

Adult Education 2021 Ed Code Cleanup & Proposed Reforms

Education Code Section 41601.

For the purposes of this chapter, the governing board of each school district shall report to the Superintendent of Public Instruction during each fiscal year the average daily attendance of the district for all full school months during (1) the period between July 1 and December 31, inclusive, to be known as the “first period” report for the first principal apportionment, and (2) the period between July 1 and April 15, inclusive, to be known as the “second period” report for the second principal apportionment. Each county superintendent of schools shall report the average daily attendance for the schools and classes maintained by him or her and the average daily attendance for the county school tuition fund.

Each report shall be prepared in accordance with instructions on forms prescribed and furnished by the Superintendent of Public Instruction. Average daily attendance shall be computed in the following manner:

(a) The average daily attendance in the regular elementary, middle, and high schools, including continuation schools and classes, opportunity schools and classes, and special day classes, maintained by the school districts shall be determined by dividing the total number of days of attendance allowed in all full school months in each period by the number of days the schools are actually taught in all full school months in each period, exclusive of Saturdays or Sundays and exclusive of weekend makeup classes pursuant to Section 37223.

(b) The attendance for schools and classes maintained by a county superintendent of schools and the county school tuition fund shall be reported in the same manner as reported by school districts. The average daily attendance in special education classes operated by county superintendents of schools shall be determined in the same manner as all other attendance under subdivision (a). The average daily attendance in all other schools and classes maintained by the county superintendents of schools shall be determined by dividing the total number of days of attendance in all full school months in the first period by a divisor of 70, in the second period by 135 and at annual time by 175. For attendance in special classes and centers pursuant to Section 56364 or Section 56364.2, as applicable, the average daily attendance shall be reported by the county superintendents of schools, but credited for revenue limit purposes to the district in which the pupil resides.

(c) The **hours** of attendance in classes for adults shall be reported in the same manner as all other attendance under subdivision (a). The average daily attendance in those schools and classes shall be determined by dividing the total number of days of attendance in all full school months in the first period by a divisor of 85 in the second period by 135 and at annual time by 175.

Education Code Section 41608.

For the purposes of computation of allowances and apportionments from the State School Fund, whenever computations of apportionments based on average daily attendance are made for high school districts only the attendance in all classes of grades 9 to 12, inclusive, and in all types of ungraded classes, ~~including classes for~~

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~~adults~~, which have been reported as attached to, or as a part of, a school which maintains any of grades 9 to 12, inclusive, shall be included.

Education Code Section 41976.

(a) For purposes of this chapter, the following classes and courses are authorized to be offered by school districts and county superintendents of schools for the Adult Education Program apportionment purposes from the adult education fund:

(1) *Programs in elementary and secondary basic skills, including programs leading to a high school diploma or high school equivalency certificate.*

(2) *Programs for immigrants eligible for educational services in citizenship, English as a second language, Immigrant Integration, and workforce preparation.*

(3) *Programs for adults, including, but not limited to, older adults, that are primarily related to entry or reentry into the workforce.*

(4) *Programs for adults, including, but not limited to, older adults, that are primarily designed to develop knowledge and skills to assist and support elementary and secondary school children to succeed academically in school.*

(5) *Programs for adults with disabilities.*

(6) *Programs in career technical education that are short term in nature and have high employment potential.*

(7) *Programs offering preapprenticeship training activities conducted in coordination with one or more apprenticeship programs approved by the Division of Apprenticeship Standards for the occupation and geographic area.*

Education Code Section 41976.1.

Notwithstanding Section 41976, any school district may offer adult education courses and classes in the adult education programs described in Section 41976 provided that district qualifies for funding to begin those courses or classes pursuant to Section 52616.18.

Education Code Section 41976.2.

~~Notwithstanding Section 41976, a school district may offer adult education courses and classes if the school district received funding in the 1991-92 fiscal year to conduct programs through independent study for persons 21 years of age or older and persons 19 years of age or older who have not been continuously enrolled in kindergarten, or any of grades 1 to 12, inclusive, since their 18th birthday.~~

Education Code Section 41976.5.

~~(a) Each school district or county superintendent of schools providing services in summer school programs for adults with disabilities in the 1977-78 school year shall continue in the 1980-81 fiscal year and each fiscal year thereafter to offer these programs.~~

~~(b) A school district or county superintendent of schools receiving apportionments from Section A of the State School Fund shall offer summer programs for graduating high school seniors in need of courses for graduation.~~

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Education Code Section 46191.

(a) In classes for adults maintained for adults in any county jail, or any correctional facility, including any county industrial farm or county or joint county road camp, a day of attendance is 180 minutes of attendance; but no pupil in such a class shall be credited with more than one day of attendance in any calendar day, nor with more than 15 clock hours of attendance during any one school week.

(b) Notwithstanding subdivision (a), a pupil in that class may be credited with more than one day of attendance in any calendar day, and more than 15 clock hours of attendance during any one school week, so long as the total number of units of average daily attendance calculated on that basis for the school district or county superintendent of schools do not exceed the number of units of average daily attendance actually reimbursed for the 1992–93 fiscal year for the school district or county superintendent of schools, as adjusted for any statutorily authorized rates of growth of units of average daily attendance. However, pursuant to subdivision (e) of Section 46300, no pupil in independent study, in a setting described in subdivision (a), shall be credited with more than one day of attendance in a calendar day.

(c) One adult in a correctional facility may not generate more than one day of attendance if it results in another adult in the same correctional facility being denied classes.

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Education Code Section 52500.1.

(a) Adult schools shall consist of classes for adults. Minors may be admitted to those classes pursuant to board policy and Section 52500.1.

(b) Eligibility of high school pupils for enrollment in adult education programs, courses, and classes shall be limited to pupils who meet all of the following conditions:

(a1) High school pupils who enroll in adult education programs, courses, and classes pursuant to Section 41976, except that high school pupils shall not be counted for adult education apportionment purposes.

(b2) High school pupils who have completed a counseling session that involved the pupil, a certificated representative of the high school, and the pupil's parent or guardian, and who have a school record that contains written documentation of the session and a statement that the pupil is voluntarily enrolling in the adult education course or class, and that enrollment in an adult education program, course, or class will enhance the pupil's progress toward meeting the educational requirements for graduation from high

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school. Commencing July 1, 1994, no school district shall enroll high school pupils pursuant to this subdivision unless the school district complies with the conditions set forth in this subdivision.

(3) Adult Education Program Funds may not be used to support the costs of these classes. School districts must clearly demonstrate that the costs of instruction for students under 18 years of age enrolled in an adult education program are from another allowable fund source or sources.

Education Code Section 52501.

The governing board of any school district maintaining secondary schools shall have power with the approval of the Department of Education to establish and maintain classes for adults, except program and classes in outdoor science education and conservation education as the term is employed in Section 8760, for the purpose of providing instruction *in areas defined in Section 41976.*

Education Code Section 52501.3.

Each governing board maintaining classes for adults shall meet the requirements set forth in Sections 35145, 41010, 41011, 41015, 41020, 42103, 42600, 51040, 51041, 51050, and 51056.

Education Code Section 52501.5.

(a) Revenue derived from the Adult Education Program shall not be expended for other than adult education purposes.

Education Code Section 52502.

The governing board of a high school district or unified school district may establish classes for adults. If such classes result in enrollment average daily attendance in any school year of ~~400~~ 500 or more students, such districts shall establish an adult school for the administration of the program, if one has not already been established. Nothing in this section shall prohibit a district from establishing an adult school at a lower annual threshold of students.

Education Code Section 52503.

The governing board of a high school district or unified school district may establish and maintain one or more adult schools by resolution of the governing board.

Education Code Section 52504.

Classes for adults shall conform to any course of study and graduation requirements otherwise imposed by law or under the authority of law.

Education Code Section 52505.

Such classes may be convened at such hours and for such length of time during the day or evening and at such period and for such length of time during the school year as may be determined by the governing authority. The governing board of any high school district or unified school district may provide for the maintenance of these classes.

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Education Code Section 52506.

The department shall establish standards including standards of attendance, curriculum, administration, and guidance and counseling service for these classes as a basis for the several apportionments of state funds provided herein for the support of these classes. The Superintendent of Public Instruction shall prepare, distribute, and maintain a detailed handbook for use by the local educational agencies. The handbook shall contain course approval criteria, implementation plans for administrative regulations, and procedures for securing course and program approvals.

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Education Code Section 52511.

(a) Whenever the governing board of a school district maintaining an adult school or classes for adults is unable to maintain the school or classes in the district because of its inability to secure a teacher or teachers, or because of lack of facilities, the board may, with the approval of the county superintendent of schools and the Superintendent of Public Instruction, maintain the school or classes of the district elsewhere than within the district or contract for instruction of the students in such school or classes with the governing board of another district.

~~**Education Code Section 52512.**~~

~~Classes for adults may be maintained in conjunction with day or evening high schools, day or evening adult schools, or day or evening regional occupational centers.~~

~~**Education Code Section 52513.**~~

~~The governing board of any high school district or unified school district may provide for the maintenance on Saturday and Sunday of classes for adults.~~

~~**Education Code Section 52514.**~~

~~High schools maintained in any state institution for adults or in any city, county, or city and county jail, road camp or farm shall consist only of classes for adults.~~

Education Code Section 52515.

State funds shall not be apportioned to a school district unless the courses have been approved by the department pursuant to Section 41976.

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Education Code Section 52516.

~~The governing board of any school district maintaining an adult school shall have authority with the approval of the Department of Education to establish a prescribed course in elementary subjects appropriate to needs of adults.~~

Education Code Section 52517.

No high school or unified school district shall report attendance in classes: (1) if the district receives full compensation for such class from any public or private agency, individual or group of individuals, except fees authorized by Section 52612; or (2) if such classes are not located in facilities clearly identified in such a manner, and established by appropriate procedures, to insure that attendance in such classes is open to the general public, except those authorized pursuant to Section 52570 and those in state hospitals. The State Board of Education may adopt such regulations as may be necessary to enforce this section.

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Education Code Section 52522.2.

It is the intent of the Legislature that the State Department of Education vigorously monitor the compliance of school districts regarding the programs and funding requirements for adult education. Therefore, annually, the State Department of Education shall report to the Governor and the fiscal committees and the education policy committees of both houses of the Legislature on the implementation of the adult education program and the fiscal aspects of the adult education program. The report shall identify, by school district, any abuses of the letter or intent of the statutes pertaining to adult education, and the report shall contain recommendations that has taken into account stakeholder input for the modification, if necessary, for program improvements to adult education.

Education Code Section 52523.

Education Code Section 52524.

(a) The department, in conjunction with the chancellor's office, as part of the report and recommendations required pursuant to paragraph (1) of subdivision (f) of Section

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84830, shall jointly develop and issue assessment policy recommendations regarding assessments to be used by school districts and community college districts for purposes of placement in adult education courses offered pursuant to Section 84830.

(b) The department and the chancellor's office, as a part of the report and recommendations required pursuant to paragraph (1) of subdivision (f) of Section 84830, shall jointly develop and issue policy recommendations to the Legislature regarding a comprehensive accountability system for adult education courses offered pursuant to Sections 41976 and 84757. The department and the chancellor's office shall develop recommendations for all adult education-funded providers for assessment, evaluation, and data collection to document participant outcomes and placement, and other measures they deem appropriate. Accountability measures may include receipt of a secondary school diploma or its recognized equivalent, placement in a postsecondary educational institution, training, and employment. All funded programs shall be required to annually submit demographic and other student-level outcome information to the department or the chancellor's office, as appropriate.

(c) The department, in conjunction with the chancellor's office, and as a part of the report and recommendations required pursuant to paragraph (1) of subdivision (f) of Section 84830, shall coordinate and issue both of the following:

(1) Recommendations, including recommendations as to whether or not fees should be assessed, and fee policy guidelines to be used by school districts and community college districts regarding the authority to charge fees for courses offered pursuant to Section 84830. With respect to these recommendations and guidelines, it is the intent of the Legislature that:

(A) Registration and course fees should be equivalent across all programs.

(B) Fees should not generate income beyond the cost of providing the courses.

(C) Fees should not create a barrier to student access to adult education programs.

(2) Recommendations and policy guidelines regarding the use of a single student identifier to be used by school districts and community college districts for purposes of developing a comprehensive accountability system pursuant to the requirements of Section 84830.

(d) As used in this section, "chancellor's office" means the Office of the Chancellor of the California Community Colleges.

Education Code Section 52525.

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Education Code Section 52531.

Anything in this chapter to the contrary notwithstanding, whenever any county or city and county maintains a tuberculosis ward, hospital or sanatorium in another county of this state, the governing board of any school district of the county or city and county maintaining such institution, if authorized to maintain classes for adults, may establish and maintain such classes in such institution for pretuberculous, tuberculous, and convalescent minors and adults, and the attendance of pupils in the classes shall be credited to the district maintaining the classes.

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Education Code Section 52540.

Upon application of 20 or more persons above the age of 18 years residing in a high school district who cannot speak, read, or write the English language to a degree of proficiency equal to that required for the completion of the eighth grade of the elementary schools, the governing board of the high school district shall establish classes in English. *These classes can be offered directly by the school district or in partnership with another public adult education provider.*

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Education Code Section 52552.

Upon application of 25 or more persons desiring training for citizenship and residing in a high school district, the governing board shall establish special classes in training for citizenship. Upon demand the board may establish the classes with a lesser number of applicants. *These classes can be offered directly by the school district or in partnership with another public adult education provider.*

Education Code Section 52570.

The governing board of any school district maintaining secondary schools or the county superintendent of schools, shall have the power, with the approval of the Department of Education, to establish special classes for adults designed to serve the educational needs of adults with disabilities. These classes shall be directed to providing instruction

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in civic, ~~vocational~~ career technical education, work readiness, literary independent living skills, community access and integration, communication and social skills, literacy, and academics ~~technical, and general education~~ and shall conform to standards of attendance, curriculum, and administration established by the department.

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Education Code Section 52572.

The governing board of any school district or the county superintendent of schools authorized by this article to establish special classes for adults designed to serve the educational needs of adults with disabilities may contract for the providing of those classes by any adjacent high school district or unified school district, subject to the approval of the Superintendent. Any *such* contract entered into pursuant to this section shall be for a term of not to exceed one year but may be renewed or revised and renewed annually.

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Education Code Section 52610.5.

Notwithstanding Section 52610, any minor, regardless of age, who is pregnant or is a parent actively engaged in raising one or more of his or her children, is eligible to enroll in any adult education course or class described in subdivision (a) of Section 41976 or in Section 52616.2.

a) Adult Education Block Grant Funds may not be used to support the costs of these classes. School districts must clearly demonstrate that the costs of instruction for students under 18 years of age enrolled in an adult education program is from another allowable fund source or sources.

Education Code Section 52612.

(a) Except as specified in this section, the governing board of the school district maintaining the class may require an adult enrolled in a class for adults to pay a fee for the class. Except as specified in Section 52613, the governing board of a school district shall not impose a charge of any kind for a class in English and citizenship or a class in an elementary subject. A fee charge shall not be made for a class designated by the governing board as a class for which high school credit is granted when the class is taken by a person who does not hold a high school diploma. The total of the fees required and revenues derived from average daily attendance shall not exceed the estimated cost of all such classes maintained, including the reserves authorized by Section 52501.5.

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(b) All textbooks and classroom materials furnished without charge under this section may also be offered for sale at the school bookstore.

(c) Notwithstanding subdivision (a), the governing board of a school district may charge a fee for a class in English and citizenship until July 1, 2015.

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Education Code Section 52616.

~~(b)~~ The Adult Education Program funding shall be deposited in a separate fund of the school district to be known as the “adult education fund.” Money in an adult education fund shall be expended only for adult education purposes. Except for moneys received pursuant to the local control funding formula, moneys received for programs for specifically designated pupils shall not be expended for adult education.

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Education Code Section 52616.4.

(a) Money in the Adult Education Fund of a school district may be expended only for the following charges:

(1) Direct instructional costs relating directly to the adult education program, including, but not limited to, the salaries and benefits of adult education teachers and aides, textbooks, instructional supplies, travel and conference expenses for employees who work in the adult education program, and repair, maintenance, acquisition, and replacement of instructional equipment used in the adult education program.

(2) Direct support costs for the adult education program. For the purposes of this section, “direct support costs” means:

(A) Instructional administration and instructional media costs that are supported by auditable documentation. For purposes of this paragraph, instructional administration costs include the documented costs of individuals who, regardless of specific job title, administer the district’s adult education program.

(B) School administration and pupil services costs that are supported by auditable documentation and that represent the activities of individuals whose employment by the school district is exclusively in support of the adult education program, or school administration and pupil services costs that are supported by auditable documentation and that meet all of the following conditions:

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- (i) Those costs are able to be identified in a separate contract with the adult education program.
 - (ii) The administration and services are provided exclusively to adult students and only for the period identified in the contract made pursuant to clause (i).
 - (iii) The services are provided during a time that is different than when services to pupils in kindergarten and grades 1 to 12, inclusive, are provided, and the administration is provided after 4:00 p.m.
 - (iv) The persons who provide the services and administration to adult students report to the adult education director during the period of the contract made pursuant to clause (i).
 - (v) The person providing the administration immediately supervises the adult school personnel.
- (C) Plant maintenance and operations costs, including costs for facilities that are used to provide child care services to the children of the students attending the adult education program at a particular site as follows:
- (i) For facilities that exclusively house adult education programs, the costs that are supported by auditable documentation. For purposes of this subparagraph, a facility that houses an adult education program and a regional occupational center or program or a child care program, or both, is a facility that exclusively houses an adult education program.
 - (ii) For facilities that are used by more than one program, including the adult education program, a district may charge the Adult Education Fund for an amount attributable to the adult education program, but this charge shall not exceed the amount derived from the following calculation:
 - (I) Calculate, according to the general description in the California School Accounting Manual, the prorated number of classroom units that the adult education program uses for instructional and child care purposes.
 - (II) Calculate the total number of classroom units in the district.
 - (III) Divide the amount calculated in (I) by the amount calculated in (II).
 - (IV) Multiply the quotient calculated in (III) by the district's total plant maintenance and operations costs.
- (D) Facilities costs for nondistrict-owned facilities that exclusively house adult education programs, including, but not limited to, costs of facilities that are used to provide child care services to the children of the students attending the adult education program at the same site. For purposes of this paragraph, a facility that houses an adult education program and a regional occupational center or program or a child care program, or both, is a facility that exclusively houses an adult education program.
- (E) Facilities costs for the acquisition of facilities originally acquired by adult education programs, or for the restoration of those facilities, including costs for debt service for the acquisition or restoration of a facility, including the costs of facilities that are used to provide child care services to the children of the students attending the adult education program at the same site.
- For the purposes of this paragraph, "auditable documentation" means time reports and other contemporaneous records that establish the time that individual employees spend working for the adult education program, and the documentation that supports nonpersonnel costs substantiating that the adult education program received the

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service, supply, or equipment. That documentation shall comply with the documentation requirements set forth in the California School Accounting Manual published pursuant to Section 41010.

(b) If the State Department of Education and the Department of Finance concur that a school district has violated this section, the Superintendent of Public Instruction shall direct that school district to transfer double the amount improperly transferred to the district's general fund from that fund to the district's Adult Education Fund for the subsequent fiscal year, which amount shall be used for the improvement of the district's adult education program. If the school district fails to make that transfer as directed, the superintendent shall reduce the school district's regular apportionment determined pursuant to Section 42238 and increase the district's adult block entitlement determined pursuant to Section 52616 by that amount, which amount shall be used for improvement of the district's adult education program.

(c) It is the intent of the Legislature in enacting this section that responsible school district officials be held fully accountable for the accounting and reporting of adult education programs and that minor and inadvertent instances of noncompliance be resolved in a fair and equitable manner to the satisfaction of the Superintendent of Public Instruction and the Department of Finance.

(d) The Superintendent of Public Instruction, with the approval of the Department of Finance, may waive up to the full transfer amount in subdivision (b) if he or she determines that the noncompliance involved is minor or inadvertent, or both.

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~~Education Code Section 52616.17.~~

~~Commencing July 1, 1993, the Superintendent of Public Instruction shall determine an authorized limit of adult education average daily attendance for all high school districts and unified school districts that operated and claimed adult education state apportionment for the 1992-93 fiscal year, as follows:~~

~~(a) For the 1993-94 fiscal year, the district's authorized adult education average daily attendance shall be one of the following:~~

~~(1) The district's adult education average daily attendance added to the district's average daily attendance for concurrently enrolled high school pupils in adult education programs that was certified for the annual principal apportionment report and for which state apportionment for the 1991-92 fiscal year was received.~~

~~(2) If the district's average daily attendance for concurrently enrolled high school pupils in adult education used in paragraph (1) exceeds 10 percent of the district's total average daily attendance for all pupils in grades 9 to 12, inclusive, for the same reporting period, the district's authorized adult education average daily attendance~~

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~~pursuant to paragraph (1) shall be reduced by multiplying the amount of certified average daily attendance for concurrently enrolled high school pupils in adult education that exceeds 10 percent by 0.33 and subtracting that amount from the district's authorized adult education average daily attendance pursuant to paragraph (1).~~

~~(3) For a school district offering adult education courses and classes pursuant to Section 41976.2, add to the amount calculated pursuant to paragraphs (1) or (2) the number of units of average daily attendance claimed by that district for the second principal apportionment made in the 1991–92 fiscal year for independent study pupils 21 years of age or older and pupils 19 years of age or older who have not been continuously enrolled in kindergarten or any of the grades 1 to 12, inclusive, since their 18th birthday, as calculated pursuant to Section 46300.1, as that section read on January 1, 1992.~~

~~(b) For the 1994–95 fiscal year, the district's authorized adult education average daily attendance shall be one of the following:~~

~~(1) The district's adult education average daily attendance added to the district's average daily attendance for concurrently enrolled high school pupils in adult education programs that was certified for the annual principal apportionment report and for which state apportionment for the 1991–92 fiscal year was received.~~

~~(2) If the district's average daily attendance for concurrently enrolled high school pupils in adult education used in paragraph (1) exceeds 10 percent of the district's total average daily attendance for all pupils in grades 9 to 12, inclusive, for the same reporting period, the district's authorized adult education average daily attendance pursuant to paragraph (1) shall be reduced by multiplying the amount of certified average daily attendance for concurrently enrolled high school pupils in adult education that exceeds 10 percent by 0.67 and subtracting that amount from the district's authorized adult education average daily attendance pursuant to paragraph (1).~~

~~(3) For a school district offering adult education courses and classes pursuant to Section 41976.2, add to the amount calculated pursuant to paragraphs (1) or (2) the number of units of average daily attendance claimed by that district for the second principal apportionment made in the 1991–92 fiscal year for independent study pupils 21 years of age or older and pupils 19 years of age or older who have not been continuously enrolled in kindergarten or any of the grades 1 to 12, inclusive, since their 18th birthday, as calculated pursuant to Section 46300.1, as that section read on January 1, 1992.~~

~~(c) For the 1995–96 fiscal year, the district's authorized adult education average day attendance shall be one of the following:~~

~~(1) The district's adult education average daily attendance added to the district's average daily attendance for concurrently enrolled high school pupils in adult education programs that was certified for the annual principal apportionment report and for which the state apportionment for the 1991–92 fiscal year was received.~~

~~(2) If the district's average daily attendance for concurrently enrolled high school pupils in adult education used in paragraph (1) exceeds 10 percent of the district's total average daily attendance for all pupils in grades 9 to 12, inclusive, for the same reporting period, the district's authorized adult education average daily attendance pursuant to paragraph (1) shall be reduced by multiplying the amount of certified average daily attendance for concurrently enrolled high school pupils in adult education~~

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~~that exceeds 10 percent by 1.00 and subtracting that amount from the district's authorized adult education average daily attendance pursuant to paragraph (1).
(3) For a school district offering adult education courses and classes pursuant to Section 41976.2, add to the amount calculated pursuant to paragraph (1) or (2), whichever is applicable, the number of units of average daily attendance claimed by the district for the second principal apportionment for the 1991-92 fiscal year for independent study pupils 21 years of age and older and pupils 19 years of age or older who have not been continuously enrolled in kindergarten, or any of grades 1 to 12, inclusive, since their 18th birthday, as calculated pursuant to Section 46300.1, as that section read on January 1, 1992.~~

~~(d) For the 1996-97 fiscal year, and each fiscal year thereafter, a school district's adult education average daily attendance for apportionment purposes shall be its authorized adult education average daily attendance for the prior fiscal year multiplied by 1.025.~~

~~(f) It is the intent of the Legislature that, commencing July 1, 1993, each school district that conducted programs in the 1991-92 fiscal year through independent study for pupils 21 years of age or older and pupils 19 years of age or older who have not been continuously enrolled in kindergarten or any of grades 1 to 12, inclusive, since their 18th birthday, as calculated pursuant to Section 46300.1, as that section read on January 1, 1992, continue to serve at least the same number of units of average daily attendance through adult education for high school diploma programs in all subsequent years as were funded through those independent study programs in the 1991-92 fiscal year, unless the school district governing board determines that meeting this service requirement would incur costs in excess of the revenue received.~~

Education Code Section 52616.18.

(a) Commencing July 1, of each fiscal year, notwithstanding that a school district was not authorized to operate an adult education program pursuant to Section 41976, a school district may apply to the department for initial program approval and funding to begin any adult education programs specified in Section 41976 provided the district meets the following criteria:

(1) The district did not operate nor claim state apportionment for an adult education program in the prior fiscal year.

(2) *The district has participated in the local Adult Education Program consortia and is the local plan for adult education activates and services.*

(b) The Superintendent of Public Instruction may approve the program on the basis of the school district's documented need for adult education programs. The superintendent shall issue a program advisory that sets forth the criteria of need that a district is required to document.

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Education Code Section 52616.21.

~~Notwithstanding subdivision (a) of Section 46300 or any other law, a county office of education may administer an adult education program and each eligible school district, within its jurisdiction may participate in the program. The county office has participated in the local AEBG consortia and its included in the local plan for adult education activities and services.~~

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Education Code Section 84830.

(a) The Chancellor of the California Community Colleges and the State Department of Education shall, pursuant to funding made available in the annual Budget Act, jointly provide two-year planning and implementation grants to regional consortia of community college districts and school districts for the purpose of developing regional plans to better serve the educational needs of adults.

(1) Eligibility shall be limited to consortia consisting of at least one community college district and at least one school district within the boundaries of the community college district, either of which may serve as the consortium's fiscal agent, as determined by the applicant consortium.

(2) If a community college district chooses not to participate in a consortium, a neighboring community college district may form a consortium with school districts within the boundaries of the nonparticipating community college district.

(3) Consortia may include other entities providing adult education courses, including, but not necessarily limited to, correctional facilities, other local public entities, and community-based organizations.

(b) Grant funds provided pursuant to this section shall be used by each regional consortium to create and implement a plan to better provide adults in its region with all of the following:

(1) Elementary and secondary basic skills, including classes required for a high school diploma or high school equivalency certificate.

(2) Classes and courses for immigrants eligible for educational services in citizenship and English as a second language, and workforce preparation classes in basic skills.

(3) Education programs for adults with disabilities.

(4) Short-term career technical education programs with high employment potential.

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(5) Programs offering pre-apprenticeship training activities conducted in coordination with one or more apprenticeship programs approved by the Division of Apprenticeship Standards for the occupation and geographic area.

(c) (1) The classes and courses described in paragraphs (1) and (2) of subdivision (b) shall distribute basic information on American government and civics that includes, but is not limited to, instruction on all of the following:

(A) Federal, state, and local government.

(B) The three branches of government.

(C) The importance of civic engagement.

(D) Registering to vote.

(2) It is the intent of the Legislature that, consistent with the requirements of Sections 51225.3 and 52555, students enrolled in classes and courses described in paragraphs (1) and (2) of subdivision (b) in which instruction in American government and civics is appropriate shall receive instruction in American government and civics.

(d) Each regional consortium's plan shall include, at a minimum:

(1) An evaluation of current levels and types of adult education programs within its region, including education for adults in correctional facilities; credit, noncredit, and enhanced noncredit adult education coursework; and programs funded through Title II of the federal Workforce Investment Act of 1998, known as the Adult Education and Family Literacy Act (Public Law 105-220).

(2) An evaluation of current needs for adult education programs within its region.

(3) Plans for parties that make up the consortium to integrate their existing programs and create seamless transitions into postsecondary education or the workforce.

(4) Plans to address the gaps identified pursuant to paragraphs (1) and (2).

(5) Plans to employ approaches proven to accelerate a student's progress toward his or her academic or career goals, such as contextualized basic skills and career technical education, and other joint programming strategies between adult education and career technical education.

(6) Plans to collaborate in the provision of ongoing professional development opportunities for faculty and other staff to help them achieve greater program integration and improve student outcomes.

(7) Plans to leverage existing regional structures, including, but not necessarily limited to, local workforce investment areas.

(e) The Chancellor of the California Community Colleges and the State Department of Education may identify additional elements that consortia must include in a plan.

(f) (1) On or before March 1, 2014, the Chancellor of the California Community Colleges and the State Department of Education shall submit a joint report to the Legislature and the Governor. This report shall include, but not necessarily be limited to, both of the following:

(A) The status of developing regional consortia across the state, including identification of unserved geographic areas or emerging gaps in regional program delivery.

(B) The status and allocation of grant awards made to regional consortia.

(2) The report shall be submitted to the Legislature as provided in Section 9795 of the Government Code.

(g) (1) On or before March 1, 2015, the Chancellor of the California Community Colleges and the State Department of Education shall submit a joint report to the

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Legislature and the Governor. This report shall include, but is not limited to, both of the following:

- (A) The plans developed by regional consortia across the state.
 - (B) Recommendations for additional improvements in the delivery system serving adult learners.
- (2) The report shall be submitted to the Legislature as provided in Section 9795 of the Government Code.
- (h) It is the intent of the Legislature to work toward developing common policies related to adult education affecting adult schools at local educational agencies and community colleges, including policies on fees and funding levels.
- (i) It is the intent of the Legislature to provide ~~additional~~ adequate and ongoing funding annually beginning in the 2015–16 fiscal year to regional consortia to expand and improve the provision of adult education.

Education Code Section 84901.

For purposes of this article, the following definitions shall apply, unless otherwise specified:

- (a) “Adult” means a person 18 years of age or older.
- ~~(b)~~ “Carryover” means the annual amount of unspent Adult Education Program funds from prior years as a percentage of the current year’s allocation.
- ~~(c)~~ “Consortium” means an adult education consortium approved pursuant to this article.
- ~~(ed)~~ “Executive director” means the executive director of the State Board of Education.
- ~~(de)~~ “Program” means the Adult Education Program established by Section 84900.

Education Code Section 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:

- (a) 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.
- (b) As a condition of joining a consortium, a member shall commit to reporting any funds ~~available to~~ received by that member for the purposes of education and workforce services for adults and any and all funds generated by providing services to Adult Education students and the uses of those funds in alignment to the regional plan. Any member of a regional adult education consortium that fails to report any funds, regardless of source, utilized for the provision of adult education courses or services, may be deemed ineffective by the regional adult education consortium. Adult Education funds shall not be used to supplant other apportionment funding.
- (c) A member of the consortium shall be represented only by an official designated by the governing board of the member.
- (d) (1) Decisionmaking 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.
 - (i) The procedures provide a structure equitable to all members of the consortium and

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reflects a fair and unbiased process.

(ii) The effectiveness of the consortium's decision-making procedures must be evaluated by all consortium members at least once annually. In making changes to the consortium's decision-making procedures, each member of the consortium shall have an equal vote. This requirement applies to all consortia, even those that have adopted a voting structure other than one member one vote for making other decisions.

(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.

(e) The members of the consortium may decide to designate a member to serve as the fund administrator to receive and distribute funds from the program. If a member is chosen to be the fund administrator, the member shall commit to developing a process to apportion funds to each member of the consortium pursuant to the consortium's adult education plan within 45 days of receiving funds appropriated for the program. This process shall not require a consortium member to be funded on a reimbursement basis.

Education Code Section 84906.

(a) (1) Commencing with the 2019–20 fiscal year, as a condition of receipt of an apportionment of funds from this program for a fiscal year, the members of a consortium shall have a consortium-approved three-year adult education plan that addresses a three-year fiscal planning cycle. The plan shall be updated at least once each year based on available data pertaining to the requirements of subdivision (b).

(2) For the 2018–19 fiscal year, as a condition of receipt of an apportionment of funds from this program, the members of a consortium shall have a consortium-approved adult education plan that satisfies subdivision (c).

(b) An adult education plan shall include all of the following:

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- (1) An evaluation of the educational needs of adults in the region.
- (2) A list of the following:
 - (A) Entities that provide education and workforce services to adults in the region.
 - (B) Entities that are impacted by, or that have a fundamental interest in, the provision of those services.
- (3) A description of the services provided by entities listed pursuant to paragraph (2).
- (4) An evaluation of current levels and types of education and workforce services for adults in the region.
- (5) An evaluation of labor market and workforce needs of the region.*
- (56) An evaluation of the funds available to the members of the consortium and the entities listed pursuant to paragraph (2), including funds other than those apportioned pursuant to this article. Any member of a regional adult education consortium that fails to report any funds, regardless of source, utilized for the provision of adult education courses or services, may be deemed ineffective by the regional adult education consortium. Furthermore, any member who generates any funds, including apportionment, for the provision of an adult education course must spend those funds on program areas as defined in section 84913. The evaluation of funds shall include a description of how those funds will be leveraged to achieve the goals on the plan.*
- (67) Actions that the members of the consortium will take to address the educational needs identified pursuant to paragraph (1).*
- (78) Actions that the members of the consortium will take to improve the effectiveness of their services.*
- (89) Actions that the members of the consortium, the entities listed pursuant to paragraph (2), and other interested parties will take to improve integration of services and to improve transitions into postsecondary education and the workforce, including actions related to all of the following:*
 - (A) Placement of adults seeking education and workforce services into adult education programs.
 - (B) Alignment of academic standards and curricula for programs across entities that provide education and workforce services to adults.
 - (C) Qualifications of instructors, including common standards across entities that provide education and workforce services to adults.
 - (D) Collection and availability of data.
- (9) A description of the alignment of adult education services supported by this program with those described in other education and workforce plans guiding services in the region, including plans pertaining to the building of career pathways and the employment of workforce sector strategies and those required pursuant to the federal Workforce Innovation and Opportunity Act (Public Law 113-128).
- (10) A description of the ways in which each of the entities identified in paragraph (2) contributed to the development of the plan.
- (c) For the 2015–16, 2016–17, 2017–18, and 2018–19 fiscal years, a regional plan developed pursuant to Section 84830 shall satisfy the requirements of this section.

Education Code Section 84909.

- (a) This section shall apply commencing with the 2016–17 fiscal year.
- (b) The chancellor and the Superintendent, with the advice of the executive director,

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shall approve, no later than February 28 of the prior fiscal year, a preliminary schedule of allocations to each consortium of any funds proposed in the Governor's Budget for the program.

(c) The chancellor and the Superintendent, with the advice of the executive director, shall approve, within 15 days of enactment of the annual Budget Act, a final schedule of allocations to each consortium of any funds appropriated by the Legislature for the program.

(d) The chancellor and the Superintendent shall determine the amount to be allocated to each consortium based on the following:

(1) The amount of funds apportioned to the members of that consortium in the immediately preceding fiscal year.

(2) That adult education region's share of the statewide need for adult education.

~~(3) That consortium's effectiveness in meeting the educational needs of adults in the adult education region based on available data.~~

(e) Using the final schedule approved pursuant to subdivision (c), the ~~chancellor and the Superintendent shall do one of the following for each consortium:~~

~~(1) Apportion funds to a fund administrator designated by the members of a consortium beginning no more than 30 days after approval of the final schedule of allocations.~~

~~(2) Apportion funds to members of a consortium beginning no more than 30 days after receipt of a final distribution schedule from that consortium. controller shall transfer the adult schools' total allocation of funding to the California Department of Education. The department shall deposit the funding into the Adult Education Fund 11 for distribution to each adult school pursuant to subdivision (c) and finalized in the Consortia Fiscal Administration Declaration no later than the 15th of each month.~~

Education Code Section 84911.

To determine the need for adult education, the chancellor and the Superintendent shall consider, at a minimum, measures related to adult population, employment, immigration, educational attainment, and adult literacy. New funding identified for adult education beyond base allocations and COLA, both at the state level and regionally, shall prioritize need following these same measures, as well as locally agreed upon measures of effectiveness.

Education Code Section 84912.

The chancellor and the Superintendent shall apportion funds appropriated for the program in a given year in compliance with all of the following:

(a) No more than one-twelfth of the total amount appropriated shall have been apportioned by the end of July.

(b) No more than one-sixth of the total amount appropriated shall have been apportioned by the end of August.

(c) No more than one-quarter of the total amount appropriated shall have been apportioned by the end of September.

(d) No more than one-third of the total amount appropriated shall have been apportioned by the end of October.

(e) No more than five-twelfths of the total amount appropriated shall have been apportioned by the end of November.

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- (f) No more than one-half of the total amount appropriated shall have been apportioned by the end of December.
- (g) No more than seven-twelfths of the total amount appropriated shall have been apportioned by the end of January.
- (h) No more than two-thirds of the total amount appropriated shall have been apportioned by the end of February.
- (i) No more than three-quarters of the total amount appropriated shall have been apportioned by the end of March.
- (j) No more than five-sixths of the total amount appropriated shall have been apportioned by the end of April.
- (k) No more than eleven-twelfths of the total amount appropriated shall have been apportioned by the end of May.

Education Code Section 84913.

- (a) Funds apportioned for the program shall be used only for support of the following:
 - (1) Programs in elementary and secondary basic skills, including programs leading to a high school diploma or high school equivalency certificate.
 - (2) Programs for immigrants eligible for educational services in citizenship, English as a second language, Immigrant Integration, and workforce preparation.
 - (3) Programs for adults, including, but not limited to, older adults, that are primarily related to entry or reentry into the workforce.
 - (4) Programs for adults, including, but not limited to, older adults, that are primarily designed to develop knowledge and skills to assist and support elementary and secondary school children to succeed academically, socially and developmentally in school.
 - (5) Programs for adults with disabilities providing instruction in career technical education, work readiness, independent living skills, community access and integration, communication and social skills, literacy, and academics.
 - (6) Programs in career technical education that are short term in nature and have high employment potential.
 - (7) Programs offering preapprenticeship training activities conducted in coordination with one or more apprenticeship programs approved by the Division of Apprenticeship Standards for the occupation and geographic area.
 - (8) (A) Indirect costs of the program's consortium members.
 - (B) For purposes of this paragraph, "indirect costs" means either of the following:
 - (i) For consortium members that are school districts and county offices of education, the lesser of the member's prior year indirect cost rate, as approved by the department, or no more than 5 percent of the total funding received from the program.
 - (ii) For community college consortium members, the lesser of the member's prior year negotiated indirect cost rate or no more than 5 percent of the total funding received from the program.
- (b) A consortium may use no more than 5 percent of funds allocated in a given fiscal year for the sum of the following:
 - (1) The costs of administration of these programs.
 - (2) The costs of the consortium.

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Education Code Section 84914.

(a) As a condition of receipt of an apportionment from the program, a consortium shall approve a distribution schedule that includes both of the following:

(1) The amount of funds to be distributed to each member of the consortium for that fiscal year and the amount of other funds identified in Section 84916.

(2) A narrative justifying how the planned allocations and other funds identified in Section 84916 are consistent with the adult education plan.

(b) (1) For any fiscal year for which the chancellor and the Superintendent allocate an amount of funds to the consortium greater than the amount allocated in the prior fiscal year, 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:

(A) The member no longer wishes to provide services consistent with the adult education plan.

(B) The member cannot provide services that address the needs identified in the adult education plan.

~~(C) The member has been consistently ineffective in providing services that address the needs identified in the adult education plan and reasonable interventions have not resulted in improvements. A member of a regional adult education consortium who receives an allocation shall declare, in their respective annual plan, measurable performance goals in alignment with the consortium's Three-Year Comprehensive Regional Plan and in alignment with the adult education performance indicators. A member who fails to achieve those measurable performance outcome goals shall develop a supplemental plan of correction to be submitted in concurrence with their annual plan. A member engaging a supplemental plan of correction shall report quarterly, to their regional consortium board, on their status towards implementing the supplemental plan of correction and progress towards achieving those declared measurable performance goals. A member who fails to meet those measurable performance goals for two years in a row may be deemed ineffective by the regional consortium.~~

(2) For any year for which the chancellor and the Superintendent allocate an amount of funds to the consortium less than the amount allocated in the prior year, the amount of funds to be distributed to a member of that consortium shall not be reduced by a percentage greater than the percentage by which the total amount of funds allocated to the consortium decreased, unless the consortium makes at least one of the following findings related to the member for which the distribution would be reduced further:

(A) The member no longer wishes to provide services consistent with the adult education plan.

(B) The member cannot provide services that address the needs identified in the adult education plan.

(C) The member has been ineffective in providing services that address the needs identified in the adult education plan and reasonable interventions have not resulted in improvements.

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(D) The member has unspent funds remaining from the previous year more than an agreed upon percent of the current year's allocation not to exceed 15%. Members may not maintain a carryover of more than 15% for more than two years.

(1) A consortia vote to reduce a member's allocation as a result of 15% or more carryover shall be subject to one vote per member. This shall be effective prospectively beginning with the 2020-21 allocation.

(c) A distribution schedule shall also include preliminary projections of the amount of funds that would be distributed to each member of the consortium in each of the subsequent two fiscal years. The preliminary projections shall not constitute a binding commitment of funds.

Education Code Section – Add Section 84914.2

(a) Each year, consortium members must certify their expenditures for the prior school year by September 1.

(1) Beginning in 2020-21, no more than 15% of a member's annual allocation may be carried over into the following year by any member of a consortium without a written plan for expenditure aligned with the local plan and approved by the consortium members by October 31 in alignment with the consortium's governance process.

(A) All plans to exceed 15% carryover must be submitted by September 30 annually. The plan must be approved by the remaining consortium members (excepting the member submitting the plan for approval).

(B) Each year, members with carryover exceeding 15% without an approved plan will be deemed ineffective and their allocations will be reduced in the subsequent year by the amount equal to the amount over 15% for reallocation to other members within the consortium.

(b) Each year, consortia must certify their expenditures for the previous school year by September 30.

(1) Beginning in 2021-22, no more than 15% may be carried over by a consortium in any given year.

(2) Any consortium carrying over more than 15% of its annual allocation will have their allocation reduced by the amount exceeding 15% carry-over in the following year (beginning in 2022-23).

Education Code Section 84916.

Commencing with the 2019–20 fiscal year, 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 entities, that receives funds from any of the following programs or allocations, shall be a member of a consortium pursuant to this article and any other entity that receives funds from any of the following programs or allocations shall participate in a consortium pursuant to this article. Each consortium shall use the 2018–19 fiscal year as a planning year to engage with members and participants located within the boundaries of the adult education region that receive funding from the following list, and shall include those entities in planning activities related to the consortium's three-year plan, as adopted pursuant to Section 84906:

(a) The Adults in Correctional Facilities program.

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- (b) The federal Adult Education and Family Literacy Act (Title II of the federal Workforce Innovation and Opportunity Act).
- (c) The federal Carl D. Perkins Career and Technical Education Act (Public Law 109-270).
- (d) Local control funding formula apportionments received for students who are 19 years of age or older.
- (e) Community college apportionments received for providing instruction in courses in the areas listed in subdivision (a) of Section 84913.
- (f) State funds for remedial education and job training services for participants in the CalWORKs program.
- (g) State funds for adult literacy or career online high school programs.

Education Code Section 84917.

- (a) To inform actions taken by the Governor and the Legislature related to adult education, the chancellor and the Superintendent shall report to the Director of Finance, the Statewide Director of Immigrant Integration, the State Board of Education, and, in conformity with Section 9795 of the Government Code, the Legislature about the use of the funds described in paragraph (5) of subdivision (b) of Section 84906 and outcomes for adults statewide and in each adult education region. The chancellor and the Superintendent shall provide preliminary reports on or before October 30 following each fiscal year for which funds are appropriated for the program and final reports on or before February 1 of the following year. Each report shall be based on all data available at the time of its submission. The report shall include at least all of the following:
- (1) A summary of the adult education plan operative for each consortium.
 - (2) The distribution schedule for each consortium.
 - (3) The types and levels of services provided by each consortium.
 - (4) The effectiveness of each consortium in meeting the educational needs of adults in its respective region.
 - (5) Any recommendations related to delivery of education, immigrant integration, and workforce services for adults, including recommendations related to improved alignment of state programs.
- (b) (1) The chancellor and the Superintendent may require a consortium, as a condition of receipt of an apportionment, to submit any reports or data necessary to produce the report described in subdivision (a).
- (2) The chancellor and the Superintendent shall align the data used to produce the report described in subdivision (a) with data reported by local educational agencies for other purposes, such as data used for purposes of the federal Workforce Innovation and Opportunity Act (Public Law 113-128).
- (3) The Employment Development Department and the California Workforce Investment Board shall provide any assistance needed to align delivery of services across state and regional workforce, education, and job service programs.