

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

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

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

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

21 (1) The rule incorporates by reference the Utah Adult Education Policies and
22 Procedures Guide, June 2016 Revision, which provides day-to-day operating standards
23 and technical assistance to eligible providers for operation of adult education programs.

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

25 (a) <https://www.schools.utah.gov/sas/aaed/adulteducation>; and

26 (b) the Utah State Board of Education.

27

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

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

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

33 (a) provided by LEAs or other eligible providers;
34 (b) affording opportunities for individuals having demonstrated both presence and
35 intent to reside within the state of Utah;
36 (c) provided for out-of-school youth (16 years of age and older) or adults who
37 have or have not graduated from high school; and
38 (d) provided to improve literacy levels and to further high school level education.

39 (3)(a) "Adult Basic Education" or "ABE" means a program of instruction at or
40 below the 8.9 academic grade level, which prepares adults for advanced education and
41 training, who lack competency in reading, writing, speaking, problem solving or
42 computation at a level that substantially impairs their ability to find or retain adequate
43 employment that will allow them to become employable, contributing members of society.

44 (b) ABE is designed to help adults by:
45 (i) increasing their independence;
46 (ii) improving their ability to benefit from occupational training;
47 (iii) increasing opportunities for more productive and profitable employment; and
48 (iv) making them better able to meet adult responsibilities.

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

52 (a) academic instruction and education services below the postsecondary level
53 that increase an adult education student's ability to read, write and speak in English, and
54 perform mathematics or other activities necessary for the attainment of a secondary
55 diploma or its recognized equivalent; and
56 (b) transition to postsecondary education, training, and employment.

57 (5) "Adult High School Completion" or "AHSC" means a program of academic
58 instruction at the 9.0 grade level or above in Board approved subjects for eligible adult

59 education students who are seeking an Adult Education Secondary Diploma from an
60 adult education program.

61 (6) "College and Career Readiness Plan" or "CCRP" means a plan developed by
62 a student in consultation with adult education program counselors, teachers, and
63 administrators that:

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

69 (7) "Desk monitoring" means the monthly review of UTopia data to ensure
70 program integrity.

71 (8)(a) "Eligible adult education student" means an individual who provides
72 documentation that his primary and permanent residency is in Utah, and:

73 (i) is 17 years of age or older, and whose high school class has graduated;
74 (ii) is under 18 years of age and is married;
75 (iii) has been emancipated or adjudicated as an adult; or
76 (iv) is an out-of-school youth 16 years of age or older who has not graduated
77 from high school and who:

78 (A) is basic skills deficient;
79 (B) does not have a secondary school diploma, its recognized equivalent, or an
80 equivalent level of education; or

81 (C) is an ELL.
82 (b) A non-resident may be treated as an eligible adult education student in
83 accordance with an individual agreement between an eligible provider and another state.

84 (9) "Eligible Provider" may include:

85 (a) an LEA;
86 (b) a community-based or faith-based organization;
87 (c) a voluntary literacy organization;

88 (d) an institution of higher education;
89 (e) a public or private non-profit agency;
90 (f) a library;
91 (g) a public housing authority;
92 (h) a non-profit institution not described in Subsections (a) through (g) that has
93 the ability to provide adult education and literacy activities to eligible adult education
94 students.
95 (i) a consortium or coalition of providers identified in Subsections (a) through (h);
96 or
97 (j) a partnership between an employer and a provider identified in Subsections (a)
98 through (i).
99 (10)(a) "Enrollee" means an adult student who has:
100 (i) 12 or more contact hours in an adult education program during a fiscal
101 program year;
102 (ii) an academic assessment establishing an Entering Functioning Level; and
103 (iii) an adult education CCRP with an established goal and a defined funding
104 code.
105 (b) An enrollee's status is based on the last date that the items set forth in
106 Subsections R277.733.3(10)(a)(i) through (iii) were entered into UTopia.
107 (11) "English Language Learner" or "ELL" means an individual:
108 (a) who has limited ability in reading, writing, speaking, or comprehending the
109 English language and whose native language is a language other than English; or
110 (b) who lives in a family or community where a language other than English is the
111 dominant language.
112 (12)(a) "Fee" means any charge, deposit, rental, or other mandatory payment,
113 however designated, whether in the form of money or goods.
114 (b) Admission fees, transportation charges, and similar payments to third parties
115 are fees if the charges are made in connection with an activity or function sponsored by or
116 through an adult education program.

117 (c) All fees are subject to approval by an eligible provider's governing board.

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

121 (14)(a) "Other eligible adult education student" means an individual 16 to 19
122 years of age whose high school class has not graduated and who is counted in the
123 regular school program, receiving instruction in both a traditional and adult education
124 program.

125 (b) The Superintendent shall pro rate and provide a credit to an adult education
126 program for funds generated for an other eligible adult education student, weighted pupil
127 unit (WPU) and collected fees.

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

130 (16) "Teachers of English to Speakers of Other Languages" or "TESOL" means a
131 credential for teachers of ELL students.

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

135 (18) "UTopia" means the Utah Online Performance Indicators for Adult Education
136 statewide database.

137 (19)(a) "Waiver release form" means a form signed by an adult education student
138 allowing for release of the student's CCRP and personal data, including social security
139 number and HSE scores, for data matching purposes with partners including:

140 (i) the Department of Workforce Services;

141 (ii) higher education institutions;

142 (iii) the Utah State Office of Rehabilitation; and

143 (iv) a Board approved HSE contractor.

144 (b) A signed waiver release allows a student's education records to be shared
145 with other adult education programs or interested agencies for the purpose of skill

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;

175 (ii) prior academic achievement;

176 (iii) work experience; and

177 (iv) an established entering functioning level.

178 (b) A designated program official shall review a student's plan and waiver release

179 form annually with the student.

180 (6) Adult education staff shall only teach courses identified in R277-733-8.

181 (7) The Superintendent shall evaluate programs for compliance through:

182 (a) tri-annual site monitoring visits;

183 (b) monthly desk monitoring; and

184 (c) additional monitoring as needed.

185 (8) Adult education program staff, administrators, teachers, instructors, and

186 counselors shall have appropriate qualifications for their assignments.

187 (9)(a) An eligible provider may consider a staff member's teaching certificate and

188 endorsement in evaluating the appropriateness of the staff member's assignment.

189 (b) Notwithstanding Subsection (9)(a) an eligible provider may assign staff

190 members to teach in circumstances not generally covered by their teaching certificate and

191 endorsement under appropriate circumstances, such as placing an elementary teacher to

192 teach adult students who are performing academically at an elementary level in certain

193 subjects.

194 (c) An individual teaching an adult education high school completion class shall

195 hold a valid Utah elementary or secondary education license and may issue adult

196 education high school completion credits in multiple subjects.

197 (d) A non-licensed individual providing instruction in ELL, ABE, HSE preparation,

198 or AHSC classes shall instruct under the supervision of a licensed program employee.

199 (10) A non-licensed individual with a post secondary degree may only be

200 considered for a teaching position by an eligible provider after approval for participation in

201 the Alternative Route to Licensure program under R277-518 and R277-503-4; or

202 (11) An eligible provider may consider an individual for employment who has

203 TESOL credentials in lieu of a Utah teaching license solely in an adult education program

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 (2) No eligible LEA shall receive less than its portion of an eight percent base
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 (4) An LEA may carry over to the next fiscal year ten percent or \$50,000,
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 53F-2-401(3).

233 (9)(a) The Superintendent shall develop uniform forms, deadlines, program
234 reporting and accounting procedures, and guidelines to govern state and federally funded
235 adult education programs.

236 (b) The Superintendent shall update the Utah Adult Education Policies and
237 Procedures Guide annually and make the guide available on the Board adult education
238 website.

239 (10)(a) The Superintendent shall provide a competitive bidding process for an
240 eligible provider to apply for federal adult education funds.

241 (b) The Superintendent shall only fund an eligible provider following an award
242 under Subsection (10)(a) on a reimbursement basis.

243 (c) An eligible provider is subject to all laws and regulations regarding adult
244 education funds, which are applicable to an LEA.

245

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

247 (1) A district administered adult education program shall receive WPU funding for
248 a student at the rate of 990 clock hours of membership per one weighted pupil for a
249 student who is a resident of a Utah school district and meets the following criteria:

250 (a) is at least 16 years of age but less than 19 years of age;

251 (b) has not received a high school diploma or a Utah High School Completion
252 Diploma;

253 (c) intends to graduate from a K-12 high school; and

254 (d) attends a CCRP meeting with his school counselor, school administrator or
255 designee, and parent or legal guardian to discuss the appropriateness of the student's
256 participation in adult education; or

257 (2) A district may additionally receive WPU funding for a student at the rate of
258 990 clock hours of membership per one weighted pupil unit for a resident student who
259 meets the following criteria:

260 (a) is 19 years of age or older;

261 (b) has not received a high school diploma but whose high school class has

262 graduated;

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 parent or guardian.

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 part-time

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 day.

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

320 by the Superintendent.

321 (4) The Superintendent, in cooperation with eligible providers, shall develop
322 written course descriptions for HSE exam preparation, ELL and ABE courses based on
323 Utah's core standards, modified for adult learners.

324 (5) Course descriptions shall stress content mastery rather than completion of
325 predetermined seat time in a classroom.

326 (6) Adult high school completion education shall include the following prerequisite
327 courses:

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

330 (7) AHSC courses for students seeking an Adult Education Secondary Diploma
331 shall meet federal AEFLA AHSC Levels I and II competency requirements with a
332 minimum completion of 24 credits consistent with cores standards and adult education
333 college and career readiness standards under the direction of a Utah licensed teacher as
334 provided in the Utah Adult Education Policies and Procedures Guide.

335 (8) The Superintendent and eligible providers shall disseminate clear information
336 regarding revised adult education graduation requirements.

337 (9) An adult education student receiving education services in a state prison or
338 jail education program may graduate with an Adult Education Secondary Diploma upon
339 completion of the state required 24.0 units of credit required under R277-700 and:

340 (a) completed credits;

341 (b) demonstrated course competency; or

342 (c) a Utah High School Completion Diploma with a successful passing score on
343 an HSE exam consistent with the student's adult education CCRP.

344 (10) An eligible provider may modify Adult Education Secondary Diploma
345 graduation requirements to meet unique educational needs of an adult student with:

346 (a) documented disabilities through an IEP from age 16 until the student's 22nd
347 birthday; or

348 (b) an adult education CCRP.

349 (11) A student's IEP or adult education CCRP shall document the nature and
350 extent of modifications, substitutions, or exemptions made to accommodate the student's
351 disabilities.

352 (12) Modified graduation requirements for an individual student shall:
353 (a) be consistent with the student's IEP or CCRP;
354 (b) be maintained in the student's adult education files; and
355 (c) maintain the integrity and rigor expected for AHSC graduation.

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

358 (14) An adult education student may only receive an Adult Education Secondary
359 Diploma earned through a Utah adult education program accredited through a
360 Board-approved organization.

361 (15) An adult education program shall accept credits and grades awarded to a
362 student without alteration from other accredited state-recognized adult education
363 programs or eligible providers approved by the Superintendent.

364 (16) An adult education program may establish reasonable timelines and may
365 require adequate and timely documentation of authenticity for credits and grades
366 submitted from other eligible providers.

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

369 (18) An adult education program shall provide instruction that allows a student to
370 transition between sites in a seamless manner.

371 (19) An adult education program shall offer an adult education student seeking a
372 Utah High School Completion Diploma a course of academic instruction designed to
373 prepare the student to take an HSE exam.

374 (20) The Superintendent shall award a Utah High School Completion Diploma if a
375 student passes an HSE exam.

376 (21) Notwithstanding receipt of the Utah High School Completion Diploma a
377 student may still be entitled to a free appropriate public education under IDEA

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 Programs—Tuition and Fees.**

390 (1) Any adult may enroll in an adult education class consistent with Section
391 53E-10-205.

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:

407 (a) returned or delegated with the exception of indirect costs to the local adult
408 education program;
409 (b) used solely and specifically for adult education programming; and
410 (c) not withheld and maintained in a general maintenance and operation fund.
411 (7)(a) An eligible provider shall spend all collected fees and tuition generated
412 from the previous fiscal year in the adult education program in the ensuing program year.
413 (b) A district may not use funds identified in Subsection (7)(a) in calculating
414 carryover fund balance amounts.
415 (8) An eligible provider may not count collected fees and tuition toward meeting
416 federal matching, cost sharing, or maintenance of effort requirements related to the
417 program's award.
418 (9) Annually, eligible providers shall report to the Superintendent all fees and
419 tuition collected from students associated with each funding source.
420 (10) An eligible provider shall not co[m]mingle or report fees and tuition collected
421 from adult education students with community education funds or any other public
422 education fund.

423

424 **R277-733-10. Allocation of Adult Education Funds.**

425 (1) The Superintendent shall distribute adult education state funds to an LEA
426 offering adult education programs consistent with percentages defined in the Utah Adult
427 Education Policies and Procedures Guide.
428 (2)(a) The Superintendent shall distribute supplemental support to an LEA adult
429 education program with no carryover funds, which receives less than one percent of the
430 state allocation as indicated on the state allocation table.
431 (b) The Superintendent shall accept and process applications for supplemental
432 funds annually between October 15 and October 31.
433 (c) An LEA receiving supplemental support shall use the awarded funds for
434 special program needs or professional development, as determined by the
435 Superintendent's evaluation of the LEA's written request and need.

436 (d) An LEA may apply for the balance of supplemental funds for special program
437 needs or professional development between November 1 and March 1 annually.

438 (e) Following review of a written request submitted pursuant to Subsection (d),
439 the Superintendent shall distribute funds based on need.

440 (f) The Superintendent shall add recaptured LEA funds that are greater than
441 allowable carryover amounts to the available supplemental funds awarded to adult
442 education programs based on the criteria defined in Subsection 2(a) through (e).

443 (3)(a) Adult education federal AEFLA funds shall be distributed based on a
444 competitive application.

445 (b) The Superintendent shall base second or subsequent year AEFLA funding on
446 performance criteria established in the Utah Adult Education Policies and Procedures
447 Guide.

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

450 (a) Board rule;

451 (b) adult education state policy and procedures;

452 (c) associated reporting timelines; and

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

454 (i) lack of program improvement; and

455 (ii) unsuccessful student outcomes.

456

457 **R277-733-11. Adult Education Records and Audits.**

458 (1) An LEA shall maintain official records regarding an eligible adult education
459 student in accordance with state retention schedules SD17-25 and SD 17-32.

460 (2) An eligible provider shall maintain records for each student to validate student
461 outcomes annually in accordance with the Utah Adult Education Policies and Procedures
462 Guide.

463 (3) To ensure valid and accurate student data, all programs accepting state or
464 federal adult education funds, or both, shall enter and maintain required student data in

465 the UTopia data system.

466 (4) An eligible provider shall annually retain an independent auditor to:

467 (a) audit student accounting records;

468 (b) verify UTopia data entries; and

469 (c) validate the cash controls over collection of student fees.

470 (5) An auditor retained pursuant to Subsection (4) shall submit a written report by

471 September 15 annually to:

472 (a) the eligible provider's governing board or board of trustees;

473 (b) the Superintendent; and

474 (c) the local adult education program director, if appropriate.

475 (6) In the event of an audit finding of non-compliance with state or federal law,

476 regulation, or policy, a program shall prepare and submit to the Superintendent a written

477 corrective action plan for each audit finding by October 15 annually.

478 (7) The Superintendent shall monitor and assist a program in the resolution of a

479 corrective action plan.

480 (8) The Superintendent may recommend that the Board terminate a program's

481 state or federal funding for failure to resolve audit findings in accordance with R277-114.

482 (9) Independent audit reporting dates, forms, and procedures are available in the

483 state of Utah Legal Compliance Audit Guide provided to an eligible provider by the

484 Superintendent in cooperation with the State Auditor's Office and published under the

485 heading of APPC-5.

486 (10) The Superintendent may review for cause an eligible provider's records and

487 practices for compliance with the law and this rule.

488

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

490 (1) The Superintendent shall represent adult education programs on the State

491 Workforce Development Board as a voting member, in accordance with WIOA.

492 (2) The Superintendent may assign Board staff to State Workforce Development

493 Board WIOA committees to the purpose of implementation of the State's WIOA Unified

494 Plan.

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:

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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 84111.

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.

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

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

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

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

565 (i) is a primary and permanent resident [cy is in] of Utah;
566 (ii) is 17 years of age or older, and whose high school class has graduated;
567 (iii) is under 18 years of age and is married;
568 (iv) has been emancipated or adjudicated as an adult; or
569 (v) is an out-of-school youth 16 years of age or older who has not graduated from
570 high school and who:

571 (A) is basic skills deficient;
572 (B) does not have a secondary school diploma, its recognized equivalent, or an
573 equivalent level of education; or
574 (C) is an ELL; or
575 (b) A non-resident eligible adult education student in accordance with an
576 individual agreement between an eligible provider and another state.

577 (8) "Eligible Provider" may include:

578 (a) an LEA;
579 (b) a community-based or faith-based organization;
580 (c) a voluntary literacy organization;

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 or

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]shall 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 an 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

668 **R277-733-9. Adult Education Programs--Tuition and Fees.**669 (1) An eligible provider may allow any adult to enroll in an adult education class
670 and charge a tuition or fee consistent with Section 53E-10-205 and the Utah Adult
671 Education Policies and Procedures Guide described in Section R277-733-2.672 (2) An eligible provider shall report annually to the Superintendent the amount of
673 tuition and fees collected.

674 (3) An eligible provider may not:

675 (a) comingle or report fees and tuition collected from adult education students
676 with community education funds or any other public education fund;677 (b) count collected fees and tuition toward meeting federal matching, cost
678 sharing, or maintenance of effort requirements related to the adult education program's
679 award; and680 (c) calculate carryover balance amounts using funds collected from fees and
681 tuition.682 (4) An eligible provider receiving state or federal adult education funds shall
683 provide annual written assurances to the Superintendent that all fees and tuition collected
684 are:685 (i) returned or delegated, except for indirect costs, to the local adult education
686 program;

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

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

689

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

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

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

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

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

696 (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 Plan.

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;**
53E-3-501(1); 53E-3-401(4); 53F-2-401; 53E-10-205