

1 **R277. Education, Administration.**

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

3 **R277-733-1. Authority, Purpose, and Oversight Category.**

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 [R277-111](#).

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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 2024]~~[June 2025](#) 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) <https://www.schools.utah.gov/administrative-rules/documents/incorporated>;
29 and

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

32

33 R277-733-3. Definitions.

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

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

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

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

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

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

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

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

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

54 (6) "Custody," for purposes of this rule, means the status of being legally in the
55 control of another adult person or public agency.

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

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

(ii) is one of the following:

- (A) 17 years of age or older, and whose high school class has graduated;
- (B) under 18 years of age and is married;
- (C) has been emancipated or adjudicated as an adult; or
- (D) an out-of-school youth 16 years of age or older who has not graduated from high school; and

(iii) meets any of the following:

- (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":

- (a) for purposes of state funding eligibility, means a:
- (i) school district; or
- (ii) charter school if:
 - (A) the charter school enrolls students in grades 9 through 12; and
 - (B) the charter school applies and is approved as an adult education provider in accordance with this Rule R277-733; and
- (b) for purposes of federal funding eligibility, may include:
 - (i) an LEA;
 - (ii) a community-based or faith-based organization;
 - (iii) a voluntary literacy organization;
 - (iv) an institution of higher education;
 - (v) a public or private non-profit agency;
 - (vi) a library;
 - (vii) a public housing authority;

87 (viii) a non-profit institution not described in Subsections (8)(b)(i) through (vii)
88 that can provide adult education and literacy activities to eligible adult education
89 students;

90 (ix) a consortium or coalition of providers identified in Subsections (8)(b)(i)
91 through (viii); or

92 (x) a partnership between an employer and a provider identified in Subsections
93 (8)(b)(i) through (ix).

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

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

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

99 (10) "Inmate" means an offender who is incarcerated in state or county
100 correctional facilities located throughout the state.

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

104 (12) "Out-of-school youth" means a student 16 years of age or older who has not
105 graduated from high school and is no longer enrolled in a K-12 program of instruction.

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

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

111

112 R277-733-4. Federal Adult Education Funds.

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

116

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

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

121

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

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

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

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

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

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

132 (6) The Superintendent shall allocate recaptured funds to an LEA's adult
133 education program through the supplemental award process described in Section R277-
134 733-10.

135

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

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

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

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

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

146 (a) ELL competency AEFLA levels one through six; or
147 (b) ABE competency AEFLA levels one through four.

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

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

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

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

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

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

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

165

166 R277-733-9. Adult Education Programs--Tuition and Fees.

167 (1) An eligible provider may charge a tuition or fee consistent with Section [53E](#)-
168 [10-205](#) and the Utah Adult Education Policies and Procedures Guide described in
169 Section R277-733-2.

170 (2) An eligible provider may not:

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

173 (b) count collected fees and tuition toward meeting federal matching, cost
174 sharing, or maintenance of effort requirements related to the adult education program's
175 award; and
176 (c) calculate carryover balance amounts using funds collected from fees and
177 tuition.

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

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

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

185 R277-733-10. Providing Corrections Education.

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

187 (a) local school boards;

188 (b) state post-secondary educational institutions;

189 (c) other state agencies; or

190 (d) private providers recommended by a local school board.

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

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

195 (b) compliance with relevant Board standards;

196 (c) program monitoring by the Superintendent in accordance with Rule R277-

197 733: and

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

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

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

204 (5) When a student inmate is transferred to a new program, the sending program
205 shall update and finalize all school records in the Board's adult education student
206 information system releasing the student's records as soon as possible after receiving
207 notice of the transfer.

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

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

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

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

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

218 R277-733-11. Supplemental Awards.

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

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

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

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

225 R277-733-12. State Workforce Development Board.

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

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

230

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

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

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

236 (a) Board rule;
237 (b) adult education state policy and procedures;
238 (c) associated reporting timelines; and
239 (d) program monitoring outcomes, as defined by the Board, including:
240 (i) lack of program improvement; and
241 (ii) unsuccessful student outcomes.

242

243 **KEY: adult education**

244 **Date of Last Change: July 9, 2024**

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

246 **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](#)**

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