

APPENDIX E

Memorandum of Understanding Between the State Board of Education and the Board of Governors of the California Community Colleges Regarding the Establishment and Operation of the Joint Advisory Committee on Career Technical Education (JACCTE)

Introduction

Collaboration and cooperation between the State Board of Education (SBE) and the Board of Governors (BOG) of the California Community Colleges under the provisions of a Memorandum of Understanding (MOU) will ensure efficient and effective use of resources and services available to eligible recipients as a result of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-207).

Upon approval by the SBE and the BOG, this MOU, as provided in Education Code Section 12053, will become effective. The MOU facilitates the articulation and coordination of federally funded career technical education (CTE) programs and services. In addition, it delegates to the BOG, in consonance with the requirements of the federal Act and regulations, responsibility for administration, operation, and supervision of policies and procedures related to community college CTE programs as provided for in the Perkins Act.

This document describes the planning process between the two agencies (SBE and BOG) and a timeline for division of funds. The division of dollars in the state plan will be in compliance with the state plan and the Perkins Act, and mutually agreed upon state priorities and criteria. Upon execution of the MOU, no previous MOU between the parties is of any force or effect. This MOU replaces and supersedes any and all previous MOUs between the parties and embodies the totality of the agreement between the parties.

I. Joint Advisory Committee on Career Technical Education (JACCTE)

The California Education Code has established the JACCTE which is comprised of equal members of the SBE and the BOG. It serves as the joint policy recommending body that makes recommendations to the BOG and the SBE regarding all aspects of the coordinated delivery of CTE in the State including strengthening, improving, expanding, and evaluating programs and services.

A. Authority

California Education Code Section 12053 provides that:

- (a) "The State Board of Education is designated as the state board of vocational education, which is the sole state agency responsible for the administration or the supervision of the state's vocational education program, as required by the Carl D. Perkins Vocational Education Act (Public Law 98-524), the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (Public Law 101-392), and any acts amending or succeeding those acts. The State Board of Education is granted all necessary power and authority to carry out those provisions of federal law.

- (b) In recognition of the need for coordinated delivery of vocational education and training in California, the State Board of Education and the Board of Governors of the California Community Colleges shall enter into a memorandum of understanding which shall do all of the following:
- 1) Provide for an advisory committee comprised of an equal number of members of each board;
 - 2) Assure shared planning and coordination; and
 - 3) Delegate to the Board of Governors of the California Community Colleges, in keeping with the requirements of federal law, the maximum responsibility in administration, operation and supervision of policies and procedures related to community college career technical education programs provided for in federal law.
- (c) In carrying out the provisions of federal law, the State Board of Education, prior to taking final action on any proposed policies, procedures, or allocations of funds, shall consider recommendations, if any, of the Board of Governors of the California Community Colleges and make a record of review and comment on the proposed policies, procedures, or allocations of funds.”

B. Functions

The Joint Advisory Committee on Career Technical Education will:

1. Facilitate coordination in the planning, development, and implementation of the state plan for the Perkins Act funds and/or amendments to the plan;
2. Distribute federal funds between the SBE and the BOG in accordance with the state plan, the MOU, and the Perkins Act;
3. Verify compliance with the state plan and federal requirements in regard to evaluation of programs and services, data collection, and fiscal and performance reports;
4. Provide a forum for discussion of issues and concerns on CTE programs and services supported by the shared federal funds;
5. Facilitate collaborative long-range planning among various interested persons and entities to meet the education and employment needs of California, including emerging occupations, applications of new technologies, and high skill, high wage, or high demand occupations; and
6. Provide for programs for special populations that lead to high skill, high wage and high demand careers.

C. Operational Procedures

Members of the JACCTE are appointed or replaced annually by the presidents of their respective boards. Individual members may serve more than one term. The chair and vice chair of the Committee rotate each year between representatives of the SBE and the BOG. The SBE representative will serve on even years.

The JACCTE will meet four times a year with additional meetings called as necessary. A meeting may be called at the request of representatives of either Board. Meetings may be held via teleconference if deemed appropriate by the Committee members. For voting purposes, a quorum will be defined as four members (two from each Board). All meetings will be conducted in accordance with Roberts Rules of Order and the Bagley Keene Open Meeting Act (Government Code Sections 11120-11131). In accordance with Section 11125, notice will be given at least 10 days in advance of the meeting.

A draft agenda and meeting notice will also be distributed at least 30 days prior to each meeting. An annotated agenda with item enclosures will be distributed to the JACCTE members no later than 10 working days prior to each meeting.

Should a committee member be unable to participate in a scheduled meeting a designee may be assigned as a replacement by the appropriate Board Chairperson.

The State Superintendent of Public Instruction and the Chancellor of the California Community Colleges annually designate staff to provide support for the Committee. Staff from both education agencies will cooperatively prepare agendas, reports, minutes, and other necessary materials for Committee meetings.

II. Guiding Principles

The SBE and BOG will observe the following guiding principles for CTE in the oversight of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 funds and regulations:

- A. CTE is designed to increase education and career options for all students through career awareness, exploration, and occupational training programs;
- B. CTE is deliberately intended to be available and accessible to all students, including college-bound and career-bound students, students learning English, and students facing diverse challenges to economic success;
- C. CTE is uniquely linked to the world of work, and requires the direct participation of, and partnership with, business, industry, and labor to maximize program quality and work-based learning opportunities for all students;
- D. CTE programs are based on locally validated industry standards and curricular content, are responsive to labor market conditions, and provide all students with transferable skills necessary for success in future occupations;
- E. CTE integrates academic and technical skills to maximize all students' educational and career outcomes;
- F. CTE programs provide opportunities for applied, contextual learning that increases student engagement and supports improved achievement for all students;
- G. CTE offers integrated curricula through sequenced courses, in multiple pathways, bridging educational segments, which prepare all students for both further education and career entry;

- H. CTE programs develop student leadership, career management, and entrepreneurial skills;
- I. CTE is dependent on comprehensive career guidance systems (K-16 and beyond) that inform and connect all students with the best possible career technical education opportunities;
- J. CTE provides students, including incumbent workers, with instructional programs for employment and success in postsecondary education, as well as lifelong learning opportunities to maintain or upgrade their technical knowledge and skills;
- K. CTE requires highly prepared instructors, administrators, and staff who are supported by sustained, high-quality, and relevant professional learning, including preservice, inservice, and ongoing professional development;
- L. CTE is sustained through ongoing state, federal, and local investments, based on student participation and proven labor market and local workforce needs, that provides funds and resources to ensure CTE programs have modern industry standard facilities, equipment, instructional materials, and competitively paid CTE instructors; and
- M. CTE is accountable through measuring and reporting student course participation, completion of CTE courses and pathways, student and program certification, transition to postsecondary education, completion of postsecondary certificates and degree programs, short term and long-term employment outcomes, and other measures necessary to ensure program quality.

III. Shared Planning and Coordination

This section defines and delineates the cooperative working relationships and the roles and responsibilities of staff of both agencies (SBE and BOG) as they pertain to the administration and operation of shared federally funded CTE programs and services.

A Perkins Joint Management Team (PJMT) comprised of staff from the California Department of Education (CDE) and the California Community Colleges Chancellor's Office (CCCCO) will cooperatively and collaboratively carry out these responsibilities. The team members are jointly appointed by the State Director of Vocational Education and the lead CTE administrator in the Chancellor's Office, and are directly involved in the management of the Perkins grant. The PJMT will:

- A. meet on a regular basis to cooperatively plan and discuss items of mutual concern relating to the administration and operation of federally funded career technical education programs and services;
- B. plan and coordinate support services to the JACCTE, including preparation of agendas, minutes of meetings, reports, and staff recommendations;
- C. participate in the planning, development, dissemination, implementation and evaluation phases of the state plan. Provide districts and agencies information on the process and specific timelines to develop and/or amend the state plan;

- D. establish procedures for addressing local performance;
- E. plan and coordinate data collection and statistical and narrative information for annual fiscal and performance reports as required by federal regulations;
- F. evaluate the state's performance in reaching outcome goals;
- G. develop operational definitions and methods of verification for core indicators, division of funds, program review, program compliance, and fiscal and performance reporting;
- H. recommend committee appointments as needed to assure compliance with the state plan in accordance with CDE policy;
- I. address other topics of mutual concern and interest pertaining to federally funded career technical education programs and services; and
- J. serve as staff to the Committee.

IV. Development and Implementation of the State Plan and/or Amendments

The state plan shall be developed in compliance with Section 122 of the 2006 Perkins Act and any acts amending or succeeding this Act. The process shall include broad field input from practitioners, educators, business, industry, labor, and government. The California Workforce Investment Board shall be invited to provide input. The state plan shall describe the estimated distribution of funds for each type of institution listed by instructional level, as required in Section 122(c)(6)(A)&(B) of the Act, and related state priorities as identified by the SBE and the BOG.

A. Process for Adoption of State Plan

Two or more public hearings shall be held to allow comments and recommendations on the state plan. Public notice procedures of the SBE shall be followed. A panel representing the SBE, the BOG, agency staff, and field practitioners will be convened to hear public testimony on the proposed plan. Every effort will be made to schedule public hearings on the state plan to provide maximum access to individuals wishing to testify before the panel. Written input may be submitted as directed in the Public Hearing notice. A summary of the testimony and the hearing panel's recommendations will be prepared following the hearings.

B. Annual Review

Annually, the SBE and the BOG will review the progress of the major efforts for the CTE programs and services of the CDE and the CCCCCO. This review will also include the major focus and plans for the next year. Available funds will be directed to the CDE and the CCCCCO in compliance with the state plan, this MOU, and the Perkins Act,

C. Reports

In compliance with the state plan and Perkins Act, prepare on an annual basis interagency agreements to transfer federal career technical education funds to the BOG according to the approved process for division of funds.

The CDE uses a “first in-first out” method of billing and accounting for federal funds; and therefore, annually, after financial records are reconciled, carryover funds generated by the CCCCCO shall revert to the BOG through an amendment to the Interagency Agreement between CDE and the CCCCCO. A specific timeline has been mutually established for the development and approval of the Interagency Agreement to assure a timely flow of funds to all eligible districts and agencies. Timelines are dependent upon the timely submission of reports and invoices.

The following steps in the Interagency Agreement process must begin by April of each year with final approval by June 15:

1. Draft agreement(s) jointly developed;
2. Final draft(s) submitted for interagency agreement approval process; and
3. Approval of interagency agreement by June 15.

Amendments to reflect any increase or decrease in funds from the U.S. Department of Education and any carryover funds from prior years will be finalized by November 30 for the purposes of reporting to the Joint Legislative Budget Committee and the Director of Finance (Budget Act 6110-166-0890). A copy of the completed report shall be submitted to the JACCTE.

D. Amendments

The need to amend the state plan may arise at any time during the year when changes in program conditions, labor market conditions, funding, or other factors require substantial amendment of an approved state plan. Any individual, eligible recipient, organization, state agency representative, or member of the SBE or the BOG may suggest amendment(s) to the state plan. The SBE will refer the proposed amendment(s) to the JACCTE and staff of the two agencies for review and research and provide an appropriate mechanism for field input and discussion. The California Workforce Investment Board will be invited to review and comment on proposed amendments.

V. Procedures for Resolving Differences

The SBE and the BOG recognize that a coherent CTE program is in the best interests of California. To that end they have established the JACCTE to assure cooperation and collaboration in planning, implementing, and evaluating federally aided programs under the Perkins Act.

However, given that the SBE and BOG has a vested responsibility for different educational segments, it is reasonable to expect that occasional differences may occur. If differences occur, they shall be resolved as follows:

Step 1:

Should the JACCTE fail to reach agreement of a recommendation to their respective Boards, or should recommendation(s) from this group be accepted by one Board and rejected by the other, the Presidents of each Board shall meet to discuss the issue(s) and develop a recommendation to resolve the issue(s).

Step 2:

Should the Presidents of the two Boards not reach an acceptable compromise, then the two Boards may meet jointly to discuss the issue(s). Either Board may request a joint meeting.

Step 3:

If a resolution to the issue(s) that is acceptable to both Boards cannot be reached, then the SBE shall make the decision. The SBE's decision, along with a record of review and comment on the issue(s), shall be forwarded to the U.S. Department of Education.

VI. Modification

If any modification or amendment of the MOU is proposed by one of, or either, the SBE or the BOG, a thirty (30) day written notice shall be provided to the other agency. The modification or amendment shall be incorporated into the agreement by mutual consent of the two agencies.

VII. Termination

The MOU may be terminated by either party with a written notice to the non-initiating party and the JACCTE thirty (30) days prior to the effective date of the termination. The written notification shall state the reasons for the termination. If the agreement is terminated, the partner agencies shall have ninety (90) days to execute a new MOU.