



February 27, 2023

**To:** Adult Education Consortium Directors and Members  
**From:** The California Adult Education Program (CAEP) State Leadership  
**Subject:** **AB 1491 Carryover Guidance**

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This memorandum provides guidance to California Adult Education Program (CAEP) consortia and their members on the requirements of **AB 1491** (carryover legislation). These requirements will go into effect during the **2023-2024** program year.

### **Carryover Legislation**

#### **A. MEMBER CARRYOVER**

This bill authorizes a consortium to reduce a member's allocation by no more than the amount of the member's carryover, as defined, if the consortium makes a finding by a majority vote, based on the member having excessive carryover for **at least two consecutive fiscal years** beginning with the 2023–24 fiscal year, that the member has been consistently ineffective in providing services that address the needs identified in its adult education plan. There is no percentage threshold mandated in AB 1491 that is specific to member carryover, unless it is determined by the individual consortium.

#### **B. CONSORTIUM CARRYOVER**

The bill requires a consortium with carryover from **one or more prior fiscal years** exceeding 20% to submit a written expenditure plan, as specified, to the Chancellor and the Superintendent, and would require the Chancellor and the Superintendent to prescribe and assign technical assistance to that consortium to ensure effective use of funds as specified by existing policy, and that the consortium's annual carryover does not continue to exceed 20% to continue providing adequate adult education services to the region.

### **Change in CAEP Education Code**

CAEP Education Code Sections 84901 and 84914 have been amended to reflect the definition of carryover, member carryover, and the consortium carryover. For more details, please see the Frequently Asked Questions (FAQ) for additional information on this guidance.

### **CAEP Fiscal and Program Guidance**

The CAEP Fiscal Management Guidance and the CAEP Program Guidance will be updated and posted to the CAEP website to reflect the AB 1491 legislation, changes to the CAEP Education Code, and instructions from this guidance memo.

### **NOVA Reporting**

The CAEP Office will be adding tools and reports in NOVA to assist consortia and members with the reporting and tracking of carryover. CAEP Technical Assistance Provider (TAP) is available to provide NOVA-related technical assistance and support.

### **AB1491 Webinar**

The CAEP Office has scheduled an AB1491 Webinar on March 23, 2023, at 12:00pm. The webinar will cover this guidance, the AB1491 legislation, current use of NOVA reporting & tools as it relates to carryover, and future NOVA enhancements. Additional webinars are also being planned. To register for the March 23<sup>rd</sup> webinar, [click here](#).

### **Frequently Asked Questions (FAQ)**

For more information on the AB1491 legislation, definitions, process, and individual consortium responsibilities, please see the [FAQ](#).

### **AB1491 Implementation Timeline**

The CAEP Office developed a timeline to assist consortia and members with understanding the AB1491 implementation timeline. Please refer to the [AB1491 Timeline](#) for additional information.

### **Technical Assistance Contact Information**

For questions related to the AB1491 and/or technical assistance on related topics, please contact the CAEP TAP by phone at 1- 888- 827-2324 or by e-mail at [tap@caladulthood.org](mailto:tap@caladulthood.org)

Sincerely,

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