

AMENDED IN ASSEMBLY AUGUST 19, 2015

AMENDED IN ASSEMBLY AUGUST 17, 2015

AMENDED IN ASSEMBLY JULY 6, 2015

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SENATE BILL

No. 786

**Introduced by Senator Allen
(Coauthor: Senator Hall)**

(Coauthors: Assembly Members Burke, Cristina Garcia, Hadley, and
Lackey)

February 27, 2015

An act to amend Sections 84907 and 84908 of, and to add Section 84908.5 to, add Section 84908.5 to the Education Code, relating to adult education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 786, as amended, Allen. Adult education: Adult Education Block Grant Program. *Program: joint powers authorities.*

Existing law establishes the Adult Education Block Grant Program under the administration of the Chancellor of the California Community Colleges and the Superintendent of Public Instruction. The program requires the chancellor and the Superintendent, with the advice of the Executive Director of the State Board of Education, to divide the state into adult education regions and approve one adult education consortium in each adult education region, as specified. The program also requires the chancellor and the Superintendent, with the advice of the executive director, to certify, no later than July 31, 2015, the amount of state funds required to be expended for adult education by a school district and county office of education, as specified. The program further requires

the chancellor and the Superintendent to apportion funds appropriated for the program in the Budget Act of 2015 to each school district and county office of education by August 30, 2015, in accordance with a specified formula and, by October 30, 2015, to allocate the funds that remain after the apportionment to each consortium, as specified.

~~This bill would also provide that require the chancellor and the Superintendent, with the advice of the executive director, (1) certify~~ *Superintendent to certify, upon the request of a joint powers authority consisting of community college districts, school districts, or county offices of education, or a combination of these, the amount of state funds required to be expended for adult career technical education by that joint powers authorities consisting of one or more community colleges, school districts, or county offices of education, or a combination of these, (2) apportion an amount to each of these joint powers authorities in accordance with the same formula, and (3) allocate to each consortium the funds that remain after this apportionment, as specified. In regard to these joint powers authorities, the deadlines in existing law would not apply: authority in the 2012–13 fiscal year and to apportion an amount equal to the amount certified directly to that joint powers authority. As a condition of receipt of this apportionment, the bill would require the joint powers authority to be a member of an adult education consortium.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 84908.5 is added to the Education Code,
- 2 to read:
- 3 84908.5. Notwithstanding Sections 84907 and 84908:
- 4 (a) Upon request of a joint powers authority consisting of
- 5 community college districts, school districts, or county offices of
- 6 education, or a combination of these, the chancellor and
- 7 Superintendent shall certify the amount of state funds expended
- 8 by the joint powers authority for adult career technical education
- 9 in the 2012–13 fiscal year pursuant to paragraph (7) of subdivision
- 10 (a) of Section 42238.03.

1 (b) If the amount certified pursuant to subdivision (a) equals
2 or exceeds 40 percent of the joint powers authority's total state
3 funding received in the 2012–13 fiscal year, the joint powers
4 authority shall be deemed to have expended state funds for adult
5 education for the purposes of this article.

6 (c) The chancellor and Superintendent shall apportion funds
7 from Item 6870-201-0001 of the Budget Act of 2015 directly to the
8 joint powers authority equal to the amount certified pursuant to
9 subdivision (a). As a condition of receipt of an apportionment, the
10 joint powers authority is required to be a member of a consortium.

11 SECTION 1. Section 84907 of the Education Code is amended
12 to read:

13 ~~84907. No later than July 31, 2015, the chancellor and the~~
14 ~~Superintendent, with the advice of the executive director, shall~~
15 ~~certify, for each school district, county office of education, or joint~~
16 ~~powers authority consisting of one or more community college~~
17 ~~districts, school districts, or county offices of education, or a~~
18 ~~combination of these, the amount of state funds required to be~~
19 ~~expended for adult education pursuant to paragraph (7) of~~
20 ~~subdivision (a) of Section 42238.03, and paragraph (3) of~~
21 ~~subdivision (k) of Section 2575, respectively.~~

22 SEC. 2. Section 84908 of the Education Code is amended to
23 read:

24 ~~84908. (a) If the total amount certified for all school districts,~~
25 ~~county offices of education, and joint powers authorities pursuant~~
26 ~~to Section 84907 is less than three hundred seventy-five million~~
27 ~~dollars (\$375,000,000), the chancellor and the Superintendent shall~~
28 ~~do both of the following:~~

29 ~~(1) Apportion funds appropriated for the program in the Budget~~
30 ~~Act of 2015, no later than August 30, 2015, to each school district,~~
31 ~~county office of education, or joint powers authority in an amount~~
32 ~~equal to the amount certified for that school district, county office~~
33 ~~of education, or joint powers authority, pursuant to Section 84907.~~
34 ~~As a condition of receipt of an apportionment, a school district,~~
35 ~~county office of education, or joint powers authority is required~~
36 ~~to be a member of a consortium.~~

37 ~~(2) (A) (i) With the concurrence of the executive director,~~
38 ~~approve a schedule of allocations to each consortium, no later than~~
39 ~~October 30, 2015, of any funds appropriated for the program in~~

1 the Budget Act of 2015 that remain after funds have been
2 apportioned pursuant to paragraph (1):

3 (ii) The chancellor and the Superintendent shall determine the
4 amount to be allocated to each consortium pursuant to this
5 paragraph based on that adult education region's share of the
6 statewide need for adult education.

7 (B) Using the schedule approved pursuant to subparagraph (A),
8 the chancellor and the Superintendent shall do one of the following
9 for each consortium:

10 (i) Apportion funds to a fund administrator designated by the
11 members of a consortium beginning no more than 30 days after
12 approval of the schedule pursuant to subparagraph (A).

13 (ii) Apportion funds to members of a consortium beginning no
14 more than 30 days after receipt of a final distribution schedule
15 from that consortium.

16 (b) If the total amount certified for all school districts, county
17 offices of education, and joint powers authorities pursuant to
18 Section 84907 equals or exceeds three hundred seventy-five million
19 dollars (\$375,000,000), the chancellor and the Superintendent shall
20 do both of the following:

21 (1) Apportion funds appropriated for the program in the Budget
22 Act of 2015, no later than August 30, 2015, to each school district,
23 county office of education, or joint powers authority in an amount
24 equal to the amount certified for that school district, county office
25 of education, or joint powers authority pursuant to Section 84907
26 multiplied by three hundred seventy-five million dollars
27 (\$375,000,000), divided by the total amount certified for all school
28 districts, county offices of education, and joint powers authorities
29 pursuant to Section 84907.

30 (2) (A) (i) With the concurrence of the executive director,
31 approve a schedule of allocations to each consortium, no later than
32 October 30, 2015, of any funds appropriated for this program in
33 the Budget Act of 2015 that remain after funds have been
34 apportioned pursuant to paragraph (1):

35 (ii) The chancellor and the Superintendent shall determine the
36 amount to be allocated to each consortium pursuant to this
37 paragraph based on that adult education region's share of the
38 statewide need for adult education.

1 ~~(B) Using the schedule approved pursuant to subparagraph (A),~~
2 ~~the chancellor and the Superintendent shall do one of the following~~
3 ~~for each consortium:~~

4 ~~(i) Apportion funds to a fund administrator designated by the~~
5 ~~members of a consortium beginning no more than 30 days after~~
6 ~~approval of the schedule pursuant to subparagraph (A).~~

7 ~~(ii) Apportion funds to members of a consortium beginning no~~
8 ~~more than 30 days after receipt of a final distribution schedule~~
9 ~~from that consortium.~~

10 ~~(e) This section shall become inoperative on July 1, 2016, and,~~
11 ~~as of January 1, 2017, is repealed, unless a later enacted statute,~~
12 ~~that becomes operative on or before January 1, 2017, deletes or~~
13 ~~extends the dates on which it becomes inoperative and is repealed.~~

14 ~~SEC. 3. Section 84908.5 is added to the Education Code, to~~
15 ~~read:~~

16 ~~84908.5. The chancellor and the Superintendent may certify,~~
17 ~~as required in Section 84907, and apportion, as required in Section~~
18 ~~84908, funds after the dates enumerated in those sections for a~~
19 ~~joint powers authority consisting of one or more community college~~
20 ~~districts, school districts, county offices of education, or a~~
21 ~~combination of these.~~

22 ~~SEC. 4.~~

23 ~~SEC. 2. This act is an urgency statute necessary for the~~
24 ~~immediate preservation of the public peace, health, or safety within~~
25 ~~the meaning of Article IV of the Constitution and shall go into~~
26 ~~immediate effect. The facts constituting the necessity are:~~

27 ~~In order to enable any joint powers authority participating in an~~
28 ~~adult education consortium to comply with the current year~~
29 ~~statutory deadlines that must be met for purposes of establishing~~
30 ~~the joint powers authority's maintenance of effort level, it is~~
31 ~~necessary that this act take effect immediately.~~