



SOUTHWEST RIVERSIDE ADULT EDUCATION

Consortium Governance Compliance of Rules and Procedures

ByLaws June 2023

Consortium Name: Southwest Riverside Adult Education

Fiscal Agent or Fiscal Coordinator: Mt. San Jacinto College

Consortium Point Person(s):

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Consortium Role: Consortium Co-Directors

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Table of Contents

Article 1: Name

Section 1. Name

Article 2: Offices

Section 1. Principal Location

Section 2. Other Offices

Article 3: Consortium Purposes

Section 1. Purpose

Section 2. Specific Objectives and Purposes

Article 4: Powers and Responsibilities

Section 1. Governance

Section 2. Legislative Responsibilities

Section 3. Other Board Responsibilities

Section 4. Guiding Principles

Section 5. The Adult Education Plan (Ed Code Section 84906)

Section 6. Limitations on Activities

Section 7. Prohibited Activities

Section 8. Reporting Requirements

Section 9. Officers

Article 5: Membership

Section 1. Consortium Members Generally (Ed. Code 84916)

Section 2. Consortium Members

Section 3. Representation of Member Officials

Section 4. Removal of Member Officials

Section 5. Removal of a Consortium Member

Section 6. New Members

Section 7. Non-Voting Members

Article 6: Meetings

Section 1. Meetings

Section 2. Quorum

Section 3. Frequency of Meetings

Section 4. Meetings Notice - Generally

- Section 5. Regular Meetings
- Section 6. Special Meetings
- Section 7. Emergency Meetings
- Section 8. Public Comment
- Section 9. Closed Meeting Actions
- Section 10. Taping or Broadcasting

Article 7: Workgroups

- Section 1. Purpose
- Section 2. Composition
- Section 3. Responsibilities

Article 8: Funding

- Section 1. Fiscal Agent
- Section 2. Funding
- Section 3. Funding Uses. Ed. Code 84913
- Section 4. Administrative Costs Ed. Code 84912
- Section 5. Distributions to School Districts
- Section 6. Fiscal Management Guide of State's AEP Office
- Section 7. Prohibited Uses
- Section 8. Excessive Carryover
- Section 9. Excessive Carryover

Article 9: Miscellaneous

- Section 1. Public Records
- Section 2. Amendment of Bylaws
- Section 3. Fiscal Year

Article 1: Name

Section 1. Name

The name of the consortium will be Southwest Riverside Adult Education (referred herein as "SRAE").

Article 2: Offices

Section 1. Principal Location

Mt. San Jacinto College located at 28237 La Piedra Rd, Menifee, CA 92584 serves as the fiscal agent and provides a primary office for SRAE communication.

Section 2. Other Offices

The SRAE may also have offices or conduct business at such other places within the boundaries of its jurisdiction as its business and activities may require, and as the SRAE members may, from time to time, designate.

Article 3: Consortium Purposes

Section 1. Purpose

SRAE is a legislatively created consortium under the State of California's Community College Apportionment Act to implement the provisions of Article 9 governing the Adult Education Program (AEP) established by Ed. Code § 84900.

Section 2. Specific Objectives and Purposes

The purpose of the SRAE is to expand and improve the provision of adult education and pathways to enable adult populations targeted by Ed Code section 84913 of Article 9 of the Community College Apportionment Act to access better jobs and/or higher education, and to bridge workforce gaps. Specifically, the goal is to accelerate a student's progress towards his or her academic or career goals, maintain the current capacity of instruction, improve transition and acceleration systems, strengthen regional infrastructure and collaboration, expand capacity, and use research-based practices in instruction and instructional delivery.

Article 4: Powers and Responsibilities

Section 1. Governance

- A. Voting Members - The Steering Committee: SRAE decisions and actions shall be determined by votes of the official representatives of each Consortium member. The official representatives of each SRAE member shall be referred to collectively as the Steering Committee. Decisions made in accordance with Ed Code § 84905 and Brown Act shall be final. Steering Committee members are responsible for making sure their current contact information is on file with the SRAE.
- B. Workgroups: The director(s) may establish advisory workgroups/committees as deemed necessary to assist the director(s) in the performance of the director(s) responsibilities.

The director(s) shall receive and consider reports from workgroups established under Article 7 to help guide decisions, prioritization of funding, reporting and other requirements; however, workgroup recommendations are advisory only and not binding on the SRAE or the director(s)

Section 2. Legislative Responsibilities

The Steering Committee shall perform the duties and responsibilities set forth by Article 9 of the California Community College Apportionment Act, the Brown Act (CA Gov't Code section 54950, et seq.), and as directed by the State's Adult Education Program (AEP) office, including, but not limited to, the following:

- A. approve an adult education plan at least once every three years. The plan shall be updated at least once each year based upon available data. Ed Code § 84906(c);
- B. approve an adult education plan consistent with these Bylaws, especially Article 8 (Funding);
- C. approve a distribution schedule that includes the amount of funding to be distributed to each member of the consortium for each fiscal year and a narrative justifying how the planned allocations are consistent with the adult education plan. Ed Code § 84914(a);
- D. report any funds available to the members for the purposes of education and workforce services for adults and the uses of those funds. Ed Code § 84905(b);
- E. follow the public meeting requirements set forth in Education Code section 84905 and the Brown Act, including, but not limited to, the following:
 - I. participate in any decision made by the Consortium;
 - II. hold open; publicly noticed meetings at which members of the public may comment;
 - III. provide the public with adequate notice of a proposed decision before considering a decision at an open, publicly noticed meeting;
 - IV. consider any comments by members of the public, and distribute publicly any comments submitted by members of the public;
 - V. consider any comments regarding a proposed decision from other entities located in the adult education region that provide education and workforce services for adults;
 - VI. consider input from pupils, teachers employed by local educational agencies, community college faculty, principals, administrators, classified staff, and the local bargaining units of the districts before making a decision.

Section 3. Other Steering Committee Responsibilities

The Steering Committee is responsible for all items set forth in section 1 of this Article, all statutory duties not otherwise set forth in these bylaws, and all responsibilities set forth by the

State Adult Education Program office. In addition, the Steering Committee is responsible for the following:

- a. Creation and updating of the SRAE Bylaws;
- b. Facilitation of communication among SRAE members, partners, interested community members;
- c. Joint and collaborative development of adult education 3-year and annual plans (Plan).
- d. Prioritization of activity objectives of the Plan and outcomes;
- e. Hiring of a Consortium Administrator and other staff to facilitate the implementation of the SRAE's responsibilities;
- f. Designation of duties necessary for hired staff to successfully support the SRAE's purpose;
- g. Convene, develop agendas and conduct meetings of the SRAE;
- h. Provide leadership and accountability within the SRAE to ensure productive and efficient completion of tasks;
- i. Ensure that each SRAE member is represented by an official representative;
- j. Each year, prior to the adoption of an annual plan, provide a budget overview that identifies the measures to be taken for each program area identified in its Plan, and the funding to be allocated;
- k. Creation of a yearly calendar of regular SRAE meetings;
- l. Election of Director(s) and Chair(s);
- m. Providing and posting of minutes of all regular and special SRAE meetings;

Section 4. Guiding Principles

The SRAE places the highest value on students achieving their academic and/or vocational goals;

- A. The SRAE strives to help improve the community by providing adults with educational pathways to the workforce and higher education;
- B. Adult education programs will be open to all without discrimination.
- C. The SRAE will make sure that its budgets and allocations are aligned with the measures identified in its Plan;
- D. The SRAE will fairly allocate financial resources to the objectives and activities prioritized in its 3-year Plan;
- E. The SRAE will adhere to a transparent process of open and collegial communication.

Section 5. The Adult Education Plan (Ed Code Section 84906)

The Steering Committee shall create a three-year consortium implementation plan known as the "Adult Education Plan (Plan)," or other plan as the State may require, to meet the goals and mission set forth in Article 9, Adult Education Program, of California Education Code Sections 84900-84920. Any plan created to implement Article 9 will address and incorporate the measures identified by the Chancellor of the California Community College and the State Department of Education as needed for the Plan (or other plan as the State may require), and

will include, but not be limited to, the following which may be changed by the Steering Committee at any time by resolution in order to remain current with state law, directives and guidelines from the State Adult Education Program office:

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, 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 SRAE 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.

Section 6. Limitations on Activities

The Steering Committee shall not take any action or discussion on any item not appearing on a posted agenda, unless a majority of the SRAE members determine that an emergency situation exists (as defined by Brown Act section 54956.5) or the item was continued from a meeting occurring not more than five (5) days prior to the meeting and the matter was continued at the prior meeting. Brown Act § 54954.2.

Section 7. Prohibited Activities

A. The Steering Committee shall not hold informal, undisclosed discussions, meetings or workshops, or serial communications in person, in writing, or through electronic communications (e.g. emails, texts, etc.) at which a majority of the Steering Committee members attends or in which a majority participates to develop a concurrence among a majority of the Steering Committee regarding items within the subject matter jurisdiction of the SRAE.

B. Any use of direct communication, personal intermediaries, or technological devices used by a majority of the Steering Committee to develop a collective concurrence as to action to be taken on an item by any member of the Steering Committee is prohibited. Brown Act § 54952.2

Section 8. Reporting Requirements

The SRAE will follow all filing and reporting requirements set forth by statute and the state AEP office.

Section 9. Officers

At the last regular meeting for each fiscal year, the Steering Committee shall elect director(s) and chair(s) of the SRAE to serve for a term of two-years. The role of chair(s) will rotate among member districts

Article 5: Membership

Section 1. Consortium Members Generally (Ed. Code 84916)

Any community college district, school district, county office of education or any joint powers authority consisting of any of these or a combination of these, located within the boundaries of the adult education region that receives funds from any of the below programs or allocations shall be a member of the SRAE

- a. The Adults in Correctional Facilities program;
- 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 by providing instruction in courses in areas listed in subdivision of (a) of Section 84913.
- f. State funds for remedial education and job training services for participants in the CalWORKs program.

Section 2. Consortium Members

Per Section 1 of this Article , the following educational districts are members of the SRAE, although additional parties are eligible for membership per Section 1 of this Article and Ed. Code § 84916 may be added to the SRAE per consensus of the Steering Committee:

- a. Banning Unified School District
- b. Beaumont Unified School District
- c. Hemet Unified School District
- d. Lake Elsinore School District
- e. Mt. San Jacinto Community College District
- f. Murrieta Valley Unified School District
- g. Perris Unified School District
- h. Riverside County Office of Education
- i. San Jacinto Unified School District
- j. Temecula Valley Unified School District

Section 3. Representation of Member Officials

The SRAE Steering Committee may consist of the members referenced in Section 2 of this Article and any additional parties added by SRAE consensus. Each member of the SRAE may be represented by an official and may have one alternate (proxy). The SRAE Steering Committee may also include representatives from local workforce or nongovernmental agencies. The SRAE Steering Committee does not receive compensation from the SRAE for their service.

Section 4. Removal of Member Officials

Each Steering Committee member (or their proxy) is required to attend all Steering Committee meetings, and workgroup meetings as decided by the Steering Committee.

The Steering Committee (excluding the vote of the member at issue) may remove a representative official of a SRAE member for failing to attend SRAE and workgroup meetings without good cause or for any other cause a majority of the Steering Committee deems appropriate. In the event a member's representative official is removed due to a failure to attend SRAE meetings without cause, the SRAE will notify the member of its representative's failure to attend SRAE meetings within thirty days of the removal, and request an appointment of a new representative.

Section 5. Voluntary Exit of a Consortium Member

SRAE members may voluntarily leave the Consortium but must provide written notice thirty (30) days prior to vacating membership. Any member that voluntarily chooses to leave the SRAE must return any allocation provided for that year to the fiscal agent within 15 days of the effective date of leaving. The remaining SRAE members shall decide how to allocate any returned funds

Section 6. New Members

The SRAE may add new members through a majority vote of the Steering Committee. Prior to a vote on the addition of a new member, the SRAE must receive written approval from the state AEP office.

Section 7. Non-Voting Members

The SRAE shall have the authority to establish and define non-voting categories of memberships. Other organizations serving adults in the SRAE's region may be invited to participate in the SRAE as non-voting members.

Article 6: Meetings

Section 1. Meetings

A meeting is defined as a congregation of a majority of the Steering Committee members at the same time and location, including teleconference location as permitted, to hear, discuss or deliberate or take action upon any item that is within the subject matter jurisdiction of the Consortium. Brown Act § 54952.2

All Steering Committee meetings, including teleconferenced meetings if permitted by these bylaws, shall be governed by the publicly noticed meeting requirements set forth under Ed Code Section 84905 and Brown Act section 54953.

All votes, except for those cast in permissible closed sessions, must be cast in public. The Steering Committee shall publicly report any action taken and the vote or abstention on that action of each member present. Brown Act § 54953(2).

Section 2. Quorum

Each SRAE member is represented by a single official (or the member's alternate) to serve on the SRAE's Steering Committee, and each SRAE member official has a single vote. A majority of the Steering Committee must be present at a meeting before a vote can be taken. In the event a quorum is not present at a publicly noticed meeting, discussion without a vote may still occur on items set forth in the agenda for the meeting. Proxy voting through an alternate approved by the governing board of an SRAE member is permitted. Decision-making is made through consensus and efforts should be made to negotiate agenda items to reach a unanimous consensus.

Section 3. Frequency of Meetings

The Steering Committee shall hold at least one regular meeting per month within the academic year. The Steering Committee may hold additional regular meetings, and call special meetings, as deemed necessary by the Steering Committee, subject to the notice requirements of Section 1 of this Article.

Section 4. Meetings Notice - Generally

The Steering Committee shall approve the scheduling of its regular meetings. The SRAE administrator shall post this information (including the location, room, address and time) on the SRAE website for public access. The meeting notice shall include

- a. a posting of the agenda, with a brief description of each matter (including items to be discussed in closed session) to be introduced as well as an indication as to which items seek action; and
- b. all documents referenced by or listed on the agenda for action or consideration

Section 5. Regular Meetings

For all regular meetings, the SRAE administrator, or another staff member as the Steering Committee elects, shall post the meeting notice and agenda no later than seventy-two (72) hours before the regular meeting. This designated person shall also send written notice to the Steering Committee, all SRAE members (i.e. non-voting members or members without official representatives), workgroup members, and other persons the Steering Committee deems necessary. Brown Act 54954.2

Section 6. Special Meetings

Special meetings may be called by the director(s) or by two SRAE members. At least a twenty-four (24) hour written notice must be provided to the Steering Committee, posted on the SRAE website, and sent to media outlets that have requested notices of meetings in writing, including a brief general description of the matters and proposed action to be considered or discussed. Brown Act § 54956

Section 7. Emergency Meetings

“Emergency meetings” are a limited class of meetings held when an agency must take prompt action due to an actual or threatened emergency. They require little notice. (Gov. Code, § 54956.5.) An emergency means a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body. (Gov. Code, § 54956.5).

Section 8. Public Comment

Items on the agenda: Members of the audience may address the Steering Committee on any item listed on the agenda when that agenda item comes up for discussion and/or action. Comments will be limited to three (3) minutes per agenda item and a total of fifteen (15) minutes of public comment on an item, unless waived by the Steering Committee. Consent items are considered routine and customary SRAE business, and are voted on in one vote; however, a Steering Committee member or a member of the audience may request that an item listed on the consent items be removed and considered individually.

Items not on the agenda: Members of the audience may address the Steering Committee on any topic not on the agenda so long as the topic is within the jurisdiction of the Consortium. Under the Brown Act, the Steering Committee is not permitted to engage in public discussion or take any action on an item not on the agenda, except that members of the Steering Committee may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Government Code §54954.3. In addition, on their own initiative, or in response to questions posed by the public, a member of the board may ask a question for clarification. A member of the Steering Committee or the Steering Committee itself may provide a reference to staff or other resources for information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda. Comments from visitors shall not exceed three (3) minutes unless the Steering Committees waives the time limit. The Steering Committee may also limit the total amount of time for speakers on a particular topic to fifteen (15) minutes

Section 9. Closed Meeting Actions

At an open session following a closed session, the Steering Committee must report on final action taken in closed session under the circumstances defined under the Brown Act. Where final action is taken with respect to contracts, settlement agreements or other specified records, the public may receive copies of such records upon request. Brown Act, § 54957.1. Agenda for closed meetings shall conform with the model format for closed session agendas set forth in the Brown Act, section 54954.5.

Closed-session meetings are only permitted in limited circumstances to address personnel decisions, public security of buildings and services, pending litigation, labor negotiations and real property negotiations. Brown Act § 54956.9 and .8, 54957, 54957.6.

Section 10. Taping or Broadcasting

Meetings may be broadcast, audio-recorded or video-recorded so long as the activity does not constitute a disruption of the proceeding. Brown Act, section 54953.5 and 54953.6. Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the Consortium shall be subject to inspection per the CA Public Records Act, but may be erased or destroyed 30 days after the recording

Article 7: Workgroups

Section 1. Purpose

The SRAE recognizes that input from stakeholders is a critical part of its accountability and CAEP implementation process. Ad hoc workgroups consisting of appropriate stakeholders are essential to provide guidance to the SRAE to help it prioritize and implement its Plan, and to provide input for future planning needs. Ad hoc workgroups may be created by the SRAE Steering Committee.

Section 2. Composition

The SRAE will take measures to encourage stakeholders to participate in its ad hoc workgroups. It may be composed by the following:

- A. one (1) official member of the SRAE (i.e., approved by the SRAE member's governing board);
- B. representatives of the instructional departments or programs being targeted by a workgroup's discussions;
- C. an administrator or manager from the educational institution for which the workgroup was formed;
- D. district representatives who provide non-instructional support to students in the program areas targeted by the SRAE's Plan (e.g. DSPS, WIOA, SSSP, etc.); and
- E. representatives of other agencies or institutions with a vested interest in the work being conducted by the workgroup if applicable

Section 3. Responsibilities

Each workgroup created by the SRAE Steering Committee will be assigned responsibilities, which may change from time to time per the SRAE Steering Committee's discretion.

Article 8: Funding

Section 1. Fiscal Agent

Mt. San Jacinto Community College serves as the sole fiscal agent to receive

and distribute funds from the program, and shall develop a process to apportion funds to members of the consortium pursuant to the SRAE adult education plan within forty-five (45) days of receiving funds appropriate for the program. The process shall not require a consortium member to be funded on a reimbursement basis. Ed. Code § 85905(e).

Section 2. Funding

As a condition of receipt of an apportionment of funds from the state for a fiscal year, the members of the consortium shall approve an adult education plan that addresses that fiscal year, and the plan shall include all of the components as defined in Ed. Code §84906

After mediation has been exhausted, members out of compliance with state and/or local guidelines may be dismissed from the consortium and their CAEP funding shall be reallocated to the members in good standing.

Section 3. Funding Uses. Ed. Code 84913

Funds apportioned for the program shall be used only for support of the following

- a. Programs in elementary and secondary basic skills, including programs leading to a high school diploma or high school equivalency certificate;
- b. Programs for immigrants eligible for educational services in citizenship, English as a second language, and workforce preparation;
- c. Programs for adults, including, but not limited to, older adults, that are primarily related to entry or reentry into the workforce;
- d. 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;
- e. Programs for adults with disabilities
- f. Programs in career technical education that are short term in nature and have high employment potential;
- g. 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.

The SEAE may choose which of these program areas to fund and support based upon the regional needs and local capacity

Section 4. Administrative Costs Ed. Code 84912

The SRAE may use no more than five (5) percent of funds allocated in a given fiscal year for the sum of the following

- a. The costs of administration of these programs;
- b. The costs of the consortium

Section 5. Distributions to School Districts

Program funds received by a participating school district shall be deposited in a separate fund of the school district to be known as the Adult Education Fund and shall be expended only for adult education purposes. Ed. Code § 84914.1.

Section 6. Fiscal Management Guide of State's AEP Office

From time to time, the Adult Education Program (AEP) Administration for the State of California issues a Fiscal Management Guide or other guidelines to help the SRAE manage the public funds allocated to it by the State of California. The SRAE will follow those guidelines and will review them at least once annually to keep members and others informed of the State guidelines

Section 7. Prohibited Uses

Funds may not be used for items not expressly allowed by Ed Code §84913 or for items the SRAE has not approved through an open, publicly noticed meeting under Ed Code §84905 or the Brown Act.

Section 8. Member Effectiveness

Definition of Member Effectiveness is primarily defined as a Member's ability to consistently meet the Assurances outlined above in Article III, Section 3. A Member is deemed "ineffective" if the Member consistently fails to meet AEP Assurances per this Section and reasonable interventions to improve Member Effectiveness have not resulted in improvements. The most critical of the above assurances are:

- I. Program Area Reporting of leveraged funds and instructional hours (this certification is due annually on 12/1)
- II. Quarterly expenditure reporting (Q1, Q2 (includes close out), Q3, & Q4)
- III. Plan Certification – 3-year plan, annual plan, and member work plan
- IV. CFAD and Governance Certification (currently due May 2 nd)
- V. Quarterly student data reporting into TOPSPRO Enterprise (Q1, Q2, Q3, & Q4)

In addition to timely reporting in regards to the above reporting deadlines, Member Effectiveness will be measured by carryover amounts.

- I. By the 2023-24 Program Year, carryover amounts greater than 20% of a Member's total Allocation indicates Member ineffectiveness.
- II. In the first year of excessive carryover, the Member must provide a detailed plan as to how the carryover will be spent and the Steering Committee must approve the plan. This is considered Intervention Year 1.
- III. If the carryover exists after Intervention Year 1, the Member is deemed ineffective.

Section 9: Reduction of Member Allocation

The Steering Committee may reduce a Member's Allocation for the following reasons:

- I. Members have mutually agreed upon an Amendment to Annual Member Allocation so that one Member can better meet the SRAE Purpose.
- II. The Member no longer wishes to provide services consistent with achieving the SRAE Purpose and the SRAE Annual Plan.
- III. The Member is not providing educational programs and services consistent with achieving the SRAE Purpose and the SRAE Plans.
- IV. The Member is not expending CAEP funds in a manner that adheres to the allowable uses of funds as identified in the CAEP Fiscal Management Guide.
- V. The Member is consistently not meeting the requirements of Member Effectiveness as defined in Section 1 of this Article and is thus deemed “ineffective” in providing services that address the SRAE Purpose. Reasonable interventions to improve Member Effectiveness have not resulted in improvements

A simple majority vote is all that is required to reduce a Member’s Allocations. The SRAE may reduce the Member’s Allocation for the current year or reallocate the Member’s Allocation for the following program year. If the Steering Committee reduces Allocation for the current year, the Member must return Allocation to the fiscal agent within 15 days of written notification of forfeiture of funds. The Steering Committee will determine how to redistribute reallocated Allocation funds.

Section 10. Consortium Excessive Carryover

Excessive consortium carryover refers to the percentage of allocated funds that a member has carried forward from one fiscal year to the next fiscal year beyond the percentage threshold.

The percentage threshold for excessive carryover is 20% of the consortium’s annual allocation.

A consortium with carryover from one or more prior fiscal years exceeding 20 percent shall be required to submit a written expenditure plan, including future corrective actions to reduce the consortium’s carryover to below 20 percent, to the chancellor and the Superintendent.

Section 11. Member Excessive Carryover

Each member of the SRAE will report their carryover amount to the consortium at the end of each fiscal year. The SRAE will review the carryover amounts of each member annually and notify any member whose carryover exceeds the threshold of 20%.

If a member’s carryover exceeds the percentage threshold for one fiscal year, the SRAE may take action, such as requiring a written plan describing how the member will spend the carryover amount, including timelines, or how the member will reallocate excessive carryover funds to another member.

If the member after the intervention process still struggles to meet spending excessive carryover

threshold, then the funds will be reallocated equally amongst members or funds can be directed to unallocated special projects consortium -wide special projects.

After mediation has been exhausted, members out of compliance with state and/or local guidelines may be dismissed from the SRAE and their CAEP funding shall be reallocated to the members in good standing.

Article 9: Miscellaneous

Section 1. Public Records

Materials provided to a majority of the SRAE which are not exempt from disclosure under the Public Records Act must be provided, upon request, to members of the public without delay. Brown Act § 54957.5

Section 2. Amendment of Bylaws

These bylaws may be amended by a majority vote of the SRAE provided that notice of the proposed bylaws change was sent to each SRAE Member and representative, and placed on the agenda of a publicly noticed meeting

Section 3. Fiscal Year

The fiscal year of the SRAE shall run July 1 of a given year, to June 30 of the following year.