



December 11, 2017

To: Adult Education Block Grant (AEBG) Consortium Directors and Members

From: Adult Education Block Grant Office

Subject: AB104 Legislative Alignment with the Brown Act

This memorandum is to advise local recipients of the Adult Education Block Grant (AEBG) funds that the public meeting requirements listed in AB104 legislation aligns with the Ralph M. Brown Act (section 54950 et seq. of the Government Code). The California Department of Education and the California Community Colleges Chancellor's Office have determined that the Brown Act applies to the AEBG consortia as the Brown Act applies to the governing body of any "local body created by state or federal statute." (Ed. Code, section 54952.)

In addition to following the Ralph M. Brown Act, the AEBG consortia must also follow the requirements set forth in its rules and procedures, including those developed pursuant to AB104 related to public meetings and public comments. The law governing the AEBG consortia requires each consortium to create rules and procedures to be approved by the AEBG Office (on behalf of the chancellor and Superintendent). These rules and procedures also include specific public meeting and public comment requirements, laid out in Education Code section 84905(d), (see below). These requirements by the consortium include soliciting comments from the public and other relevant entities on any proposed decisions; considering and responding to such comments from the public and other relevant entities; distributing publicly the comments submitted by members of the public; and considering input from a variety of education-related stakeholders prior to making a decision.

For questions related to AEBG legislative requirements for public meetings, the Brown Act, and/or technical assistance on professional development topics, please contact the AEBG Technical Assistance Project (AEBG TAP) by phone at 1-888-827-2324 or by e-mail at tap@aebg.org.

Sincerely,

Carolyn Zachry, Ed.D
California Department of Education
Adult Education Block Grant Office

Javier Romero
California Community Colleges Chancellor's Office
Adult Education Block Grant Office



References:

AB104 legislation: Article 9. Adult Education Block Grant Program

84900. The Adult Education Block Grant Program is hereby established under the administration of the Chancellor of the California Community Colleges and the Superintendent of Public Instruction.

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: (see a through e for consortia requirements on public meetings and decision-making).

(d) (1) Decision making 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.

(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.

Brown Act legislation:

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=9.&part=1.&lawCode=GOV&title=5

California Attorney General's Office – Brown Act Pamphlet (see attached)