

1 **R277. Education, Administration.**

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

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

4 (1) This rule is authorized by:

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

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

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

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

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

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

18 (3) This Rule R277-733 is categorized as Category 4 as described in Rule [R277-](#)
19 [111](#).

20

21 **R277-733-2. Incorporation of Utah Adult Education Policies and Procedures**

22 **Guide by Reference.**

23 (1) The rule incorporates by reference the Utah Adult Education Policies and
24 Procedures Guide, May [~~2023~~2024] Revision, which provides day-to-day operating
25 standards and technical assistance to eligible providers for operation of adult education
26 programs.

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

28 (a)
29 [<https://www.schools.utah.gov/administrativerules/documentsincorporated>]insert link to
30 updated guide here; and

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

33

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

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

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

38 (a) provided by an LEA or an eligible provider;

39 (b) provided for out-of-school youth, 16 years of age and older, or adults who
40 have or have not graduated from high school; and

41 (c) provided to improve literacy levels and to further high school level education.

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

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

48 (a) academic instruction and education services below the post-secondary level
49 to receive a high school diploma or its recognized equivalent; and

50 (b) transition to post-secondary education, training, and employment.

51 (5) "Adult Secondary Education" or "ASE" means a program of academic
52 instruction at the 9.0 grade level or above in Board approved subjects for an eligible
53 adult education student who is seeking an Adult Education Secondary Diploma or its
54 equivalent.

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

58 ~~—— (a) is initiated at the time of entrance into an adult education program;~~

59 ~~—— (b) identifies a student's skills and objectives;~~

60 ~~—— (c) identifies a career pathway strategy to guide a student's course selection;~~

61 ~~and~~

62 ~~—— (d) links a student to post-secondary education, training, or employment using a~~
63 ~~program-defined adult education transition process.]~~

64 ~~[(7)](6) "Custody," for purposes of this rule, means the status of being legally in~~
65 ~~the control of another adult person or public agency.~~

66 ~~[(8)](7) (a) "Eligible adult education student" means an individual who provides~~
67 ~~documentation that the individual:~~

68 (i) is a primary and permanent resident of Utah;

69 (ii) is one of the following:

70 (A) 17 years of age or older, and whose high school class has graduated;

71 (B) under 18 years of age and is married;

72 (C) has been emancipated or adjudicated as an adult; or

73 (D) an out-of-school youth 16 years of age or older who has not graduated from
74 high school; and

75 (iii) meets any of the following:

76 (A) is basic skills deficient;

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

79 (C) is an ELL; or

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

82 ~~[(9)](8) "Eligible Provider":~~

83 ~~—— (a) for purposes of state funding eligibility, means a:~~

84 (i) school district; or

85 (ii) charter school if:

86 (A) the charter school enrolls students in grades 9 through 12; and

87 (B) the charter school applies and is approved as an adult education provider in
88 accordance with this Rule R277-733; and

89 (b) for purposes of federal funding eligibility, may include:

90 ~~[(a)]~~(i) an LEA;

91 ~~[(b)]~~(ii) a community-based or faith-based organization;

92 ~~[(c)]~~(iii) a voluntary literacy organization;

93 ~~[(d)]~~(iv) an institution of higher education;

94 ~~[(e)]~~(v) a public or private non-profit agency;

95 ~~[(f)]~~(vi) a library;

96 ~~[(g)]~~(vii) a public housing authority;

97 ~~[(h)]~~(viii) a non-profit institution not described in Subsections ~~[(a)](8)(b)(i)~~ through
98 ~~[(g)](vii)~~ that can provide adult education and literacy activities to eligible adult education
99 students;

100 ~~[(i)]~~(ix) a consortium or coalition of providers identified in Subsections
101 ~~[(a)](8)(b)(i)~~ through ~~[(h)](viii)~~; or

102 ~~[(j)]~~(x) a partnership between an employer and a provider identified in
103 Subsections ~~[(a)](8)(b)(i)~~ through ~~[(i)](ix)~~.

104 ~~[(10)](9)~~ "English Language Learner" or "ELL" means an individual:

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

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

109 ~~[(11) "FERPA" means the Family Educational Rights and Privacy Act, 20 USC~~
110 ~~1232g, and its implementing regulations.]~~

111 ~~[(12)](10)~~ "Inmate" means an offender who is incarcerated in state or county
112 correctional facilities located throughout the state.

113 ~~[(13)]~~(11) "High School Equivalency Exam" or "HSE" means a Board approved
114 examination whose modules are aligned with current high school core standards and
115 adult education College and Career Readiness standards.

116 ~~[(14)]~~(12) "Out-of-school youth" means a student 16 years of age or older who
117 has not graduated from high school and is no longer enrolled in a K-12 program of
118 instruction.

119 ~~[(15)]~~(13) "Utah High School Completion Diploma" means a diploma issued by
120 the Board and distributed by a Board approved contractor to an individual who has
121 passed all subject modules of an HSE exam at an HSE testing center.

122 ~~[(16)] "Utah Online Performance Indicators for Adult Education" or "UTopia"~~
123 ~~means a statewide database for tracking adult education student progress and~~
124 ~~outcomes.]~~

125 ~~[(17)]~~(14) "Weighted pupil unit" or "WPU" means the basic per pupil unit used to
126 calculate the amount of state funds for which a school district is eligible.

127

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

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

132

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

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

137

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

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

141 (2) An LEA may carryover 10% of the state adult education funds allocated to
142 the LEA's adult education programs with written approval from the Superintendent.

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

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

146 (5) The Superintendent shall recapture an LEA's fund balances in excess of 10%
147 annually.

148 (6) The Superintendent shall allocate recaptured funds to an LEA's adult
149 education program through the supplemental award process described in Section R277-
150 733-10.

151

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

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

156

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

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

160 (2) An LEA shall ensure adult secondary education includes the following
161 prerequisite courses:

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

163 (b) ABE competency AEFLA levels one through four.

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

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

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

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

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

177 (a) the student's academic skills are less than 9.0 grade level in an academic
178 area of reading, math or English; and

179 (b) the student lacks sufficient mastery of basic educational skills to enable the
180 student to function effectively in society.

181

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

183 (1) An eligible provider may charge a tuition or fee consistent with Section [53E-](#)
184 [10-205](#) and the Utah Adult Education Policies and Procedures Guide described in
185 Section R277-733-2.

186 (2) An eligible provider may not:

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

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

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

194 (3) An eligible provider receiving state or federal adult education funds shall
195 ensure that fees and tuition collected are:

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

- 198 (ii) used solely and specifically for adult education programming; and
199 (iii) not withheld and maintained in a general maintenance and operation fund.

200

201 **R277-733-10. Providing Corrections Education.**

202 (1) The Board may contract to provide educational services inmates with:

- 203 (a) local school boards;
204 (b) state post-secondary educational institutions;
205 (c) other state agencies; or
206 (d) private providers recommended by a local school board.

207 (2) A contract made in accordance with Subsection (1) shall be in writing and
208 shall provide for:

209 (a) services to students in an appropriate environment for student behavior and
210 educational performance;

211 (b) compliance with relevant Board standards;

212 (c) program monitoring by the Superintendent in accordance with Rule R277-
213 733: and

214 (d) coordination of services with non-custodial programs to enable an inmate in
215 custody to continue the inmate's public-school education with minimal disruption
216 following discharge.

217 (3) A school district may sub-contract with local educational service providers for
218 the provision of educational services to students in custody.

219 (4) Custodial status does not qualify an individual for services under the IDEA.

220 (5) When a student inmate is transferred to a new program, the sending program
221 shall update and finalize all school records in ~~[UTopia]~~the Board's adult education
222 student information system releasing the student's records as soon as possible after
223 receiving notice of the transfer.

224 (6) An educational service provider shall only disclose educational records of a
225 student inmate, before or after release from custody, consistent with FERPA.

226 (7) A transcript or diploma prepared for an inmate in custody shall:

227 (a) include the name of the contracted educational agency which also provides
228 service to non-custodial offenders; and

229 (b) not reference the inmate's custodial status.

230 (8) A corrections education provider shall keep an inmate's education records
231 which refer to custodial status, inmate court records, and related matters separate from
232 permanent school records.

233

234 **R277-733-11. Supplemental Awards.**

235 An LEA may receive a supplemental award if the LEA:

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

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

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

240

241 **R277-733-12. State Workforce Development Board.**

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

244 (2) The Superintendent may assign Board staff to State Workforce Development
245 Board WIOA committees to implement the State's WIOA Unified Plan.

246

247 **R277-733-13. Oversight, Monitoring, Evaluation, and Reports.**

248 (1) The Board may designate up to 2% of the total legislative appropriation for
249 oversight, monitoring, and evaluation of adult education programs.

250 (2) The Superintendent may recommend that the Board withhold state or federal
251 funds in accordance with Rule [R277-114](#) for noncompliance with:

252 (a) Board rule;

253 (b) adult education state policy and procedures;

254 (c) associated reporting timelines; and

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

256 (i) lack of program improvement; and

257 (ii) unsuccessful student outcomes.

258

259 **KEY: adult education**

260 **Date of Last Change: July 11, 2023**

261 **Notice of Continuation: January 13, 2022**

262 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-10-202](#); [53E-3-](#)**

263 **[501\(1\)](#); [53E-3-401\(4\)](#); [53F-2-401](#); [53E-10-205](#)**