

# Bylaws of the South Orange County Regional Consortium

## ARTICLE I - General Provisions

### Section 1: Name

The name of the organization shall be South Orange County Regional Consortium (SOCRC).

### Section 2: Purpose

The purpose of SOCRC is to implement the comprehensive plan developed through the AB 86 Adult Education Consortium Planning Grant and revisions to the plan, as needed, to provide adults within the service region the following programs specified under California legislation AB104, Article 9, Adult Education Programs:

- Programs in elementary and secondary skills, including those leading to a high school diploma or high school equivalency certificate.
- Programs for immigrants in citizenship, ESL, and workforce preparation.
- Programs for adults, including, but not limited to, older adults, that are primarily related to entry or reentry into the workforce.
- Programs for adults, including, but not limited to, older adults, that are primarily designed to develop knowledge and skills to assist elementary and secondary school children to succeed academically in school.
- Programs for adult with disabilities.
- Programs in career technical education that are short term in nature with high employment potential.
- Programs offering pre-apprenticeship training conducted in coordination with one or more apprenticeship programs approved by the Division of Apprenticeship Standards.

### Section 3: Guiding Principles

SOCRC Vision Statement: Empowering Adult Learners for Lifelong Success.

SOCRC Mission Statement: The mission of the SOCRC is to equip adult learners with the life, language, and career skills to achieve their personal and professional goals, and become active members of their communities.

#### **Section 4: Funding**

- The SOCRC recognizes members have multiple revenue streams that directly or indirectly support the purpose of the SOCRC.
- The SOCRC recognizes that it will receive an annual allocation of categorical funding from the California Adult Education Program (CAEP).
- The SOCRC will annually allocate funding for service providing members of the consortium in accordance with State legislation, and the annual plans and budget developed and agreed upon by the Executive Committee (as defined in Article II, Section 3)
- The SOCRC recognizes it is responsible for approving the amount of CAEP funding each service providing member receives as required by legislation. The consortium will annually approve base funding to each Adult Education member at the funding level of no less than the prior year CAEP allocation provided by the state. The consortium will also annually approve any CAEP COLA allocation, if provided, per state guidelines. This annual approval is subject to funding and funding guidelines provided by the state.
- Mandated and contract negotiated cost increases of each individual district will be considered first in developing the annual budget before CAEP funding is considered for other projects as identified in the consortium's annual plan.

## **ARTICLE II — MEMBERSHIP**

**Section 1:** Membership in SOCRC is governed by current California state legislation.

**Section 2:** The members of SOCRC are:

- Capistrano Unified School District (CUSD)
- Coastline Regional Occupational Program (Coastline ROP)
- College and Career Advantage (CCA)
- Irvine Unified School District (IUSD)
- Irvine Valley College (IVC)

- Laguna Beach Unified School District (LBUSD)
- Orange County Department of Education (OCDE)
- Saddleback College (SC)
- Saddleback Valley Unified School District (SVUSD)
- Tustin Unified School District (TUSD)

**Section 3:** Each of the organizations in section 2 is represented in the Steering Committee and Consortium General Membership by the official designated by their respective local governing boards or elected Superintendent. Additional representatives from each member organization may attend the Consortium General Membership meetings. All members are expected to adhere to the bylaws set forth by the SOCRC.

**Section 4:** Non-voting membership: The Consortium General Membership shall have the authority to establish and define non-voting categories of membership. Other organizations serving adults in the SOCRC region may be invited to participate in the consortium as non-voting members.

## **ARTICLE III — MEETINGS**

### **Section 1: Executive Committee Meetings**

The Executive Committee shall be comprised of two co-chairs as outlined in Article IV, Section 2. Meetings will occur at least once per month to develop the agenda for the SOCRC Membership meetings, and may occur more frequently as needed to address adult education legislation developments or business of the consortium. The co-chairs may request the attendance of staff, consortium voting members, or consultants as required to clarify information or assist in agenda development.

### **Section 2: Steering Committee Meetings**

The Steering Committee shall be comprised only of the persons who have been identified as the primary voting representative for each member agency. Steering Committee Meetings will take place as needed to conduct business of the consortium, address closed session topics to be reported to the public in open session, and provide direction to the Executive Committee. All meetings will be open to the public and will be noticed to the public per the Brown Act guidelines. The public will have the opportunity to engage with Steering Committee members during the specified public comments time, or during the public comments time on any item on the agenda.

### **Section 3: Consortium General Membership Meetings**

The Consortium will hold monthly meetings of its membership. The meetings will take place at a time and location designated by the Executive Committee and approved by the Steering Committee at the first meeting of the calendar year. All meetings will be open to the public and will be noticed to the public per the Brown Act guidelines. The public will have the opportunity to engage with the members of the Consortium General Membership during the specified public comments time or during the public comments time on any item on the agenda.

### **Section 4: Special meetings**

Special meetings (those outside of monthly meetings) may be called by the co-chairs, or a simple majority of the Steering Committee.

### **Section 5: Notice of meetings**

The Steering Committee meetings, Consortium General Membership meetings and special meetings will be noticed at least 72 hours in advance. The agenda and documents for the meeting shall be posted at each member's main office, on the web site of each member agency, and on the Consortium's web site.

### **Section 6: Quorum**

For meetings of the SOCRC, a quorum (6 members) shall be the simple majority of the Steering Committee and the Consortium General Membership. Meetings may still be held without a quorum for purpose of presentation or discussion. However, no actions or voting may take place without a quorum.

### **Section 7: Voting**

Decisions shall be reached by a simple majority vote (see below description of votes). Proxy voting shall be permitted, as long as there is documentation provided that shows that the person who is the representative proxy vote has been approved by the member organization's governing board and paperwork identifying the proxy representative is on file with the consortium at time of the vote. In the event of a designee change, new documentation will be submitted by the member agency identifying the organization's governing board approved representative and approved proxy, prior to the newly

designated agency representative or proxy voting on any Steering Committee or Consortium General Membership agenda items.

## **ARTICLE IV —CONSORTIUM GENERAL MEMBERSHIP**

### **Section 1: Role, size, and compensation**

The general membership of the consortium shall consist of the agencies identified in Article II, Section 2. No member of the Executive Committee, Steering Committee, or Consortium General Membership will be compensated outside of their regular salary, as defined by each employing agency, for participation in or preparation for meetings of the South Orange County Regional Consortium.

### **Section 2: Officers and Duties**

There shall be two officers of the Consortium General Membership that are known as the Executive Committee. The Executive Committee shall consist of co-chairs (one from Community College and one from K-12 district) who are voting members of the consortium. Their duties are as follows: preside at all-over meetings of the Consortium General Membership, prepare the meeting agendas and supporting materials, and perform other duties, which may be assigned by members of the Consortium General Membership. The co-chairs shall serve a term of two years. Co-chairs shall be elected by the Steering Committee, with the K-12 co-chair selected in even years and the community college co-chair selected in odd years. Should a co-chair leave during their term, a vote will take place to elect a new co-chair.

There shall also be a Primary Contact for the SOCRC, which shall be designated by the Executive Committee co-chairs if the consortium selects Fiscal Agency, or shall be selected by a vote of the Executive Committee if the consortium selects Direct Funding. The duty of the SOCRC Primary Contact under Fiscal Agency shall be to oversee and coordinate all necessary state reporting documents and provide them to the state by the given deadline. The duties of the SOCRC Primary Contact under Direct Funding shall be to oversee and coordinate all necessary state reporting documents and provide them to the state by the given deadline, and to oversee the funding and contracts for projects and activities of the consortium.

### **Section 3: Committee Formation**

The Executive Committee may create committees as needed. Committees will operate under the direction of the co-chairs and will be coordinated by a lead appointed by the co-chairs in consultation

with the Steering Committee. All committees will keep regular minutes of their proceedings and report those minutes to the co-chairs and Consortium General Membership.

**Section 4: Voting Structure**

Each member will have a minimum of one vote during Steering Committee and Consortium General Membership meetings. In order to cast a vote, at least six of the ten member organizations must be present (quorum must be reached). All decisions under the jurisdiction of the voting members will be decided by a simple majority vote unless otherwise indicated in these by-laws. In case of a tie, discussion will continue until simple majority is reached.

**Votes Allocated to each Member Agency**

Member	Vote
Capistrano Unified School District (CUSD)	1 vote
Coastline Regional Occupational Program (Coastline ROP)	1 vote
College and Career Advantage (CCA)	1 vote
Irvine Unified School District (IUSD)	1 vote
Irvine Valley College (IVC)	1 vote
Laguna Beach Unified School District (LBUSD)	1 vote
Orange County Department of Education (OCDE)	1 vote
Saddleback College (SC)	1 vote
Saddleback Valley Unified School District (SVUSD)	1 vote
Tustin Unified School District (TUSD)	1 vote

The voting structure will be reviewed annually in the spring. Maintaining one vote per member is contingent upon effective and consistent participation in the work of the Consortium. The Steering Committee will evaluate the effectiveness of member participation.

**Section 5: Member Effectiveness**

Member effectiveness will be defined as

- 1) regular attendance and participation at monthly Consortium General Membership meetings;
- 2) participation in and contribution to the development of the annual and three-year plan;
- 3) meeting the student success goals of the three-year and annual plans;
- 4) financial expenditures aligned to annual and three-year plan goals and CAEP guidelines;
- 5) funds expended in a timely manner in accordance with AB 1491

AB 1491 amends Sections 84901 and 84914 of the California Education Code AB104, Article 9, relating to Adult Education. Members must not have a carryover balance that exceeds twenty (20) percent annually.

Service-providing members who receive CAEP funding will be required to report on their expenditures and carryover on a quarterly basis when expense reports are due to the State. Additionally, funded members will report on program hours, program expenditures, and student success measures on an annual basis.

Members may be subject to technical assistance through SOCRC and placed into a monitoring period if they have not met one or more of the member effectiveness criteria outlined above for a period of at least twelve months. Technical assistance may include any or all of the following:

1. Notice sent to agency representative and district superintendent outlining area(s) of non-compliance
2. Measures necessary to regain compliance with SOCRC and CAEP regulations
3. Regular monitoring of expenditures
4. Regular monitoring of student success achievements

If a member who is in technical assistance is unable to meet the obligations of SOCRC and CAEP funding requirements after a twelve-month monitoring period, additional actions may be taken including the following:

1. Extension of technical assistance monitoring period
2. Reduction in amount of annual allocation
3. Removal from being a service provider

The Executive Committee may recommend that a member be removed as a service-provider for non-performance of duties after the member has gone through at least eighteen (18) months of technical assistance without remediation in the deficient areas. A decision to remove a member for non-performance requires a two-thirds vote (7 out of the 10 members). The Executive Committee will send notification of potential action to the agency representative and Superintendent of the school district outlining the actions taken by SOCRC technical assistance, areas of non-compliance, and the date of the Consortium General Membership meeting at which the removal of the member from service provision will be addressed.

Included below are the specific conditions for reduction of member allocation from AB 1491, amending Sections 84901 and 84914 of the California Education Code AB104, Article 9, relating to Adult Education.

(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, including having excessive carryover for at least two consecutive fiscal years, and reasonable interventions have not resulted in improvements.

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

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

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

(iii)(C) The member has been ineffective in providing services that address the needs identified in the adult education plan, including having excessive carryover for at least two consecutive fiscal years, and reasonable interventions have not resulted in improvements.

## **ARTICLE V — ADULT EDUCATION PROGRAMS**

### **Section 1: Program Categories**

Member agencies may develop and implement programs in the following areas:

1. English as a Second Language (ESL) and Citizenship Preparation.
2. Adult Basic Education (ABE) for foundational academic skills and Adult Secondary Education (ASE) for college and workplace preparatory skills including High School Diploma or preparation for High School Equivalency examinations.
3. Workforce Preparation including foundational job skills for adults entering or reentering the workforce.
4. Career Education including short term training programs in technical and job specific skills that lead to entry level jobs in a variety of industry sectors.
5. Pre-Apprenticeship training conducted in coordination with one or more apprenticeship programs approved by the Division of Apprenticeship Standards.
6. Adults with Disabilities.
7. Developing skills in adults to assist elementary and secondary school children with academic success.

### **Section 2: Non-Duplication of Effort**

Service provider agencies may propose to develop new programs in the categories outlined above, providing that the new programs do not duplicate existing programs offered by other agencies unless it addresses an educational need that is identified and outlined in the Annual and Three-year Plans.

### **Section 3: Career Education Programs**

Based on an amendment to AB104, Article 9, section 84906 (3)(A), the following requirements must be met prior to developing and implementing new career education training programs.

Before establishing a CTE training program each member of a local adult education consortium, or the consortium as a whole shall conduct a job market study of the labor market area in which it proposes to establish the CTE training program or rely on the most recent job market study of the labor market area conducted by the local workforce development board. The study shall use local labor market information and consider a supply analysis of existing CTE training programs for adults maintained by high school, community colleges, and other post-secondary institutions in the geographic area to ensure that the anticipated employment demand for adult enrolled in the proposed training justifies the establishment of the proposed courses of instruction.

Furthermore, in AB104, Article 9, 84906 (3)(B), after completing the job market study and before establishing the CTE training program, the governing body of a member of a local adult education consortium or the consortium as a whole, as applicable, shall determine if the job market study justifies establishing the proposed CTE program.

In addition, the service provider agency who is requesting to establish a new career education training program must outline the costs for the program and indicate that there is funding within their current allocation to support the new program.

## **ARTICLE VI – FISCAL YEAR**

Fiscal Year – The fiscal year of SOCRC shall run from July 1 to June 30.

## **ARTICLE VII – AMENDMENTS**

The Bylaws may be altered or amended at any properly published meeting of the Consortium General Membership by two-thirds vote (7 out of the 10 members). Members shall review and discuss proposed changes at one meeting providing additional comments or changes by Consortium General Membership members and the public, wherein changes will be approved at a subsequent meeting, provided that notice of the proposed changes has been sent to each Steering Committee member at least seven (7) days prior to the meeting.

## **ARTICLE VIII – FISCAL AGENT or DIRECT FUNDING**

The Consortium General Membership shall vote annually in April, prior to the time CFAD (Consortium Fiscal Administration Declaration) is due, whether to have a direct funding model or a fiscal agent

model. If the fiscal agent model is selected then each member will have an opportunity to offer to be the fiscal agent and propose how they will carry out the duties as fiscal agent. The Consortium General Membership will then vote and select the member to be the fiscal agent. The fiscal agent will also be responsible for compliance auditing. Every two years (Beginning in August 2019), the SOCRC will review and approve the bylaws to ensure that they are timely, accurate, and comply with current CAEP guidelines and Ed Code.

### **Section 1: Fiscal Agent**

A fiscal agent acts as a banker. It processes expenses related to the grant as agreed upon by the Consortium General Membership. It certifies that the grant expenditures have been prepared in accordance with applicable federal and state laws and regulations. It works with the Consortium General Membership to implement fiscal decisions made by the Consortium General Membership.

### **Section 2: Direct Funding**

With direct funding, CAEP categorical funding will be disbursed to each member directly according to the approved consortium CFAD. Each member will be responsible for oversight and compliance of the spending of funds in accordance with CAEP legislation.

### **Section 3: Determination of Fiscal Administration Model**

The funding model for the Consortium will be determined yearly and approved at a meeting of the Consortium General Membership prior to the time the CFAD is submitted to the State. Funding will be determined in accordance with CAEP guidelines and EC 84914.

### **Section 4: Approval of Capital Expenditures**

While determination of budget and expenditures is the responsibility of each funded agency, capital outlay over \$100,000 requires prior approval of the Consortium General Membership. Agencies needing approval for a capital expenditure will request that the Executive Committee place their item on the next Consortium General Membership agenda.