

# **Bylaws of the Citrus College Adult Education Consortium**

**Approved September 20, 2022 Act # 22-23**

## **ARTICLE I — NAME, PURPOSE, PRINCIPLES, AND CAEP PLANS**

### *Section 1: Consortium Name*

The name of the organization shall be the Citrus College Adult Education Consortium (herein referred to as the “CCAEC”).

### *Section 2: Purpose*

The purpose of the CCAEC (herein referred to as “Purpose”) is to efficiently use California Adult Education Program (CAEP) funds to provide adults in its region with educational programs as specified by California AB104 and as listed below:

- i. Programs for elementary and secondary basic skills, including classes required for a high school diploma or high school equivalency certificate.
- ii. Programs for immigrants in citizenship and English as a second language and workforce preparation classes.
- iii. Programs for adults including, but not limited to, older adults, that are primarily related to entry or reentry into the workforce.
- iv. Programs for adults, including, but not limited to, older adults, that are primarily designed to develop knowledge and skills to assist elementary and secondary school children to succeed academically in school.
- v. Education programs for adults with disabilities.
- vi. Short-term career technical education programs with high employment potential.
- vii. Programs offering pre-apprenticeship training conducted in coordination with one or more apprenticeship programs approved by the Division of Apprenticeship Standards.

### *Section 3: Guiding Principles*

CCAEC collaboration and implementation to achieve the Purpose will be guided by the following guiding principles (herein referred to as “Principles”):

- i. The CCAEC places the highest value on students achieving their educational goals.
- ii. The CCAEC strives to help improve the community by providing adults with educational pathways to the workforce and higher education.
- iii. The CCAEC will work together ethically and fairly to allocate financial resources and achieve efficiency and equity in meeting the needs of CCAEC students and achieving its Purpose.

- iv. The CCAEC will share responsibility and accountability and will equitably fund all projects and defined student outcomes.
- v. Adult education programs will be open to all who qualify without discrimination.
- vi. The CCAEC will engage in vital collaboration and adhere to a transparent process of open and honest communication.
- vii. The CCAEC will respect individual institutional autonomy within the constraints of member effectiveness and accountability. CCAEC members will seek efficient solutions that avoid bureaucracy.

#### *Section 4: Plans*

The CCAEC recognizes that the state requires Three Year Plans and Annual Plans in order to receive its annual CAEP funds (herein “Plans”). Thus, the CCAEC commits to the collaboration and implementation that will create strong Three Year Plans and Annual Plans that guide the CCAEC in its efforts to achieve its Purpose and meet state requirements.

## ARTICLE II — MEMBERSHIP

#### *Section 1: Membership Complies with State Law*

Membership to the CCAEC is governed by and complies with all current California State legislation, specifically AB104.

#### *Section 2: CCAEC Members*

Institutions participating in membership to the CCAEC (herein referred to as “Member” or, in the plural, as “Members”) are afforded all rights and responsibilities as outlined by California legislation. The Members of the CCAEC include the following organizations:

Citrus College (CC)

Azusa Adult Education Center in the Azusa Unified School District (AUSD)

Claremont Adult School in the Claremont Unified School District (CUSD)

Duarte Unified School District (DUSD)

Glendora Adult School in the Unified School District (GUSD)

Monrovia Community Adult School in the Monrovia Unified School District (MUSD)

Each of the above Members have one voting Representative on the CCAEC Executive Board as stipulated in Article IV of these bylaws.

#### *Section 3: CCAEC Partners*

The CCAEC Members have the right to engage agencies and institutions that share the CCAEC Purpose and Principles to participate in the consortium as non-voting Members. These agencies (herein referred to as “Partners”) are encouraged to assist CCAEC Members to achieve their consortium Purpose.

## ARTICLE III — ALLOCATION OF CAEP FUNDS, CONSORTIUM FISCAL AGENT DECLARATION (CFAD) AND ASSURANCES

### *Section 1: Annual Allocation of CAEP Funds and its Distribution to CCAEC Members*

As stated in Article I, Section 3, Clause iii, CCAEC Members will work together, ethically and fairly, to allocate financial resources and achieve efficiency and equity in meeting the needs of CCAEC students and member institutions in achieving its Purpose.

The CCAEC understands that it will receive an annual consortium-wide allocation of state CAEP funds. The CCAEC recognizes that distribution of these funds to CCAEC Members is guided by Local Control Funding principles and that the Members collectively collaborate to distribute these consortium-wide CAEP funds such that Members have adequate funding to work individually and achieve the consortium Purpose.

The CCAEC Executive Board (as defined in Article V) will be the body that collectively determines individual Member Allocation of CAEP funds (herein referred to as “Allocation”). Individual Member Administration must recognize Allocations are determined collectively and collaboratively guided by the same principles that drive Local Control Funding to achieve the CCAEC Purpose and must minimize influence and interference upon Executive Board determination of Member Allocation. The CCAEC Members commit to determining Member Allocation in a transparent manner using reasonable data such as student enrollment and performance.

The Board will determine final CAEP Allocation publicly at a CCAEC Board meeting (as described in Article VII, Section 1) the month before the CAEP Consortium Fiscal Agent Declaration (herein “CFAD”) is due to the state.

### *Section 2: Funding Mechanism Decided Annually*

As part of Member Allocation deliberations, the CCAEC Executive Board must determine a CAEP funding mechanism. Thus, annually the Executive Board must vote to determine if CAEP funds are delivered directly to each Member through Direct Funding or to one Member that serves a consortium Fiscal Agent. This decision is reflected in the CCAEC CFAD.

### *Section 3: Consortium Fiscal Agent Declaration (CFAD) Certification Process*

Once the CCAEC Executive Board makes a final determination upon Member Allocation and CAEP funding mechanism, each Member Allocation amount is entered into the state financial database. At the time of the passage of these Bylaws that database is NOVA.

Once entered into NOVA, each Member Representative (as defined in Article V, Section 1) must certify the Member Allocation.

#### *Section 4: Assurances and Certifications*

CCAEC Member Representatives acknowledge that when certifying the CFAD and Member Allocation in NOVA, they are assuring that their Member institution and the CCAEC will adhere to the legislative requirements of California Educational Code 84900 – 84920 (herein “Assurances”) which must be certified to receive CAEP funds. These Assurances are listed in NOVA, but are also included in these Bylaws under three areas: Membership and Decision-Making, Public Meetings, and Reporting Requirements.

i. Membership and Decision-Making

Below are assurances Member Representatives make regarding Membership and Decision-Making:

- I certify that any community college district, school district, or county office of education, or any joint powers authority consisting of community college districts, school districts, county offices of education, or a combination of these, located within the boundaries of the adult education region shall be permitted to join the consortium as a member (EC 84905 (a)(b)).
- I certify that only members as described above (and in EC 84905) are allowed to join my consortium as members and participate in decision making and approvals whether in a public meeting, or via the NOVA planning, budgeting & expense reporting system.
- I certify that as a condition of joining a consortium, as a member, I shall commit to reporting any funds (as described in EC 84916) available to that member for the purposes of education and workforce services for adults and the uses of those funds through the annual Program Area exercise in NOVA for reporting leveraged funds, and instructional hours.
- I certify that as a member of the consortium my district shall be represented only by an official designated by the governing board of the member (EC 84905 (c)).
- I certify that as a member of the consortium, I shall participate in any decision made by the consortium (EC 84905 (d)(1)(A)).
- I certify that all decision made by the consortium and its members is final (EC 84905 (d)(1)(F)).
- I certify that I will adhere to the consortium rules and procedures and, as agreed upon by the consortium members, to any additional by-laws, charters, etc.

ii. Membership and Decision-Making

Below are assurances Member Representatives make regarding Public Meetings:

- I certify that a proposed decision is considered at an open, properly noticed public meeting of the consortium at which members of the public may comment (EC 84905 (d)(1)(B)).

- I certify that 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 (EC 84905 (d)(1)(C)).
- I certify that 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 (EC 84905 (d)(1)(D)(i)).
- I certify that 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 (EC 84905 (d)(1)(D)(i)).
- I certify that 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 (EC 84905 (d)(1)(E)).
- I certify that in addition to the meeting requirements listed in EC 84905, and as agreed upon by the consortium members, that I will follow the public meeting requirements listed in the Ralph M. Brown Act as the Brown Act applies to the governing body of any “local body created by state or federal statute.” (Ed. Code, section 54952.)

iii. Membership and Decision-Making

Below are assurances Member Representatives make regarding Reporting Requirements:

- I certify that I will participate in completing and updating any consortium long range and/or short range planning efforts and/or budget work plans (EC 84906, 84914(a)).
- I certify that all CAEP expenses have been expended in the CAEP seven program areas, and services provided are consistent with the 3-year plan, the annual plan, and my district’s work plan & budget as submitted in NOVA (EC 84913 (1-7), 84906, 8914(a)).
- I certify that my expenditures of CAEP funds match the objectives/activities included in the annual plan and the member work plan (EC 84906, 84914(a)).
- I certify that my expenditures of CAEP funds adhere to the allowable uses of funds as identified in the CAEP Fiscal Management Guide.
- I certify that I will report student level enrollment data and outcomes as prescribed by the State CAEP Office (EC 84920).
- I certify that I will share financial expenditure and progress reports with the members of my regional consortium.
- I certify that I understand that as a member if I do not meet any of these items I have certified, I will be deemed an ineffective member which may result in a loss or reduction of CAEP funding (EC 84914(b)).

- I certify that all CAEP expenses have been expended only for the education of persons 18 years of age or older (EC 84901(a)).

## ARTICLE IV – MEMBER EFFECTIVENESS AND MEMBER REMOVAL

### *Section 1: Definition of Member Effectiveness*

Member Effectiveness is primarily defined as a Member’s ability to consistently meet the Assurances outlined above in Article III, Section 3. A Member is deemed “ineffective” if the Member consistently fails to meet CAEP Assurances per this Section and reasonable interventions to improve Member Effectiveness have not resulted in improvements. The most critical of the above assurances are:

- Program Area Reporting of leveraged funds and instructional hours (this certification is due annually on 12/1)
- Quarterly expenditure reporting (Q1, Q2 (includes close out), Q3, & Q4)
- Plan Certification – 3-year plan, annual plan, and member work plan
- CFAD and Governance Certification (currently due May 2<sup>nd</sup>)
- Quarterly student data reporting into TOPSPRO Enterprise (Q1, Q2, Q3, & Q4)

In addition to timely reporting in regards to the above reporting deadlines, Member Effectiveness will be measured by proper expenditure of Allocation such that the Member avoids carryover amounts larger than state requirements.

- By the 2022-23 Program Year, carryover amounts greater than 15% of a Member’s total Allocation indicate Member ineffectiveness.
- In the first year of excessive carryover, Member must provide a detailed plan as to how the carryover will be spent and the Executive Board must approve the plan. This is considered Intervention Year 1.
- If the carryover exists after Intervention Year 1, the Member is deemed ineffective.

### *Section 2: Reduction of Member Allocation*

The Board may reduce a Member’s Allocation for the following reasons:

- Members have mutually agreed upon an Amendment to Annual Member Allocation so that one Member can better meet the CCAEC Purpose.
- The Member no longer wishes to provide services consistent with achieving the CCAEC Purpose and the CCAEC Annual Plan.
- The Member is not providing educational programs and services consistent with achieving the CCAEC Purpose and the CCAEC Plans.
- The Member is not expending CAEP funds in a manner that adheres to the allowable uses of funds as identified in the CAEP Fiscal Management Guide.

- v. The Member is consistently not meeting the requirements of Member Effectiveness as defined in Section 1 of this Article and is thus deemed “ineffective” in providing services that address the CCAEC Purpose. Reasonable interventions to improve Member Effectiveness have not resulted in improvements.

A simple majority vote is all that is required to reduce a Member’s Allocations. The consortium may reduce the Member’s Allocation for the current year or reallocate the Member’s Allocation for the following program year.

If the Executive Board reduces Allocation for the current year, the Member must return Allocation to the fiscal agent within 15 days of written notification of forfeiture of funds. The Executive Board will determine how to redistribute reallocated Allocation funds.

### *Section 3: Removal of Members, Members Leaving or Addition of New Members*

Member institutions can voluntarily leave the consortium but must provide written notice thirty (30) days prior to vacating membership. Any Member that voluntarily chooses to leave the consortium must return its annual Allocation of CAEP funds to the fiscal agent within 15 days of the effective date of leaving. The CCAEC Executive Board (described in Article IV) will determine how to redistribute the Allocation returned by the departing Member.

The decision to add a new Member requires a two-thirds majority vote.

The decision to remove a current Member requires each Representative (as defined in Article V, Section 1) to obtain the acknowledgement and approval from the Superintendent/President of the Member institution. Vote for approval to remove a Member must be a two-thirds majority.

## ARTICLE V – THE CCAEC EXECUTIVE BOARD

### *Section 1: Representative Requirements and Responsibility of the Executive Board*

Each of the organizations listed in Article II, Section 2 will appoint one Representative (herein referred to individually as “Representative”) to serve as a voting participant on the CCAEC Executive Board (herein referred to as “the Board”). Each Member Representative must be an employee of the Adult Education school listed in Article II, Section 2. Each CCAEC Representative is expected to abide by the Bylaws of the CCAEC. Each Member Representative is expected to know adult education and college systems, processes, and budgetary issues that could affect the consortium Purpose and Plan.

In addition to the Representative, each Member may have a standing Proxy Representative (herein “Proxy”) that has the same voting privileges as the Representative. In the case the Representative is not able to be present for a Board

vote, the Proxy may vote on behalf of the Member Representative and required qualifications as the Representative.

The Board of the CCAEC is responsible for overall policy and direction of the consortium. The Board votes on issues the CCAEC Members deem critical to achieving the Purpose of the CCAEC. The Board must make all reasonable efforts to include Member, partner, and public input and dialogue when deliberating and voting upon issues put before the Board.

### *Section 2: Appointment to the Board, Terms and Compensation*

Each Representative must be employed by the Member institution while serving on the Board. The Representatives are the designee of the Member institution for all policy directives and Board votes. Representatives receive no compensation to serve on the Board. The Member Representative to the Board and the Proxy must be appointed and approved by the Member Institution's Governing Board.

### *Section 3: Voting and Decision Approval*

For issues brought before the Board for vote, each Member Representative has one vote.

All decisions under the jurisdiction of the Board will be decided by a simple majority vote unless otherwise indicated in these by-laws. It is suggested that whenever possible Board Representatives strive for unanimous decisions as a demonstration of consortium cohesion and collaboration.

### *Section 4: Officers and Duties*

There will be two officers of the Board, consisting of a Chairperson (herein referred to as "Chair") and Vice-chairperson (herein referred to as "Vice-chair"). Their duties are as follows:

- i. Chair will preside over all Board meetings. The Chair will sign all consortium documents that require a Board signature. The Chair will perform other duties as assigned by the Board.
- ii. The Vice-chair will act as Chair in the Chair's absence and will perform other duties as temporarily assigned by the Board.

Election of a Chair and Vice-chair will be conducted every June Board meeting, which will be a CCAEC Annual Organization meeting.

## ARTICLE VI — STAFF

### *Section 1: Support Staff*

The Board has the right to hire staff (herein referred to as "Staff") as needed to support the CCAEC Purpose. The Board must vote to determine how funding for Staff will be

divided among Members. The Board designates duties as necessary for Staff to successfully support the CCAEC Purpose.

### *Section 2: Program Director*

The CCAEC recognizes that the most immediate Staff member that must be hired is the consortium Program Director (herein "Program Director"). The Program Director has numerous responsibilities, chief among them are to assist Members with CAEP compliance and effectiveness.

The Program Director responsibilities include (but are not limited to)

- i. Monitor CCAEC Member performance related to CAEP Certification of Assurances and identify members for non-compliance.
- ii. Provide reasonable interventions to potentially non-compliant Members by offering technical assistance and/or help non-compliant Members reach out to the CAEP Technical Assistance Project.
- iii. Serve as the Primary Contact in NOVA, the CAEP Financial Data Management system. As Primary Contact, the Program Director:
  - a. Is the entity that certifies budgets and expenditure reports that have been entered into the system by Members and approved by the Board.
  - b. May de-certify budgets and expenditure reports as needed when Member reports have changed and changes are required for accurate reporting.
  - c. Confirms that Member changes in NOVA meet CAEP Certification of Assurances.
  - d. Assists Members to submit NOVA data in a timely fashion
- iv. Work with Representatives and other stakeholders to create Board Meeting Agendas in a timely fashion.
- v. Create accurate Board Meeting Minutes in a timely fashion.
- vi. Take primary responsibility for authoring the Annual Plan and the Three Year Plan.
- vii. Take primary responsibility for revising and aggregating individual member data and submitting state required data reports before the deadlines.
- viii. Collect and analyze a variety of complex data and information. Perform statistical analysis and summarize findings in applicable reports and other program stakeholders.
- ix. Monitor and report progress towards program goals, objectives, outcomes, and deliverables.
- x. Develop relationships with Workforce Development Boards and AJCCs to increase WIOA Title I funding for consortium members.
- xi. Maintain relationships with business, labor, industry, governmental agencies, and community organizations.
- xii. Actively participate in/on a variety of meetings, committees, task forces, and/or other related groups to communicate information to CCAEC members

- regarding services, programs, areas of opportunity, and/or other pertinent information as appropriate.
- xiii. Perform other duties as assigned.

## ARTICLE VII — MEETINGS

### *Section 1: Executive Board Meetings*

All CCAEC Board meetings will occur once a month and will be open to the public. The Board may decide to meet less than once a month, if it deems Board responsibilities can be met accordingly. The Board will develop a 12-month calendar of Board meetings that will contain location, dates, and times of all meetings. This calendar will be posted on the CCAEC website. Notification of individual board meetings will be posted on the CCAEC website and at the hosting Member institution at least 72 hours in advance of the meeting.

At the first Board meeting, and at every meeting one year after the first Board meeting, the Board will elect the Chair and Vice-chair.

The Board is responsible for providing the meeting Agenda 72 hours in advance of the meeting. While the Chair is responsible for determining the Agenda with Member input, the Chair can employ Staff to complete the physical production and website posting of the agenda.

At Board meetings, the Board will receive reports on the activities of the consortium Members in relation to the plan from Staff and Members. Opportunities will be provided for public input.

### *Section 2: Notice of meetings:*

At least 72 hours prior to a public board meeting, the agenda will be posted at the hosting Member's main office and on the consortium web site in a location easily accessible by the public.

### *Section 3: Quorum*

For meetings of the CCAEC, a quorum will be the majority of the Board. Meetings may still be held without a quorum for purpose of presentation or discussion. However, no actions or voting may take place without a quorum.

### *Section 4: Meeting Procedures*

CCAEC Board meetings will not use any formal procedural rules (e.g. *Robert's Rules of Order*), but meetings will follow procedures to ensure CCAEC Board meetings are fair, efficient, democratic, and orderly. The Board may adopt meeting rules and procedures to more efficiently and fairly conduct its business as it deems appropriate and/or necessary.

### *Section 5: Voting:*

Members will attempt to reach unanimous decisions by consensus as directed by CCAEC Principles. However, if a clear consensus cannot be obtained, decisions will be reached by a majority vote. Each Member of the Board has one Representative and each Representative will be entitled to one vote per motion. Proxy voting is permitted.

### *Section 6: Board Minutes*

The Board is responsible for providing minutes for all regularly scheduled or special Board meetings. The Board can employ Staff to complete minutes for each meeting and have Staff include these minutes in the following meeting's agenda. Approved minutes will be posted on the CCAEC website once approved.

### *Section 7: Special Meetings*

Special meetings may be called by the Chair, or by a simple majority of the Board.

## ARTICLE VIII — COMMITTEES

### *Section 1: Committee Formation*

The Board may create committees as needed. Committees will operate under the direction of the Board and be coordinated by a committee chair appointed by the Board.

Any committees will keep regular minutes of its proceedings and report those minutes to the Board.

## ARTICLE IX – FISCAL YEAR

### *Section 1: Fiscal Year*

The fiscal year of CCAEC will run from July 1 to June 30.

## ARTICLE X – PROCESS TO APPROVE AND AMEND BYLAWS

### *Section 1: Process to Approve Bylaws*

The process of editing and revising the Bylaws of the CCAEC will be completed during public CCAEC Board meetings or during CCAEC Bylaw Planning Committee meetings. Once deliberations over these the Board will be to approve the Bylaws of the Citrus College Adult Education Consortium without revision.

### *Section 2: Process to Amend Bylaws*

The Bylaws of the Citrus College Adult Education Consortium may be altered or amended by the Executive Board at any Board meeting by a simple majority vote, provided that notice of the proposed Bylaws change was sent to each consortium Member and Representative at least 7 days prior to the Board meeting.