



June 30, 2021

To: CAEP Consortium Directors and Members

From: State CAEP Office

Subject: Reminder on Member Effectiveness Guidance

This memorandum is a reminder for the California Adult Education Program (CAEP) consortia and their members regarding CAEP member effectiveness. The State CAEP Office's intent by releasing this guidance is to ensure the timely submission of CAEP deliverables, set a minimum threshold for member effectiveness, and continue the discussion of member effectiveness at the regional consortium level.

At a minimum, CAEP member effectiveness is defined per the CAEP assurances listed (see attached list) and further defined/mandated by education code (84900 – 84920). Each CAEP consortium member agrees to follow the list of CAEP assurances when they certify their annual allocation via the Consortium Fiscal Administration Declaration (CFAD). By clicking "Approve" in the NOVA system, the member is confirming that they agree to all the CAEP assurances listed under sections labeled: Membership & Decision-Making, Public Meetings, and Reporting Requirements. This also includes members certifying to any additional consortium rules and procedures and, as agreed upon by the consortium members (such as any additional by-laws, charters, etc.). Consortia may use this memo to update their agreed upon rules and procedures or consortium governance documentation to address member effectiveness and follow-up steps with an ineffective member.

Consortia must monitor member performance related to the CAEP assurances and identify members for non-compliance. The consortium must provide members technical assistance and/or reach out to the CAEP Technical Assistance Project (TAP) as part of the reasonable intervention (EC 84914 (b) (1) (c)). In addition, beginning July 1, 2021, CAEP regional consortia will be notified by the State CAEP Office through CAEP TAP or CASAS of members that have not met specific reporting requirements (see attached list). If the member continues to not meet the assurance(s), then the member will be deemed an ineffective member, which may result in a loss or reduction of CAEP funding.



If a consortium chooses to decrease the member's funding, the consortium must document the reason, the technical assistance/reasonable intervention provided, and the public meeting minutes of how/when the decision was made. This documentation must be posted to the consortium's Supporting Documentation section in NOVA.

Consortia will need to update their agreed upon rules (i.e., governance) to describe how this process will function within the consortium. Rules should also cover a member appeal process and/or conflict resolution steps. The State CAEP Office will be the final arbitrator if there is disagreement at the consortium level. Voting to decrease a member's allocation must be based on the consortium approved voting structure and does not have to be a unanimous vote.

Please note: beginning in the 2022-23 program year, each consortium will be required to update and certify their consortia governance in NOVA. More details on the governance process will be released soon.

To access the NOVA system, [click here](#). To review the list of CAEP Assurances in the NOVA System on the CAEP website, [click here](#). This information can be located via the following path: Administrators/Policy/Fiscal Guidance. For background on the intent of member effectiveness, please click on the [2016 CAEP Member Effectiveness Report](#).

If you have any questions regarding this memo, please contact CAEP TAP at [tap@caladuted.org](mailto:tap@caladuted.org) or (888) 827-2324.

Sincerely,

The CAEP Office



California  
Community  
Colleges

**Attachment**

## CAEP Certification & Assurances

### Membership & Decision-Making

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

### Public Meetings

- I certify that a proposed decision is considered at an open, properly noticed public meeting of the consortium at which members of the public may comment (EC 84905 (d)(1)(B)).
- I certify that the consortium has provided the public with adequate notice of a proposed decision and considered any comments submitted by members of the public, and any comments submitted by members of the public have been distributed publicly (EC 84905 (d)(1)(C)).
- I certify that the consortium has requested comments regarding a proposed decision from other entities located in the adult education region that provide education and workforce services for adults (EC 84905 (d)(1)(D)(i)).
- I certify that the consortium has requested comments regarding a proposed decision from other entities located in the adult education region that provide education and workforce services for adults (EC 84905 (d)(1)(D)(i)).
- I certify that the consortium has considered input provided by pupils, teachers employed by local educational agencies, community college faculty, principals, administrators, classified staff, and the local bargaining units of the school districts and community college districts before it makes a decision (EC 84905 (d)(1)(E)).
- I certify that in addition to the meeting requirements listed in EC 84905, and as agreed upon by the consortium members, that I will follow the public meeting requirements listed in the Ralph M. Brown Act as the Brown Act applies to the governing body of any "local body created by state or federal statute." (Ed. Code, section 54952.)

## Reporting Requirements

- **I certify that I will participate in completing and updating any consortium long range and/or short range planning efforts and/or budget work plans (EC 84906, 84914(a)).**
- **I certify that all CAEP expenses have been expended in the CAEP seven program areas, and services provided are consistent with the 3-year plan, the annual plan, and my district's work plan & budget as submitted in NOVA (EC 84913 (1-7), 84906, 8914(a)).**
- I certify that my expenditures of CAEP funds match the objectives/activities included in the annual plan and the member work plan (EC 84906, 84914(a)).
- I certify that my expenditures of CAEP funds adhere to the allowable uses of funds as identified in the CAEP Fiscal Management Guide.
- **I certify that I will report student level enrollment data and outcomes as prescribed by the State CAEP Office (EC 84920).**
- I certify that I will share financial expenditure and progress reports with the members of my regional consortium.
- I certify that I understand that as a member if I do not meet any of these items I have certified, I will be deemed an ineffective member which may result in a loss or reduction of CAEP funding (EC 84914(b)).
- I certify that all CAEP expenses have been expended only for the education of persons 18 years of age or older (EC 84901(a)).

Note: Bold assurances/requirements will be tracked by the State CAEP Office. If after a reasonable intervention, these requirements are not met, the State CAEP Office will notify the regional consortium and the member of their ineffective status.