



December 11, 2017

To: Adult Education Block Grant (AEBG) Consortium Directors and Members

From: Adult Education Block Grant Office

Subject: Fiscal Year 2018–19 AEBG Program Fees Policy

This memorandum is to advise local recipients of the Adult Education Block Grant (AEBG) program fees policy that take effect July 1, 2018.

AEBG Fees Policy

No tuition may be charged or collected in the following AEBG program areas by either community colleges or K12 adult schools:

- Adult Elementary and Secondary Basic Skills, including programs leading to a high school diploma or its equivalent,
- Programs for immigrants eligible for educational services in citizenship, ESL and workforce preparation,
- Adults, including but not limited to older adults, designed to develop knowledge and skills to help elementary and secondary school children succeed academically in school
- Programs for adults with disabilities

CTE Programs: For the purposes of this portion of the policy, career and technical education (CTE) programs include the following: 1) Short term CTE with high employment potential; 2) Adults, including but limited to older adults, entering or re-entering the workforce; and 3) Pre-apprenticeship conducted in coordination with one or more DAS approved apprenticeship programs.

- **Community college noncredit CTE programs:** No tuition may be charged or collected by for career and technical education programs as prohibited by statute in California Education Code. (This include Short Term CTE, Workforce Entry/Reentry, and Pre-Apprenticeship).
- **K12 adult schools:** Career and technical education programs offered by K12 adult schools are considered part of the AEBG program, but K12 adult school providers are allowed to charge fees for these programs. K12 adult CTE programs are subject to all state requirements under AEBG including course approval, credentialing, and student

data reporting. The K12 adult CTE student fee structure must be included in the consortia annual plan.

Policy Reminders:

Note 1: This recommendation in no way infringes on K-12 adult school or community college community services that is governed by existing state regulations and education code.

Note 2: The State will encourage the blending and leveraging of other fund sources with AEBG – such as on the K-12 side (LCFF apportionment), and on the college side (Community College apportionment) in addition to the many other adult education member & partner resources (like WIOA Title I Individual Training Accounts (ITAs)). With the exception of K-12 adult school CTE (workforce entry/reentry and pre-apprenticeship) course offerings, no other AEBG program areas may charge fees, or leverage/braid fees.

For questions related to AEBG Program Fees Policy and/or technical assistance on professional development topics, please contact the AEBG Technical Assistance Project (AEBG TAP) by phone at 1-888-827-2324 or by e-mail at tap@aebg.org.

Sincerely,

Carolyn Zachry, Ed.D
California Department of Education
Adult Education Block Grant Office



Javier Romero
California Community Colleges Chancellor's Office
Adult Education Block Grant Office



Enclosure: Resources Related to the AEBG Program Fees Policy



RESOURCES RELATED TO THE AEBG PROGRAM FEES POLICY

1. SB-173 Education funding: adult education (Liu)
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB173
2. CDE Management Bulletin: Workforce Innovation and Opportunity Act, Title II: Adult Education and Family Literacy Act Grant Funding
<http://www.cde.ca.gov/sp/ae/ir/mb1601.asp>
3. Community Colleges Student Fee Handbook
http://extranet.cccco.edu/Portals/1/Legal/Ops/12-09_StudentFeeHandbook2012.pdf

AEBG Program Fees Background

Aligning fees in AEBG is problematic because of the inconsistency in the policies guiding the two systems and the need to properly evaluate adult education related expenses. The fee structures of the CDE and the Chancellor's Office are mandated by separate education code and policy regulations. Currently, community colleges charge fees for credit courses, but community colleges do not charge for noncredit adult education courses (though in some cases, noncredit students are responsible for other costs, such as books and supplies). K12 adult schools cannot charge fees for English as a Second Language (ESL), Adult Basic Education (ABE), and Adult Secondary Education (ASE), but it is not clear in the other AEBG program areas whether education code is in effect or not. The new AEBG Program Fees Policy will align existing education code between the K12 adult education system, and the community college noncredit system.

AB86 Workgroup Review of Fees Policy

In 2015, the AB 86 Cabinet and Work Group examined the issues involved in developing a uniform policy for the AB 86 program areas. The two principal options identified were, first, fees could be eliminated for all AB 86 adult education courses, ensuring formal consistency across all programs, reducing confusion and financial barriers to access. The major concern raised to this option is that some programs would then have insufficient funding to continue. Alternatively, programs could continue to have the option to charge fees, but fee levels would be made consistent across the state and/or other criteria established for fee levels, ensuring that they are fair and reasonable. The fees would leverage state funding and might ensure that students are less likely to drop a course. This option raises the concern that adult education courses might become inaccessible to the lowest-income students.

Given the complexity of the issues, the CDE and Chancellor's Office recommended that the Legislature consider the trade-offs and make the determination whether to eliminate fees or

establish guidelines for charging fees, which ensures that there are no financial barriers to students being able to access adult education services; there is consistency across programs, courses, and providers; and there is adequate reimbursement for program costs.

AB104 Maintenance of Effort Certification Process

For the initial implementation of AB104, and the Adult Education Block Grant (AEBG), the CDE and the Chancellor's Office established base funding for K-12 adult schools, known as Maintenance of Effort (MOE). The majority (67%) of the AEBG base allocation is made up of Maintenance of Effort (MOE) as certified by K-12 and County Offices of Education (COEs). The MOE certification process was based on the certification of 2012-2013 adult education related expenses in the ten adult education program areas as submitted by K-12 districts and COEs. This 12/13 certification was used to form the K-12/COE base for the MOE. The MOE funding amount does not change unless funding is reduced based on the criteria as specified in AB104 legislation (84914 (b)). However, this MOE Certification Process did not allow K-12 Districts to report program fees collected during 2012-2013 program year. The result was that millions of dollars of adult education related expenses were not certified, and many K-12 adult schools received significantly less than their actual adult education related expenses. Because the 12/13 certification established base funding for K-12 adult schools, the ones that survived on program fees were given a lower base funding amount.

AEBG Data and Accountability Ad-hoc team Recommendation on Fees Policy

In the summer of 2017, the AEBG leadership convened a series of field teams to address the complexities of establishing consistent, statewide data on populations that had previously not been fully included in agency accountability systems. A subgroup of these field teams became the AEBG Fees Ad-Hoc Team. The team recommended policy was approved by AEBG Leadership, and will be enacted at the beginning of the 2018-2019 program year. The AEBG Office will publish the AEBG fees policy during the current program year (17-18) so that AEBG members can prepare for implementation in 2018-2019. In addition, starting in 2018-19, the State's AEBG Financial System NOVA,, will begin tracking program fees collected as well as those fund sources leveraged for AEBG purposes. The data collected will be analyzed to examine the connection between student persistence and fees as well as other related topics.



December 11, 2017

To: Adult Education Block Grant (AEBG) Consortium Directors and Members

From: Adult Education Block Grant Office

Subject: AB104 Legislative Alignment with the Brown Act

This memorandum is to advise local recipients of the Adult Education Block Grant (AEBG) funds that the public meeting requirements listed in AB104 legislation aligns with the Ralph M. Brown Act (section 54950 et seq. of the Government Code). The California Department of Education and the California Community Colleges Chancellor's Office have determined that the Brown Act applies to the AEBG consortia as the Brown Act applies to the governing body of any "local body created by state or federal statute." (Ed. Code, section 54952.)

In addition to following the Ralph M. Brown Act, the AEBG consortia must also follow the requirements set forth in its rules and procedures, including those developed pursuant to AB104 related to public meetings and public comments. The law governing the AEBG consortia requires each consortium to create rules and procedures to be approved by the AEBG Office (on behalf of the chancellor and Superintendent). These rules and procedures also include specific public meeting and public comment requirements, laid out in Education Code section 84905(d), (see below). These requirements by the consortium include soliciting comments from the public and other relevant entities on any proposed decisions; considering and responding to such comments from the public and other relevant entities; distributing publicly the comments submitted by members of the public; and considering input from a variety of education-related stakeholders prior to making a decision.

For questions related to AEBG legislative requirements for public meetings, the Brown Act, and/or technical assistance on professional development topics, please contact the AEBG Technical Assistance Project (AEBG TAP) by phone at 1-888-827-2324 or by e-mail at tap@aebg.org.

Sincerely,

Carolyn Zachry, Ed.D
California Department of Education
Adult Education Block Grant Office

Javier Romero
California Community Colleges Chancellor's Office
Adult Education Block Grant Office



References:

AB104 legislation: Article 9. Adult Education Block Grant Program

84900. The Adult Education Block Grant Program is hereby established under the administration of the Chancellor of the California Community Colleges and the Superintendent of Public Instruction.

84905. The chancellor and the Superintendent, with the advice of the executive director, shall approve, for each consortium, rules and procedures that adhere to all of the following conditions: (see a through e for consortia requirements on public meetings and decision-making).

(d) (1) Decision making procedures are specified that ensure that all of the following conditions are satisfied:

(A) All members of the consortium shall participate in any decision made by the consortium.

(B) A proposed decision is considered at an open, properly noticed public meeting of the consortium at which members of the public may comment.

(C) The consortium has provided the public with adequate notice of a proposed decision and considered any comments submitted by members of the public, and any comments submitted by members of the public have been distributed publicly.

(D) (i) The consortium has requested comments regarding a proposed decision from other entities located in the adult education region that provide education and workforce services for adults.

(ii) The consortium has considered and responded to any comments submitted by entities pursuant to clause (i).

(iii) For purposes of this subparagraph, entities that provide education and workforce services to adults include, but are not necessarily limited to, local public agencies, departments, and offices, particularly those with responsibility for local public safety and social services; workforce investment boards; libraries; and community-based organizations.

(E) The consortium has considered input provided by pupils, teachers employed by local educational agencies, community college faculty, principals, administrators, classified staff, and the local bargaining units of the school districts and community college districts before it makes a decision.

(F) A decision is final.

(2) For purposes of this subdivision, a decision includes approval of an adult education plan pursuant to Section 84906 and approval of a distribution schedule pursuant to Section 84913.

Brown Act legislation:

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=9.&part=1.&lawCode=GOV&title=5

California Attorney General's Office – Brown Act Pamphlet (see attached)