

LEADERSHIP COUNCIL CHARTER FIRST AMENDMENT MARCH 22, 2023

In response to the State of California's Assembly Bill 86 (AB 86) and Assembly Bill 104 (AB104), which called for the expansion and improvement of the provision of adult education through consortia fusing K-12 adult education and community college programs, Grossmont Union High School District (GUHSD), Grossmont-Cuyamaca Community College District (GCCCD), and Mountain Empire Unified School District (MEUSD) joined to form the East Region Adult Education Consortium (ERAE). The consortium's shared vision is to create a system for Education That Works. Transitions That Matter. Students Who Succeed.

Our Guiding Principles are to:

- Build for agility: ERAE adopts a flexible, data-driven culture that enables and encourages contextualized, personalized learning with a purpose and enriched by technology; holistic student support and just-in-time training. ERAE is a strategic partner for community colleges and workforce development initiatives that aim to address our students' skill gaps, changing demographics, and economic mobility.
- Be intentionally diverse: ERAE embraces diverse mindsets, skillsets and flexible learning environments. Integrated solutions remove barriers and close the equity gap. Social and emotional skills are considered a priority, and there is an academic and career path for every student.
- Work with a purpose: ERAE builds coalitions with local and regional employers who are committed to a thriving East Region, and promotes learning that increases confidence, efficiency, and satisfaction for employees and students.

The consortium submitted a comprehensive and ambitious three-year regional plan for ERAE, delivered to the state August 2019, to document the need for adult education in our region, to address program gaps, and to identify instructional models and practices to accelerate the learning of adults in five program areas, as defined by AB104:

1. Adult Basic Education/High School Diploma/High School Equivalency
2. English as a second language (including English toward citizenship)
3. Workforce Development
4. Adult Literacy Participation
5. Career Technical Education

Purpose

East Region Adult Education is committed to leveraging the strengths of member institutions and partners to deliver outstanding adult education programs and services, provide seamless transitions for students, accelerate student progress towards goals, and provide professional development for faculty and staff.

Members

- I. Member institutions are Grossmont Union High School District (GUHSD) – Grossmont Adult Education, Grossmont Cuyamaca Community College District (GCCCCD)– Grossmont College and Cuyamaca College, and Mountain Empire Unified School District (MEUSD) – Adult Education.
- II. Any organization or institution receiving funding from the State of California for delivery of adult education as described in Assembly Bill 104, Section 39, Article 9, Section 84900, shall be added as a member institution. Such organizations must provide in writing to the Consortium Lead/Point Person the name of the “Official Representative” (and alternate) of the organization, and verification of the funding stream as cited in the legislation.
- III. Other eligible organizations that meet the above criteria may petition to be added as a member institution.
 - a. Petition for membership shall be submitted in writing to the Consortium Lead/Point Person.
 - b. The petition shall include the name of the official representative and alternate, a description of the adult education programs and services provided by the organization and rationale for being added as a member institution.
 - c. For inclusion in the fiscal year beginning July 1st, petition for membership must be submitted prior to February 28th of each calendar year.
 - d. Petitions for membership will be reviewed and approved at the public meeting held in the spring of each year and new member institutions will be included in the budget for the upcoming fiscal year.
 - e. Member Institutions may petition to leave the Consortium at any time by submitting a written request.

Member Rights and Responsibilities

- I. Rights
 - a. Member institutions have the right to participate in the decision-making process for development of regional adult education programs and services.
 - b. Member institutions have the right to funding for staff, facilities, equipment, outreach, and professional development associated with the delivery of regional adult education programs and services.
 - c. Member institutions have the right to consider all funding sources available to each member to serve adult education students (which may include, but are not limited to, CALWORKs, Perkins, WIOA, Community College District Apportionment, and LCFF).
- II. Responsibilities
 - a. Member institutions shall adhere to laws and regulations governing adult education programs and services, including submission of annual plans and reporting requirements for expenditures and student data.
 - b. Member institutions shall actively participate in developing and being guided by the current annual regional strategic plan.
 - c. Member institutions shall designate at least one “official representative” and an

- alternate representative to serve on the ERAE Leadership Council and represent the interests of the member institution. Designation shall be in writing and determined by each member institution's district, according to their policies.
- d. Member institutions shall actively participate in Consortium meetings, Consortium activities, and the decision-making process for development of regional adult education programs and services.
 - e. When representing a member institution, alternates are expected to be familiar with the issues under discussion.
- III. Dismissal of Member institutions (as described in Assembly Bill 104, Section 39, Article 9)
Member institutions may be dismissed from the Consortium for the following reasons:
- a. Failure to adhere to laws and regulations governing adult education programs and services.
 - b. Failure to submit annual plans.
 - c. Failure to adhere to reporting requirements for expenditures and student data.
 - d. Failure to designate at least one "official representative" (in writing and approved by the governing board) to serve on the steering committee and represent the interests of the member institution.
 - e. Failure to participate in the decision making process for development of regional adult education programs and services.
 - f. Failure to deliver adult education programs and services.

Funding Philosophy

East Region Adult Education centers all efforts on the needs of adult education students first. The member institutions of ERAE agree that:

- I. It is required that ERAE, as a California Adult Education Program consortium, submit a balanced budget annually. No Leadership Council member has the authority to obligate or encroach on their district's general funds.
- II. To the extent possible while maintaining a balanced budget and in accordance with standards established in AB 104, Section 39, Article 9, Section 84914, the CAEP Base funding for each member institution will be considered an agency's base funding level in the future and will be protected. (A district's Base funding will include both the member institution's Maintenance of Effort funding in 2015-16 and any consortium funds allocated to the district to maintain and expand its current service levels.)
- III. Increased capacity, including expansion of services to students in underserved and remote areas, is a priority of our 3-Year-Strategic Plan.
- IV. The fiscal agent will charge in-direct on only the portion of the CAEP funds it directly expends, and member districts will charge in-direct on the portion of the CAEP funds expended by member districts. The in-direct rates for all member districts will be based on the state approved in-direct rates, unless otherwise specified by the CAEP guidelines.

- V. The fiscal agent will distribute a Master Agreement and an Apportionment Schedule to each member district. The fiscal agent will distribute funds to member districts within thirty (30) business days of receiving funding. A proportionate share of any accrued interest will also be distributed to member districts by the fiscal agent.
- VI. Our goal is to maintain a balanced approach across the region; in the event of funding reductions, reductions in service and cuts to funding will be made in a balanced, regional way.
- VII. Provided growth or cost of living adjustments will be allocated to member districts proportionate to each district's CAEP allocation, unless the Leadership Council recommends, and the Governing Board approves a plan for use of the funds for consortium-wide special projects. Member districts should be mindful of any limitation in negotiations with bargaining units.
- VIII. Within the parameters established by CAEP, in the event that a member institution does not fully expend the CAEP funds allocated, the member institution may carry-over funds; these funds may only be used as outlined in ERAE's annual plan and must be expended within the next fiscal year, unless otherwise recommended by the Leadership Council and approved by the Governing Board.
- IX. The consortium defines "excessive member carryover" as fifteen (15) percent of any unspent fund from the prior fiscal year. That is, fifteen (15) percent shall be the consortium's threshold for determining which member meets or exceeds the excessive carryover.
- X. Budgets and financial reports are reviewed by each member and by the leadership council quarterly, before the consortium manager certifies quarterly reports in NOVA. During the quarterly review, projected versus actual spending are compared and analyzed for compliance with AB 1491 and for potential risk of excessive carryover. Excessive carryover shall be based on Q4 reports in NOVA. If the consortium's leadership council identifies an excessive carryover for at least two consecutive years, the consortium manager shall propose a Corrective Action Plan that identifies clear steps for any excessive carryover to be expended by the member with excessive carryover within the next fiscal year.
- XI. If the Corrective Action Plan does not result in the excessive carryover spent within the next fiscal year, the consortium Leadership Council shall vote on reducing a member's funding due to excessive carryover. A member's allocation can be reduced by no more than the amount of the member's carryover and shall not affect future year's allocations. The ERAE Leadership Council shall ensure that the funding remains dedicated to the consortium's region.
- XII. Any finding to reduce carryover made by the consortium shall require a majority vote. In case of a reduction of funding due to excessive carryover, the Leadership Council may recommend to allocate one-time or short-term funding to another member institution for special purchases or programs. It is understood that these funds are short-term in nature and there is no guarantee that ongoing funding for maintenance of purchases or

continuance of programs will be available. One-time or short-term funding for another member shall not reduce any member's future allocation or base funding.

- XIII. In accordance with standards established in AB 104, Section 39, Article 9, Section 84914, the CAEP Base funding for each member institution will be considered an agency's base funding level in the future and will be protected. (A district's Base funding will include both the member institution's Maintenance of Effort funding in 2015-16 and any consortium funds allocated to the district to maintain and expand its current service levels.) Final decisions are subject to approval by the governing board.
- XIV. The Leadership Council may recommend to allocate one-time or short-term funding to a member institution for special purchases or programs. It is understood that these funds are short-term in nature and there is no guarantee that ongoing funding for maintenance of purchases or continuance of programs will be available. Member districts must consider these implications prior to requesting one-time or short-term funding. Final decisions are subject to approval by the governing board.

Governance

Structure

- I. The ERAE Governing Board, as outlined in the governing board's bylaws, shall consist of at least six (6) members:
 - a. Appointed by Grossmont Union High School District
 - i. Superintendent
 - ii. Assistant Superintendent Educational Services
 - b. Appointed by Grossmont Cuyamaca Community College District
 - i. Chancellor
 - ii. Vice Chancellor of Student & Institutional Success or other designee
 - c. Appointed by Mountain Empire Unified School District
 - i. Superintendent
 - d. Appointed by ERAE Governing Board
 - i. Community member

The Governing Board adheres to bylaws as agreed upon.

- II. The ERAE Leadership Council, as outlined in Article I, provides strategic advice and direction to the Consortium, carries out management duties, and ensures compliance with relevant laws and regulations. The council coordinates and implements regional-level program development, contributes to the completion of program plans, and makes recommendations to the Governing Board.
- III. Workgroups, as outlined in Article II, are responsible for operational-level program and plan development, coordination, and implementation, and are responsible for sharing program plan information with the ERAE Leadership Council.

Decisions

- I. The voting members of the Governing Board make final decisions about work plans, allocation of resources to support work plans, and policies and procedures necessary for compliance with AB 104, Section 39, Article 9, Section 84900.
- II. When making final decisions the Governing Board will use input from Work Groups, the ERAE Leadership Council, partner organizations, and the public.
- III. The ERAE Leadership Council and Workgroups use consensus decision-making.
- IV. A majority of the Council members shall constitute a quorum for the transaction of business, except that less than a quorum may convene from time to time.

Article I: The ERAE Leadership Council

The Leadership Council is composed of three member institution representatives and the CAEP Manager.

The Leadership Council, in deliberation with the ERAE Governing Board will assure that funded activities align with the 3-Year-Strategic Plan's objectives and include decisions such as:

- I. Prioritization of activity objectives and outcomes as identified in the 3-Year-Strategic Plan, and required by the state;
- II. Developing and recommending an annual fund distribution schedule determining funding amounts and reporting responsibilities for each member institution for annual activities;
- III. Receiving and certifying deliverables as identified in the 3-year Strategic Plan and in the annual plans, and as required by the state;
- IV. Determining the need to amend either the annual activities or the 3-Year-Strategic Plan itself and approving such amendments.
- V. Meet twice yearly, or as needed, with workgroup co-chairs to review ongoing activities, and discuss ongoing 3-Year-Strategic plan implementation and twice yearly summits.
- VI. Approve and monitor the deliverables of all independent contractor agreements entered into to achieve the outcomes outlined in the annual activities, and the 3-Year-Strategic Plan.
- VII. Oversee the process to develop the new 3-Year Strategic Plan for adult education.

Roles and Responsibilities

- I. The Leadership Council provides strategic direction and advice to the consortium Strategic Plan work groups 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 and AB104, Section 39.
- II. The Leadership Council will review and approve all consortium-wide changes in allocations of budgets covered by GCCCD. The Leadership Council provides input on all Consortium-wide program plans and the related plans for allocation of funds for program development, staffing, professional development, supplies and equipment,

facilities, conference/travel, and other normal operating expenses.

- III. Prepares and oversees appropriate memoranda of understanding addressing the sharing of student data among member institutions, or possibly with community partners. Assures that all memoranda of understanding are within the authority of the consortium to engage in, are aligned to the data sharing policies of each member district, and when personal information about students is shared, protecting the rights to privacy as addressed in the Family Educational Rights and Privacy Act (FERPA) or, when applicable the Health Insurance Portability and Accountability Act (HIPAA).

Meetings

- I. The Leadership Council meets bi-weekly or on an as-needed basis throughout the year.
- II. Minutes of the meetings can be available to member institutions, partners, and the general public within two weeks of the meeting.

Article II: Workgroups

Strategic Plan Workgroups vary in size and are composed of faculty, staff, and other delegates from member and partner institutions. Workgroups represent the interests of the program areas specified in Assembly Bill 104, Section 39, Article 9, Section 84900 and make recommendations to the ERAE Leadership Council. However, specific program decision-making resides with member institutions.

Workgroups are co-chaired by representatives from each member institution, including teachers, faculty and students, and community stakeholders. Workgroup meetings are open to the public and meet as needed to support the implementation of the Consortium's 3-Year Strategic Plan and initiatives. Workgroups help assure that funded activities align with the 3-Year Strategic Plan's objectives and include activities such as:

- I. Monitor and review the objectives of the annual activities at quarterly meetings
- II. Make recommendations toward measurable outcomes and key indicators to be achieved.
- III. Develop drafts toward consortium-wide measurements of success (rubrics, surveys, etc.)
- IV. Make recommendations how the 3-Year Strategic Plan is to be amended as relevant new information emerges;
- V. Evaluate progress quarterly toward the 3-Year Strategic Plan's objectives and determine the need for additions or amendments.

Article IV: Amendments and Updates

These articles will be reviewed annually, but may be amended as needed with a consensus vote by member institutions. The charter will be reviewed and updated in conjunction with the 3-Year Strategic Plan.

Adopted by the East Region Adult Education Leadership Council on September 23, 2020.