

**R277. Education, Administration.**

**R277-733. Adult Education Programs.**

**R277-733-1. Authority and Purpose.**

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Section 53E-10-202 which vests general control and supervision over adult education in the Board;

(d) Subsection 53E-3-501(1), which allows the Board to adopt minimum standards for programs; and

(e) Section 53F-2-401, which vests the Board with responsibility to provide education to persons in the custody of the Utah Department of Corrections.

(2) The purpose of this rule is to describe curriculum, program standards, allocation formulas, and operation procedures for the adult education program for adult education students both in and out of state custody.

**R277-733-2. Incorporation of Utah Adult Education Policies and Procedures Guide by Reference.**

(1) The rule incorporates by reference the Utah Adult Education Policies and Procedures Guide, January 2020 Revision, which provides day-to-day operating standards and technical assistance to eligible providers for operation of adult education programs.

(2) A copy of the guide is located at:

(a) <https://www.schools.utah.gov/arc/adulteducation?mid=2654&tid=1> ; and

(b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah 84111.

**R277-733-3. Definitions.**

(1) "Adult" means an individual 18 years of age or over.

(2) "Adult education" means organized educational programs below the postsecondary level, other than regular full-time K-12 secondary education programs:

- (a) provided by an LEA or an eligible provider;
- (b) provided for out-of-school youth (16 years of age and older) or adults who have or have not graduated from high school; and
- (c) provided to improve literacy levels and to further high school level education.

(3) "Adult Basic Education" or "ABE" means a program of instruction at or below the 8.9 academic grade level, which prepares adults for advanced education and training.

(4) "Adult Education and Family Literacy Act" or "AEFLA" means Title II of the Workforce Innovation Opportunity Act of 2014, which provides the principle source of federal support for:

- (a) academic instruction and education services below the post-secondary level to receive a high school diploma or its recognized equivalent; and
- (b) transition to post-secondary education, training, and employment.

(5) "Adult High School Completion" or "AHSC" means a program of academic instruction at the 9.0 grade level or above in Board-approved subjects for an eligible adult education student who is seeking an Adult Education Secondary Diploma.

(6) "College and Career Readiness Plan" or "CCRP" means a plan developed by a student in consultation with an adult education program counselor, teacher, and administrator that:

- (a) is initiated at the time of entrance into an adult education program;
- (b) identifies a student's skills and objectives;
- (c) identifies a career pathway strategy to guide a student's course selection; and
- (d) links a student to post-secondary education, training, or employment using a program-defined adult education transition process.

(7)(a) "Eligible adult education student" means an individual who provides documentation that the individual:

- (i) is a primary and permanent resident of Utah;
- (ii) is 17 years of age or older, and whose high school class has graduated;
- (iii) is under 18 years of age and is married;
- (iv) has been emancipated or adjudicated as an adult; or

(v) is an out-of-school youth 16 years of age or older who has not graduated from high school and who:

(A) is basic skills deficient;

(B) does not have a secondary school diploma, its recognized equivalent, or an equivalent level of education; or

(C) is an ELL; or

(b) A non-resident eligible adult education student in accordance with an individual agreement between an eligible provider and another state.

(8) "Eligible Provider" may include:

(a) an LEA;

(b) a community-based or faith-based organization;

(c) a voluntary literacy organization;

(d) an institution of higher education;

(e) a public or private non-profit agency;

(f) a library;

(g) a public housing authority;

(h) a non-profit institution not described in Subsections (a) through (g) that can provide adult education and literacy activities to eligible adult education students;

(i) a consortium or coalition of providers identified in Subsections (a) through (h);

or

(j) a partnership between an employer and a provider identified in Subsections (a) through (i).

(9) "English Language Learner" or "ELL" means an individual:

(a) who has limited ability in reading, writing, speaking, or comprehending the English language and whose native language is a language other than English; or

(b) who lives in a family or community where a language other than English is the dominant language.

(10) "High School Equivalency Exam" or "HSE" means a Board approved examination whose modules are aligned with current high school core standards and adult education College and Career Readiness standards.

(11) "Out-of-school youth" means a student 16 years of age or older who has not

graduated from high school and is no longer enrolled in a K-12 program of instruction.

(12) "Utah High School Completion Diploma" means a diploma issued by the Board and distributed by a Board approved contractor to an individual who has passed all subject modules of an HSE exam at an HSE testing center.

(13) "Weighted pupil unit" or "WPU" means the basic per pupil unit used to calculate the amount of state funds for which a school district is eligible.

#### **R277-733-4. Federal Adult Education Funds.**

The Superintendent shall follow the standards and procedures contained in AEFLA and the WIOA state plan adopted by the Board pursuant to AEFLA to administer federal funding of adult education programs.

#### **R277-733-5. Compliance with State and Federal Laws.**

Adult education programs shall comply with state and federal law and administrative regulations and follow the procedures contained in the Utah Adult Education Policies and Procedures Guide described in Section R277-733-2.

#### **R277-733-6. State Fund Distribution, Carryover, and Recapture.**

(1) The Superintendent shall allocate state funds for adult education in accordance with Section 53F-2-401.

(2) An LEA may carryover ten percent of the state adult education funds allocated to the LEA's adult education programs with written approval from the Superintendent.

(3) An LEA shall submit a request to carryover funds for approval.

(4) The Superintendent shall consider excess funds in determining an LEA's allocation for the next fiscal year.

(5) The Superintendent shall recapture an LEA's fund balances in excess of ten percent annually.

(6) The Superintendent shall allocate recaptured funds to an LEA's adult education programs through the supplemental award process described in Section R277-733-10.

**R277-733-7. Adult Education Pupil Accounting.**

(1) An LEA administered adult education program shall receive WPU funding for a student consistent with the criteria and rate outlined in the Utah Adult Education Policies and Procedures Guide described in Section R277-733-2.

(2) An LEA may generate equivalent WPU for competencies mastered with an LEA plan approved by the Superintendent.

(3) If a student is an eligible student as defined in R277-733-3(8)(a)(iv) and enrolls in an adult education program an LEA shall provide all information contained on the K-12 Education Withdrawal and GED Testing Application Form.

**R277-733-8. Program, Curriculum, Outcomes and Student Mastery.**

(1) The Utah Adult Education Program shall offer courses consistent with the Elementary and Secondary General Core under R277-700.

(2) An LEA shall ensure Adult high school completion education includes the following prerequisite courses:

(a) ELL competency AEFLA levels one through six; or

(b) ABE competency AEFLA levels one through four.

(3) An LEA shall establish policies allowing or disallowing adult education student participation in graduation activities or ceremonies.

(4) An LEA may establish reasonable timelines and may require adequate and timely documentation of authenticity for credits and grades submitted from other eligible providers.

(5) An LEA adult education program is the final decision-making authority for the awarding of credit and grades from non-accredited sources.

(6) An eligible provider shall offer an adult education student seeking a Utah High School Completion Diploma a course of academic instruction designed to prepare the student to take an HSE exam.

(7) Following completion of requirements for a Utah Adult Education Secondary Diploma or a Utah High School Completion Diploma, an eligible provider may only allow a student to continue in as adult education program if:

(a) the student's academic skills are less than 9.0 grade level in an academic area

of reading, math or English;

(b) the student lacks sufficient mastery of basic educational skills to enable the student to function effectively in society; and

(c) the focus of the continued instruction is limited solely to literacy in reading, math or English for a maximum of 120 instructional contact hours.

#### **R277-733-9. Adult Education Programs--Tuition and Fees.**

(1) An eligible provider may allow any adult to enroll in an adult education class and charge a tuition or fee consistent with Section 53E-10-205 and the Utah Adult Education Policies and Procedures Guide described in Section R277-733-2.

(2) An eligible provider shall report annually to the Superintendent the amount of tuition and fees collected.

(3) An eligible provider may not:

(a) commingle or report fees and tuition collected from adult education students with community education funds or any other public education fund;

(b) count collected fees and tuition toward meeting federal matching, cost sharing, or maintenance of effort requirements related to the adult education program's award; and

(c) calculate carryover balance amounts using funds collected from fees and tuition.

(4) An eligible provider receiving state or federal adult education funds shall provide annual written assurances to the Superintendent that all fees and tuition collected are:

(i) returned or delegated, except for indirect costs, to the local adult education program;

(ii) used solely and specifically for adult education programming; and

(iii) not withheld and maintained in a general maintenance and operation fund.

#### **R277-733-10. Supplemental Awards.**

(1) An LEA may receive a supplemental award if the LEA:

(a) has an adult education program with no carryover funds;

(b) receives less than one percent of the state adult education distribution;

(c) demonstrates that the award funds will only be used for special program needs or professional development; and

(d) provides in writing the level of need for the award.

(2) The Superintendent may recommend that the Board withhold state or federal funds for noncompliance with:

(a) Board rule;

(b) adult education state policy and procedures;

(c) associated reporting timelines; and

(d) program monitoring outcomes, as defined by the Board, including:

(i) lack of program improvement; and

(ii) unsuccessful student outcomes.

**R277-733-11. State Workforce Development Board.**

(1) The Superintendent shall represent adult education programs on the State Workforce Development Board as a voting member, in accordance with WIOA.

(2) The Superintendent may assign Board staff to State Workforce Development Board WIOA committees for the purpose of implementation of the State's WIOA Unified Plan.

**R277-733-12. Oversight, Monitoring, Evaluation, and Reports.**

The Board may designate up to two percent of the total legislative appropriation for oversight, monitoring, and evaluation of adult education programs.

**KEY: adult education**

**Date of Enactment or Last Substantive Amendment: April 9, 2020**

**Notice of Continuation: June 6, 2017**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-10-202; 53E-3-501(1); 53E-3-401(4); 53F-2-401; 53E-10-205**