abstain from voting on personnel matters that uniquely affect his/her relatives. A Member Representative may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. "Relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)
- E.** A relationship within the third degree includes the individual's parents, grandparents and great-grandparents, children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced. "Step" relatives are included if they are within the same degree of relationship to the individual or his/her spouse or domestic partner.

## **ARTICLE XXI. Funding**

### **A. Cost of Living Adjustment (COLA) Distribution**

All KAEC Member Districts are direct funded for COLA. COLA shall be disbursed pursuant to the current distribution schedule for funded Member Districts, unless otherwise determined by the KAEC Governing Board.

### **B. Distribution of One-time Funding**

Any one-time funds available from a Member District will be placed in a special fund to be distributed through a KAEC Governing Board-approved proposal/application process, unless funds are restricted.

### **C. Reduction in Consortium Funding**

In the event of a reduction in overall CAEP consortium funding, all member funding will be reduced by the same percentage provided by the CAEP office.

### **D. Increase in Consortium Funding**

In the event of an increase in overall CAEP consortium funding not related to COLA, the Budget Committee will make recommendations to the KAEC Governing Board for proposed member funding based on the following criteria:

- A. member student enrollment using the average of the prior three fiscal years reporting
- B. adult school enrollment (participant) is defined as 12+ hours (for WIOA funded agencies)
- C. community college enrollment is determined at census (320 Report)
- D. member effectiveness as identified in Article XII
- E. member carryover not related to capital improvement plans

### **E. Non-Funded Members**

Non-funded members can receive a base allocation as determined by the KAEC Governing Board based on availability of funds.

### **F. Consortium Operating Funds**

KCCD shall set aside 15% of their annual CAEP allocation to pay for Consortium Consultants, Consortium-wide activities, marketing, professional development, and other expenses incurred in the daily operations of KAEC. At the end of each fiscal year, the consortium may rollover the

balance for use in supporting consortium-level activities, one-time projects, or pan-consortium purchasing. The Governing Board, working with the Consortium Director, will approve the use of these funds.

## ARTICLE XXII. Fiscal Accountability

- A. The Steering Committee shall recommend a sound, responsible Consortium budget to the KAEC Governing Board that supports Consortium goals and priorities. To guide the Consortium Director or designee in development of the budget, the KAEC Governing Board shall follow the budget calendar as established in the NOVA reporting system.
- B. The KAEC office operational budget shall be included in the Consortium Fiscal Administration Declaration (CFAD) as part of the fiscal agent (KCCD) allocation. This budget includes the KAEC Consortium Director and staff members, office operating expenses, as well as funding for Consortium-related activities. The KAEC office will provide a budget projection annually at the Executive KAEC Governing Board Retreat.
- C. The KAEC Governing Board recognizes that it is accountable to the community for its budget decisions and for the Consortium's fiscal integrity. The KAEC Governing Board shall use accountability systems and processes in order to monitor the Consortium's fiscal health.
- D. The Fiscal Agent for the Consortium will be determined by the KAEC Governing Board. Any change in fiscal agent requires a vote of the KAEC Governing Board no later than 30 days prior to the annual May 2<sup>nd</sup> due date of the CFAD.
- E. Threshold for Purchases – 6000 Object Code
  - 1. Members wishing to purchase any single item in the amount of \$5,000 or greater must have approval from the KAEC Governing Board.
  - 2. Members purchasing multiple items totaling \$5,000 or greater must have approval from the KAEC Governing Board.
  - 3. The following CAEP procedure will be followed:

***CAEP Capital Outlay Process:*** All capital outlay requests require an informational email stating the following has/promise it will, occur:

- a. Consortium has approved the capital outlay and expense (provide date item was approved)
- b. The project aligns with the Three-Year/Annual Plan for the consortium
- c. Provide the quote for work done
- d. The member must follow all state & local policies and procedures related to capital outlay. This would include district facilities approval, following procurement processes, and notification of state agency facility departments.

*Once the expense is approved and aligns with the consortium plans, the consortium lead will need to submit an informational email/request via the Support Ticket system to CAEP TAP. Please attach the quote, if one is available, and acknowledgement of item #4.*

*The CAEP Office will review and reach out if they have any further questions. The email is informational only, so if CAEP does not reach back out within 10 days with questions, you are welcome to move forward with the planning of the project.*

4. If approved, the Consortium Director will notify the member of final approval.

## **ARTICLE XXIII. Member District Relinquishment of Funds**

### **A. Voluntary Relinquishment of Funds**

- 1) Any member may choose to relinquish funds voluntarily by the end of the second quarter of the fiscal year.
- 2) The member who chooses to relinquish funds needs to submit a statement from their district office to the Consortium Director indicating the amount of money to be relinquished and the specific reason for the inability to spend the funding.
- 3) The funds may be made available first to the member's sub-region. If the member's sub-region cannot spend the funds, they will be made available to all consortium members on a case-by-case basis as determined by the KAEC Governing Board upon recommendation by the Steering Committee.
- 4) Future allocation amounts will not be affected by a member voluntarily relinquishing a portion or all of their funding unless the member is deemed ineffective as outlined in Article XII.

### **B. Involuntary Relinquishment of Funds**

- 1) Involuntary relinquishment of funds is defined as per two sections within the bylaws (Article XII).
- 2) Potential ineffective members will be referred to the Steering Committee for review and technical assistance will be provided.
- 3) The member who is required to relinquish funds needs to submit a statement from their district office to the Consortium Director to forward to the KAEC Governing Board indicating the amount of money required to be relinquished and the specific reason for the inability to spend the funding.
- 4) Future allocation amounts will not be affected by a member relinquishing a portion or all of their funding unless the member is deemed ineffective as outlined in Article XIII.
- 5) If a relinquishment of funds (voluntary or required) from the same member occurs in two consecutive fiscal years, the KAEC Governing Board may make the decision to reduce funding permanently. Should this occur, the KAEC Governing Board will adopt a policy for the reinstatement of funds.

## **ARTICLE XXIV. Excessive Carryover**

### **A. Excessive Carryover Definition for Consortium**

AB1491 defines excessive carryover as more than 20% of allocated funds from one or more prior fiscal years.

### **B. Consortium Excessive Carryover Policy**

Beginning with the 2023-24 program year, Consortia exceeding 20% carryover annually will be required to submit a written expenditure plan and assigned technical assistance by the Chancellor's Office and CDE.

### **C. Excessive Carryover Definition for Member**

Excessive carryover refers to the percentage of allocated funds that a member has carried forward from one fiscal year to the next fiscal year beyond the percentage threshold. The percentage threshold for excessive carryover for the member of the Consortium is 20% of the member's annual allocation.

### **D. Member Excessive Carryover**

- 1) Beginning with the 2023-24 fiscal year, the consortium office must review the carryover amounts reported in NOVA by each member quarterly and notify any member who has fallen below the following spending targets: Q1 - 20%, Q2 - 40%, Q3 - 60% and Q4 - 80%.
- 2) If a member's carryover exceeds the 20% threshold for two consecutive years, the Consortium is authorized to take action by withholding 100% of the member's excessive carryover amount through an allocation amendment upon certification of the second consecutive fiscal year of excessive carryover. Withholding of the member's allocation will be decided by a majority vote of the KAEC Governing Board and cannot exceed the excessive carryover amount.
- 3) If a member's carryover exceeds the percentage threshold for one fiscal year, the Consortium may take action, such as requiring a written plan describing how the member will spend this carryover amount, including timelines, or how the member will reallocate excessive carryover funds to another member or return to the Consortium office.

### **E. Carryover for Capital Improvements**

If a member is carrying over money for capital improvements in the amount of \$5,000 or greater, the following must occur:

- A. Submit a written activity and spending plan and include which year's allocation will be used.

- B. Submit the member's governing KAEK Governing Board's approval of the plan.
- C. The member must monitor this money that is being set aside, there must be a timeline, and quarterly communication and updates with the KAEK Consortium Director.

Reminder: Funds must be spent by the expiration date of the fiscal year indicated for the project, or the KAEK Governing Board and CAEP TAP shall be notified.

**ARTICLE XXV. Disposition of Equipment or Property Purchased with CAEP Funds**

A. Disposition of terminated CAEP course/program related equipment or property is to be carried out in accordance with the following:

- 1) Priority for the purchase of said equipment/property shall be given to the district that terminated the course/program.
- 2) If the District that terminated the course/program does not purchase the equipment/property, that was originally purchased with CAEP funds, the expectation is that the Member District will work with other KAEC Member Districts to distribute the equipment/property.
- 3) Final disposition shall be approved by Consortium Director.

**ARTICLE XXVI. Subcontracts**

- A.** If a KAEC Member District subcontracts with another Member District for services, the KAEC Governing Board shall be informed.

## **Article XXVII. Parliamentary Authority**

- A.** The KAEC Governing Board complies with Brown Act (GC 54950-63) and follows basic parliamentary procedures, including making a motion, 2nd, discussion, and roll-call voting.
- B.** Any rules of order and procedures specified in these bylaws shall be followed until amended or new rules are adopted. Furthermore the KAEC Governing Board is bound by the Brown Act, and policies set forth in AB 104 legislation, California Education Code, California GC, and local control guidelines and ratifications of individual member-districts.
- C.** In the event of a discussion on points of order which are unresolved in these bylaws, the KAEC Governing Board shall resolve issues by consensus or majority agreement.

### **Article XXVIII. Amendments**

- A.** These bylaws may be amended at any time and will be revisited annually by the Steering Committee.
- B.** Proposed amendments shall be noticed in an Governing Board Meeting agenda and posted in compliance with the Brown Act.
- C.** Amendments can be made at regular or special open meetings.
- D.** Amendments shall be passed with a majority vote, as long as a quorum is reached.
- E.** Amendments shall be noted in this document by a date following the amendment.

## References

### **Note:**

GC 54959: Any Board member who attends a meeting where action is taken in violation of the Brown Act, and where the member intends to deprive the public of information which the member knows or has reason to know the public is entitled, is guilty of a misdemeanor.

### **Legislative**

California Education Code addressing the Adult Education Program

[http://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=EDC&division=7.&title=3.&part=50.&chapter=5.&article=9](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=7.&title=3.&part=50.&chapter=5.&article=9).

### **Brown Act**

SB707

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202520260SB707](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB707)

California GC addressing the Brown Act

[http://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=GOV&division=2.&title=5.&part=1.&chapter=9.&article=](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.&title=5.&part=1.&chapter=9.&article=)

Office of the Attorney General, The Brown Act: Open Meetings for Local Legislative Bodies 2003 (still source document)

<https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/brownAct2003.pdf>

Guide to the Brown Act by the League of California Cities. [https://www.cacities.org/Member-Engagement/Professional-Departments/City-Attorneys-Department/Publications/Open-Public-IV\\_-A-Guide-to-the-Ralph-M-Brown-Act-\(.aspx](https://www.cacities.org/Member-Engagement/Professional-Departments/City-Attorneys-Department/Publications/Open-Public-IV_-A-Guide-to-the-Ralph-M-Brown-Act-(.aspx)

Brown Act Summary provided by law firm that works with many schools, charters, and districts in California. [http://www.lozanosmith.com/docs/resources/Brown\\_Act\\_Summary.pdf](http://www.lozanosmith.com/docs/resources/Brown_Act_Summary.pdf)

Summary of Major Provisions and Requirements of the Brown Act by BBK Attorney At Law (Used as a reference document by the CAEP TAP office)

<https://www.bbklaw.com/BBK/media/Library/pdf/Major-Provisions-and-Requirements-of-the-Brown-Act.pdf>

Los Angeles Office of the City Attorney – Standing and Ad Hoc Committees under the Brown Act <https://neighborhoodempowerment.lacity.gov/wp-content/uploads/2012/04/Brown-Act-Standing-and-Ad-Hoc-Committee.pdf>

AEBG alignment with the Brown Act <https://caladulthood.org/DownloadFile/177>

Orange County Department of Education – Brown Act, California’s Open Meeting Law

<https://ocde.us/LegalServices/Documents/The-Brown-Act-California%27s-Open-Meeting-Law-January-2018.pdf>