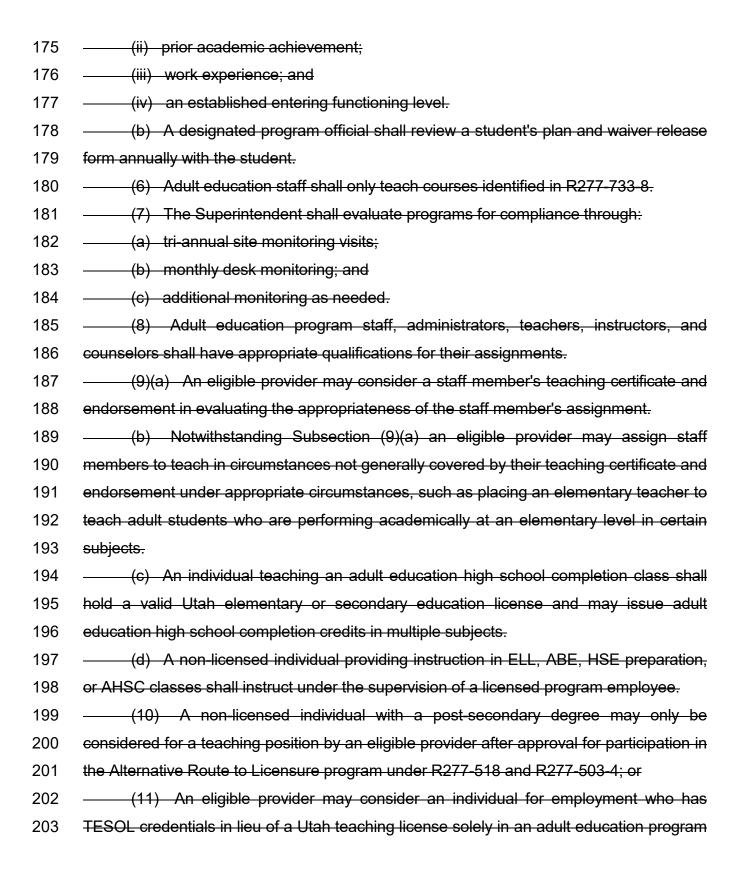
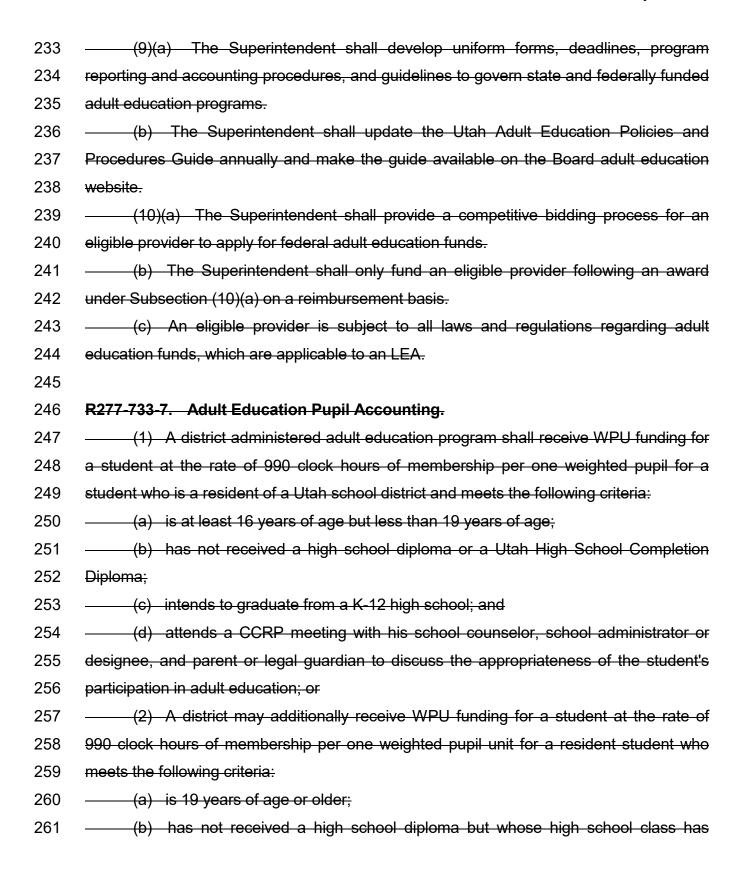


146	development, job training, career planning, or other purposes if specified in the waiver
147	release form.
148	(20) "Weighted pupil unit" or "WPU" means the basic per pupil unit used to
149	calculate the amount of state funds for which a school district is eligible.
150	
151	R277-733-4. Federal Adult Education Funds.
152	The Superintendent shall follow the standards and procedures contained in
153	AEFLA and the WIOA state plan adopted by the Board pursuant to AEFLA to administer
154	both federal and state funding of adult education programs.
155	
156	R277-733-5. Program Standards.
157	(1) Adult education programs shall comply with state and federal law and
158	administrative regulations and follow the procedures contained in the Utah Adult
159	Education Policies and Procedures Guide.
160	(2) Adult education programs shall make reasonable efforts to:
161	(a) market and inform prospective students within their geographic areas of the
162	availability of adult education programs; and
163	(b) provide enrollment information to prospective students.
164	(3)(a) Adult education programs may offer adult education services to a qualifying
165	individual whose primary residence is located in communities closely bordering Utah if the
166	student's circumstances are not conducive to commuting to the bordering state's closest
167	adult education program.
168	(b) An adult education program shall not charge tuition to a student receiving
169	services in accordance with Subsection (3)(a).
170	(4) Adult education programs shall make reasonable efforts to schedule classes
171	at sites and times that meet the needs of adult education students.
172	(5)(a) Each eligible adult education student shall have a written CCRP defining
173	the student's goals based upon:
174	(i) a complete academic assessment:

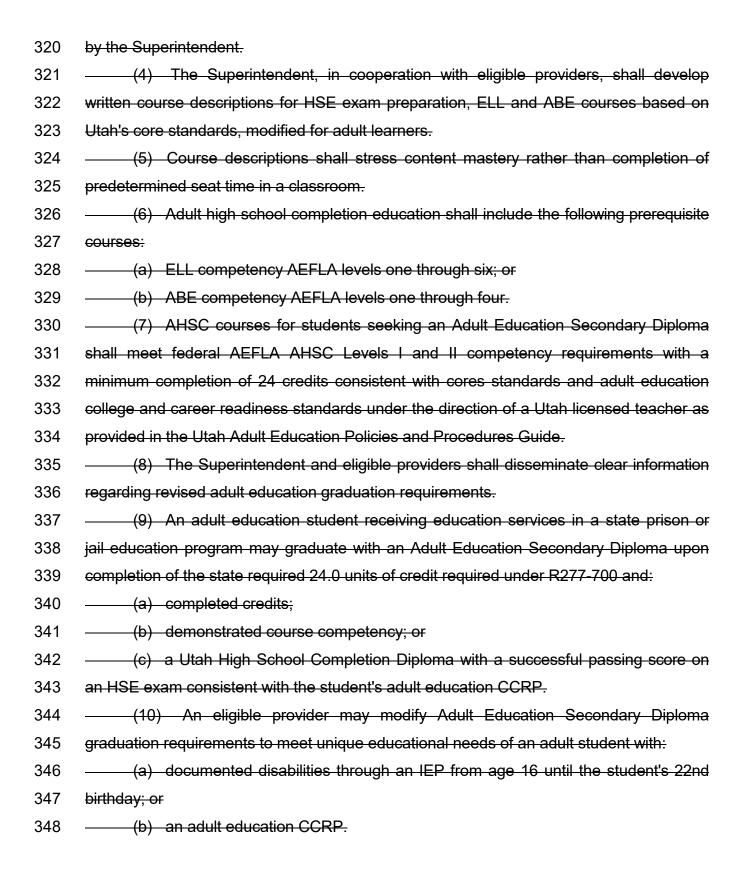


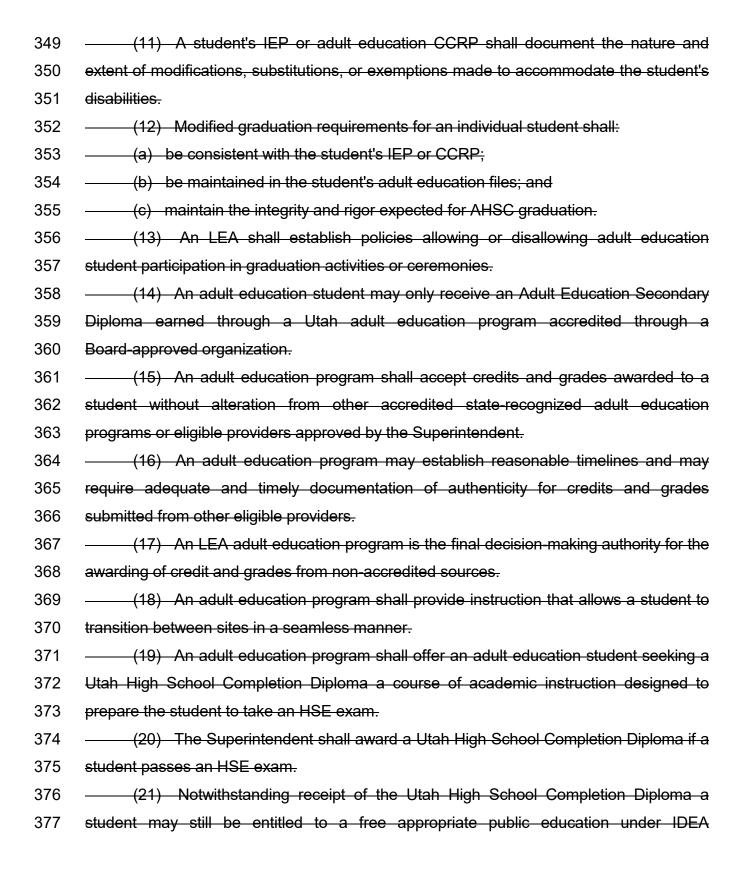
204	funded to provide ELL services.
205	
206	R277-733-6. Fiscal Procedures.
207	(1) The Superintendent shall allocate state funds for adult education in
208	accordance with Section 53F-2-401.
209	——————————————————————————————————————
210	amount of the state appropriation if:
211	(a) the LEA provided instructional services approved by the Board to eligible adult
212	students during the preceding fiscal year; or
213	(b) the LEA is preparing to offer services to eligible adult students, provided that
214	the LEA's preparation period does not exceed two years.
215	————(3) Funds appropriated for adult education programs shall be subject to Board
216	accounting, auditing, and budgeting rules and policies.
217	——————————————————————————————————————
218	whichever is less, of state adult education funds allocated to the LEA's adult education
219	programs not expended in the current fiscal year with written approval from the
220	Superintendent.
221	(5)(a) An LEA shall submit a request to carry over funds for approval by August 1
222	annually.
223	(b) The Superintendent shall prepare a revised budget incorporating approved
224	carryover amounts no later than September 1 in the year requested.
225	(6) The Superintendent may consider excess funds in determining an LEA's
226	allocation for the next fiscal year.
227	(7) The Superintendent shall recapture fund balances in excess of 10 percent or
228	\$50,000 no later than February 1 annually.
229	(8) The Superintendent shall reallocate funds recaptured in accordance with
230	Subsection (7) to LEA adult education programs through the supplemental award process
231	based on need and effort as determined by the Board consistent with Subsection
232	<del>53F-2-401(3).</del>



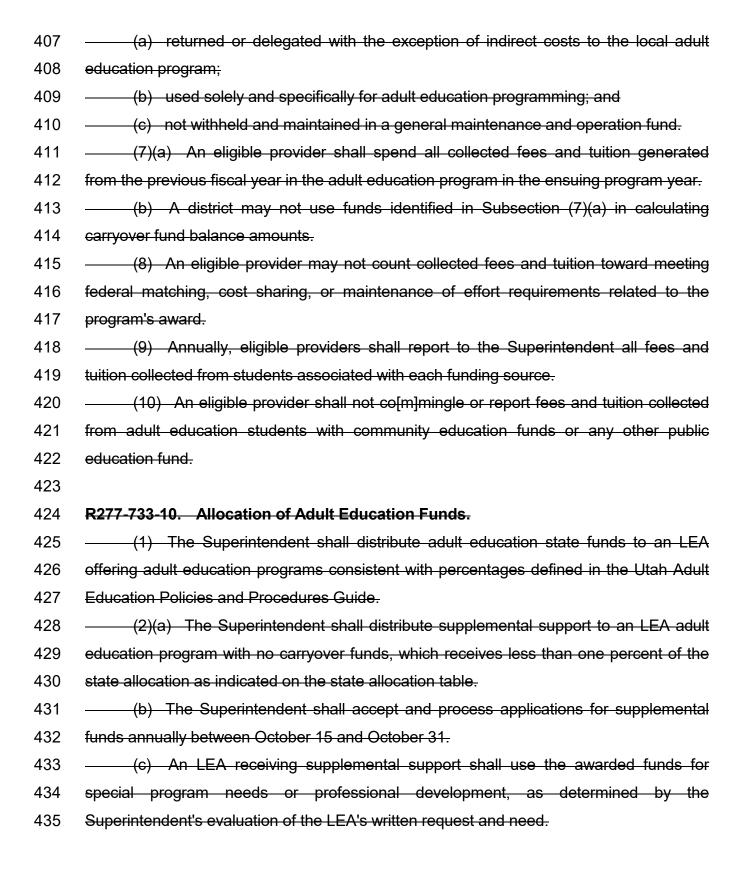
262	<del>graduated;</del>
263	(c) intends to graduate from a K-12 high school; and
264	(d) has written approval from all parties following consultation with the student's
265	<del>parent or guardian.</del>
266	(2) Student attendance up to 990 clock hours of membership is equivalent to 1
267	FTE per year.
268	(3) The Superintendent shall prorate the clock hours of students enrolled
269	<del>part-time</del>
270	(4) As an alternative, a district may generate equivalent WPUs for competencies
271	mastered with a district plan approved by the Superintendent.
272	——— (5)(a) A student may only be counted in average daily membership once on any
273	<del>day.</del>
274	(b) If a student's day is part-time in the regular school program and part-time in
275	the adult education program, a district shall report the student's membership on a
276	prorated basis for each program.
277	(c) A district may not receive funding for a student for more than one regular WPU
278	for any school year.
279	(6) If an eligible adult education student as specified in R277-733-3(8)(a)(iv)
280	enrolls in an adult education program:
281	(a) The district may not receive WPU funding for the student's participation in an
282	adult education program;
283	(b) The student may be eligible for adult education state funding;
284	(c) The student shall be presented with information prior to or at the time of
285	enrollment in an adult education program that defines the consequences of the student's
286	decision, including the following:
287	(i) The student may receive an Adult Education Secondary Diploma upon
288	completion of the minimum required Carnegie units of credit as defined by the adult
289	education program;
290	(ii) The student may earn a Utah High School Completion Diploma upon

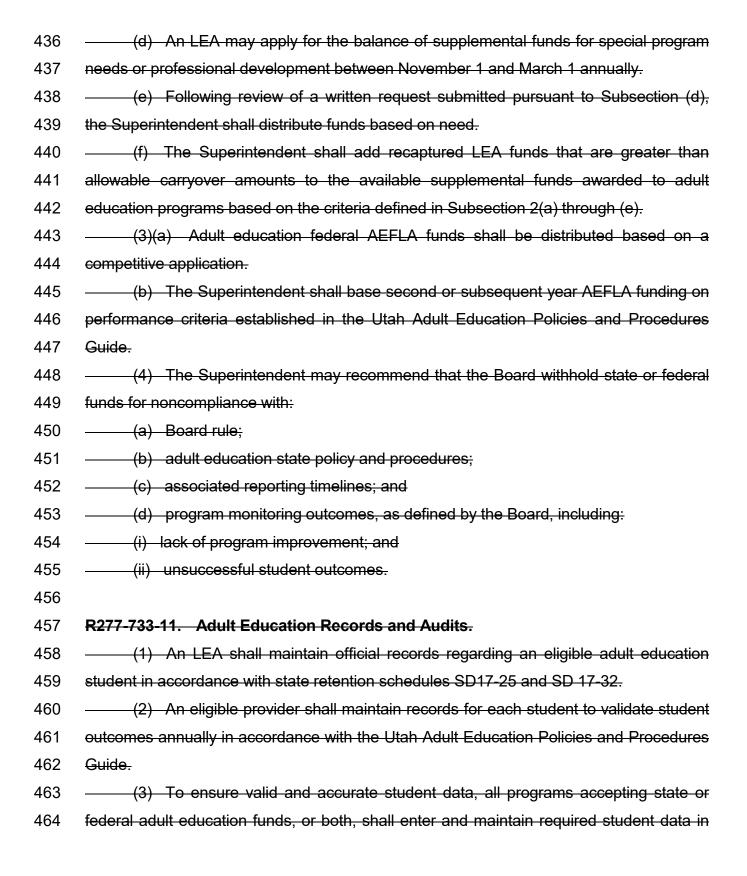
291	successful passing of an HSE exam; or
292	(iii) The student may, at the discretion of the district, return to his regular high
293	school prior to the time his class graduates with the understanding and expectation that
294	all necessary requirements for the traditional k-12 diploma shall be completed, provided
295	that the student:
296	————(A) is released from the adult education program;
297	(B) has not completed the requirements necessary for an Adult Education
298	Secondary Diploma; and
299	(C) has not successfully passed an HSE exam and has not received a Utah High
300	School Completion Diploma;
301	(d) The student may not return to a k-12 high school after receiving an Adult
302	Education Secondary Diploma;
303	(e) The student is not eligible to return to a k-12 high school after receiving a Utah
304	High School Completion Diploma unless it is required for the provision of a free
305	appropriate public education (FAPE) under the IDEA.
306	(f) A district shall report a student who has successfully completed an Adult
307	Education Secondary Diploma or a Utah High School Completion Diploma as a graduate
308	for k-12 graduation (AYP) outcomes.
309	(g) The student may take an HSE exam in accordance with the provisions of
310	R277-702.
311	
312	R277-733-8. Program, Curriculum, Outcomes and Student Mastery.
313	(1) The Utah Adult Education Program shall offer courses consistent with the
314	Elementary and Secondary General Core under R277-700.
315	(2) The core standards may be modified or adjusted to meet the individual needs
316	of an adult education student.
317	(3) An LEA shall develop written course descriptions for AHSC required and
318	elective courses for all adult education program classes taught, consistent with the core
319	standards and Utah adult education college and career readiness standards, as provided

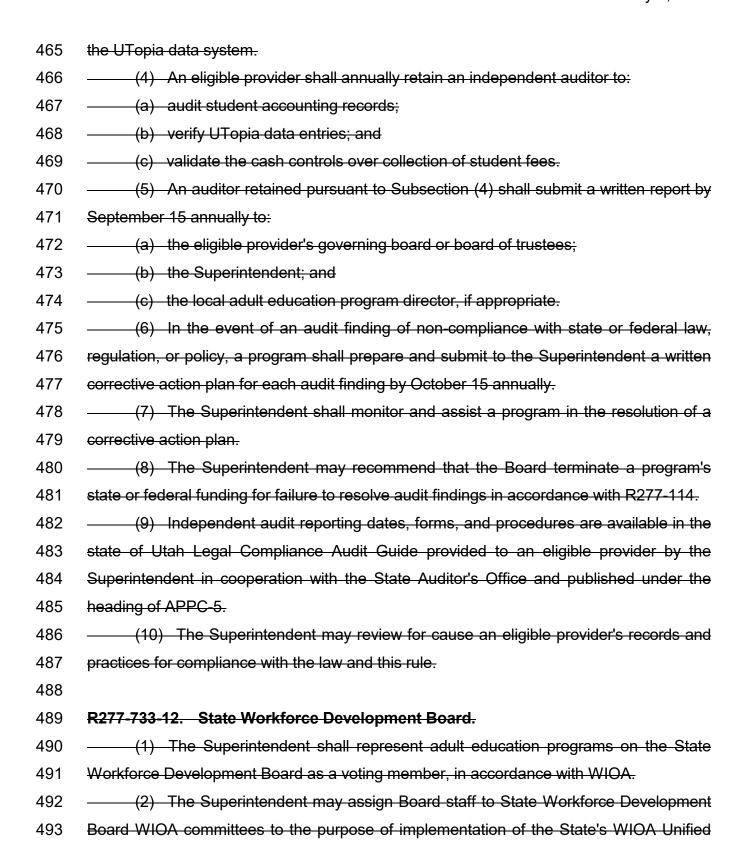




378	requirements.
379	(22) Following completion of requirements for a Utah Adult Education Secondary
380	Diploma or a Utah High School Completion Diploma, an adult education student may only
381	continue in an adult education program to improve their basic literacy skills if:
382	(a) the student's academic skills are less than 9.0 grade level in an academic
383	area of reading, math or English;
384	(b) the student lacks sufficient mastery of basic educational skills to enable the
385	student to function effectively in society; and
386	(c) the focus of the continued instruction is limited solely to literacy in reading,
387	math or English for a maximum of 120 instructional contact hours.
388	
389	R277-733-9. Adult Education ProgramsTuition and Fees.
390	(1) Any adult may enroll in an adult education class consistent with Section
391	<del>53E-10-205.</del>
392	(2) An eligible provider may charge tuition and fees for ABE, HSE exam
393	preparation, AHSC, or ELL courses in an amount not to exceed \$100 annually per
394	student based on the student's ability to pay as determined by federal free and reduced
395	lunch guidelines under the Richard B. Russell National School Lunch Act, 42 USC
396	Section 1751, et seq.
397	(3) A school board or board of trustees of an eligible provider shall determine
398	reasonable and necessary student fees and tuition on an annual basis.
399	(4) An eligible provider shall provide potential adult education program students
400	adequate notice of tuition and fees through public posting.
401	(5) An eligible provider shall specifically use collected fees and tuition to provide
402	additional adult education and literacy services that the provider would otherwise be
403	unable to provide.
404	(6) An eligible provider receiving state or federal adult education funds shall
405	provide annual written assurances on a form approved by the Superintendent that all fees
406	and tuition collected and submitted for accounting purposes are:

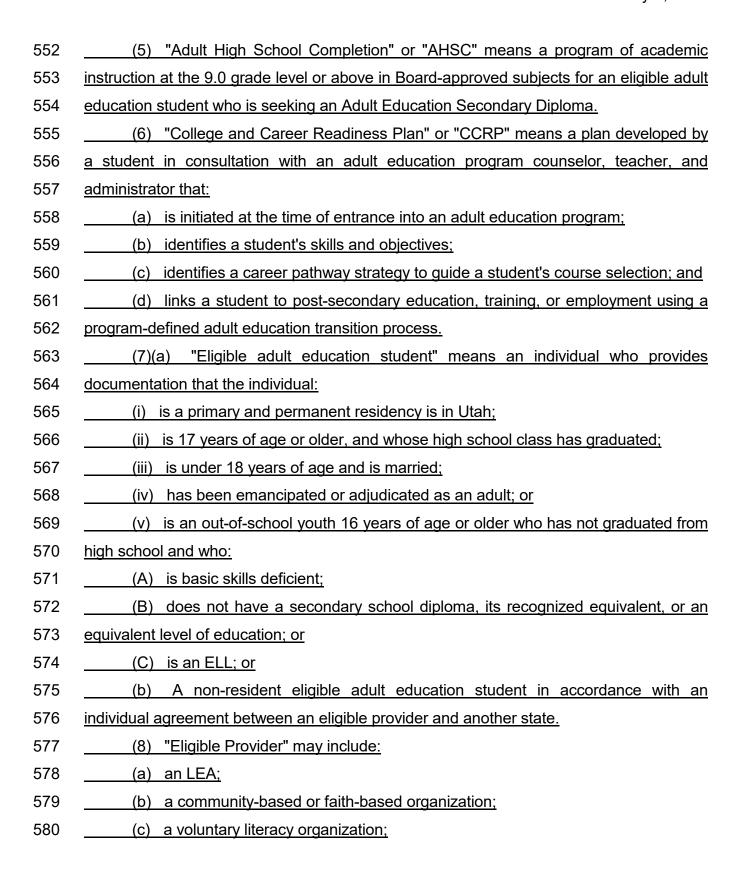






494	<del>Plan.</del>
495	
496	R277-733-13. Oversight, Monitoring, Evaluation, and Reports.
497	The Board may designate no more than two percent of the total legislative
498	appropriation for adult education services to be used specifically by the Superintendent
499	for oversight, monitoring, and evaluation of adult education programs and their
500	compliance with law and regulation.
501	
502	KEY: adult education
503	Date of Enactment or Last Substantive Amendment: August 7, 2017
504	Notice of Continuation: June 6, 2017
505	Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-10-202;
506	53E-3-501(1); 53E-3-401(4); 53F-2-401; 53F-2-401; 53E-10-205
507	
508	R277. Education, Administration.
509	R277-733. Adult Education Programs.
510	R277-733-1. Authority and Purpose.
511	(1) This rule is authorized by:
512	(a) Utah Constitution Article X, Section 3 which vests general control and
513	supervision over public education in the Board;
514	(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute
515	the Board's duties and responsibilities under the Utah Constitution and state law;
516	(c) Section 53E-10-202 which vests general control and supervision over adult
517	education in the Board;
518	(d) Subsection 53E-3-501(1), which allows the Board to adopt minimum
519	standards for programs; and
520	(e) Section 53F-2-401, which vests the Board with responsibility to provide
521	education to persons in the custody of the Utah Department of Corrections.
522	(2) The purpose of this rule is to describe curriculum, program standards,

523	allocation formulas, and operation procedures for the adult education program for adult
524	education students both in and out of state custody.
525	
526	R277-733-2. Incorporation of Utah Adult Education Policies and Procedures Guide
527	by Reference.
528	(1) The rule incorporates by reference the Utah Adult Education Policies and
529	Procedures Guide, March 2019 Revision, which provides day-to-day operating standards
530	and technical assistance to eligible providers for operation of adult education programs.
531	(2) A copy of the guide is located at:
532	(a) https://www.schools.utah.gov/arc/adulteducation?mid=2654&tid=1; and
533	(b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah
534	<u>84111.</u>
535	
536	R277-733-3. Definitions.
537	(1) "Adult" means an individual 18 years of age or over.
538	(2) "Adult education" means organized educational programs below the
539	postsecondary level, other than regular full-time K-12 secondary education programs:
540	(a) provided by an LEA or an eligible provider;
541	(b) provided for out-of-school youth (16 years of age and older) or adults who
542	have or have not graduated from high school; and
543	(c) provided to improve literacy levels and to further high school level education.
544	(3) "Adult Basic Education" or "ABE" means a program of instruction at or below
545	the 8.9 academic grade level, which prepares adults for advanced education and training.
546	(4) "Adult Education and Family Literacy Act" or "AEFLA" means Title II of the
547	Workforce Innovation Opportunity Act of 2014, which provides the principle source of
548	federal support for:
549	(a) academic instruction and education services below the post-secondary level
550	to receive a high school diploma or its recognized equivalent; and
551	(b) transition to post-secondary education, training, and employment.



581	(d) an institution of higher education;
582	(e) a public or private non-profit agency;
583	(f) a library;
584	(g) a public housing authority;
585	(h) a non-profit institution not described in Subsections (a) through (g) that can
586	provide adult education and literacy activities to eligible adult education students;
587	(i) a consortium or coalition of providers identified in Subsections (a) through (h);
588	<u>or</u>
589	(j) a partnership between an employer and a provider identified in Subsections (a)
590	through (i).
591	(9) "English Language Learner" or "ELL" means an individual:
592	(a) who has limited ability in reading, writing, speaking, or comprehending the
593	English language and whose native language is a language other than English; or
594	(b) who lives in a family or community where a language other than English is the
595	dominant language.
596	(10) "High School Equivalency Exam" or "HSE" means a Board approved
597	examination whose modules are aligned with current high school core standards and
598	adult education College and Career Readiness standards.
599	(11) "Out-of-school youth" means a student 16 years of age or older who has not
600	graduated from high school and is no longer enrolled in a K-12 program of instruction.
601	(12) "Utah High School Completion Diploma" means a diploma issued by the
602	Board and distributed by a Board approved contractor to an individual who has passed all
603	subject modules of an HSE exam at an HSE testing center.
604	(13) "Weighted pupil unit" or "WPU" means the basic per pupil unit used to
605	calculate the amount of state funds for which a school district is eligible.
606	
607	R277-733-4. Federal Adult Education Funds.
608	The Superintendent shall follow the standards and procedures contained in
609	AEFLA and the WIOA state plan adopted by the Board pursuant to AEFLA to administer

610	federal funding of adult education programs.
611	
612	R277-733-5. Compliance with State and Federal Laws.
613	Adult education programs shall comply with state and federal law and
614	administrative regulations and follow the procedures contained in the Utah Adult
615	Education Policies and Procedures Guide described in Section R277-733-2.
616	
617	R277-733-6. State Fund Distribution, Carryover, and Recapture.
618	(1) The Superintendent shall allocate state funds for adult education in
619	accordance with Section 53F-2-401.
620	(2) An LEA may carryover ten percent of the state adult education funds allocated
621	to the LEA's adult education programs with written approval from the Superintendent.
622	(3) An LEA shall submit a request to carryover funds for approval.
623	(4) The Superintendent may consider excess funds in determining an LEA's
624	allocation for the next fiscal year.
625	(5) The Superintendent shall recapture an LEA's fund balances in excess of ten
626	percent annually.
627	(6) The Superintendent shall allocate recaptured funds to an LEA's adult
628	education programs through the supplemental award process described in Section
629	R277-733-10.
630	
631	R277-733-7. Adult Education Pupil Accounting.
632	(1) An LEA administered adult education program shall receive WPU funding for
633	a student consistent with the criteria and rate outlined in the Utah Adult Education Policies
634	and Procedures Guide described in Section R277-733-2.
635	(2) An LEA may generate equivalent WPUs for competencies mastered with an
636	LEA plan approved by the Superintendent.
637	(3) If a student is an eligible student as defined in R277-733-3(8)(a)(iv) and
638	enrolls in an adult education program an LEA shall provide all information contained on

639	the K-12 Education Withdrawal and GED Testing Application Form.
640	
641	R277-733-8. Program, Curriculum, Outcomes and Student Mastery.
642	(1) The Utah Adult Education Program shall offer courses consistent with the
643	Elementary and Secondary General Core under R277-700.
644	(2) An LEA shall ensure Adult high school completion education includes the
645	following prerequisite courses:
646	(a) ELL competency AEFLA levels one through six; or
647	(b) ABE competency AEFLA levels one through four.
648	(3) An LEA shall establish policies allowing or disallowing adult education student
649	participation in graduation activities or ceremonies.
650	(4) An LEA may establish reasonable timelines and may require adequate and
651	timely documentation of authenticity for credits and grades submitted from other eligible
652	providers.
653	(5) An LEA adult education program is the final decision-making authority for the
654	awarding of credit and grades from non-accredited sources.
655	(6) An eligible provider shall offer an adult education student seeking a Utah High
656	School Completion Diploma a course of academic instruction designed to prepare the
657	student to take an HSE exam.
658	(7) Following completion of requirements for a Utah Adult Education Secondary
659	Diploma or a Utah High School Completion Diploma, an eligible provider may only allow a
660	student to continue in as adult education program if:
661	(a) the student's academic skills are less than 9.0 grade level in an academic
662	area of reading, math or English;
663	(b) the student lacks sufficient mastery of basic educational skills to enable the
664	student to function effectively in society; and
665	(c) the focus of the continued instruction is limited solely to literacy in reading,
666	math or English for a maximum of 120 instructional contact hours.

667

R277-733-9. Adult Education ProgramsTuition and Fees.	
(1) An eligible provider may allow any adult to enroll in an adult education cla	<u>ISS</u>
and charge a tuition or fee consistent with Section 53E-10-205 and the Utah Ac	<u>lult</u>
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) comingle or report fees and tuition collected from adult education stude	<u>nts</u>
with community education funds or any other public education fund;	
(b) count collected fees and tuition toward meeting federal matching, co	<u>ost</u>
sharing, or maintenance of effort requirements related to the adult education program	<u>n's</u>
award; and	
(c) calculate carryover balance amounts using funds collected from fees a	nd
<u>tuition.</u>	
(4) An eligible provider receiving state or federal adult education funds sh	<u>ıall</u>
provide annual written assurances to the Superintendent that all fees and tuition collect	<u>:ed</u>
are:	
(i) returned or delegated, except for indirect costs, to the local adult educate	<u>on</u>
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 progra	<u>am</u>
needs or professional development; and	
(d) provides in writing the level of need for the award.	

697	(2) The Superintendent may recommend that the Board withhold state or federal
698	funds for noncompliance with:
699	(a) Board rule;
700	(b) adult education state policy and procedures;
701	(c) associated reporting timelines; and
702	(d) program monitoring outcomes, as defined by the Board, including:
703	(i) lack of program improvement; and
704	(ii) unsuccessful student outcomes.
705	
706	R277-733-11. State Workforce Development Board.
707	(1) The Superintendent shall represent adult education programs on the State
708	Workforce Development Board as a voting member, in accordance with WIOA.
709	(2) The Superintendent may assign Board staff to State Workforce Development
710	Board WIOA committees for the purpose of implementation of the State's WIOA Unified
711	<u>Plan.</u>
712	
713	R277-733-12. Oversight, Monitoring, Evaluation, and Reports.
714	The Board may designate up to two percent of the total legislative appropriation for
715	oversight, monitoring, and evaluation of adult education programs.
716	
717	KEY: adult education
718	Date of Enactment or Last Substantive Amendment: 2019
719	Notice of Continuation: June 6, 2017
720	Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-10-202;
721	53E-3-501(1); 53E-3-401(4); 53F-2-401; 53E-10-205