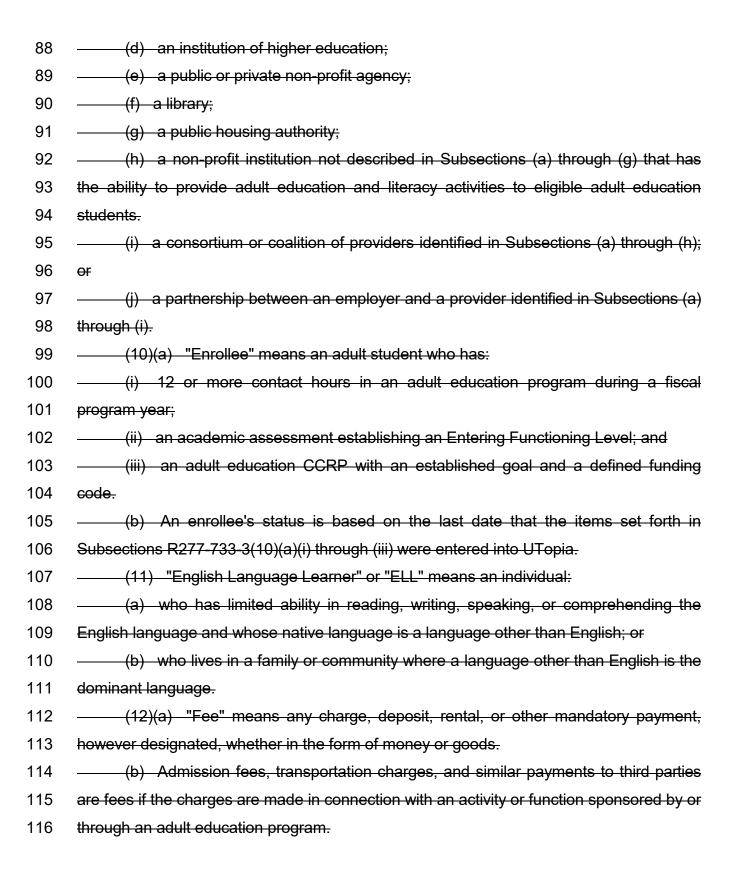
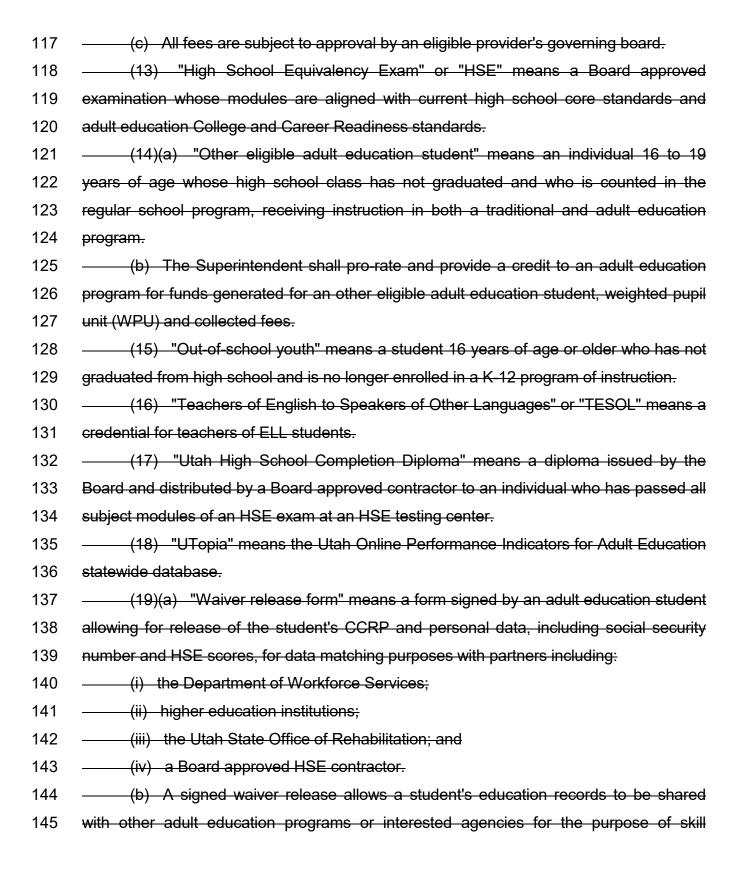
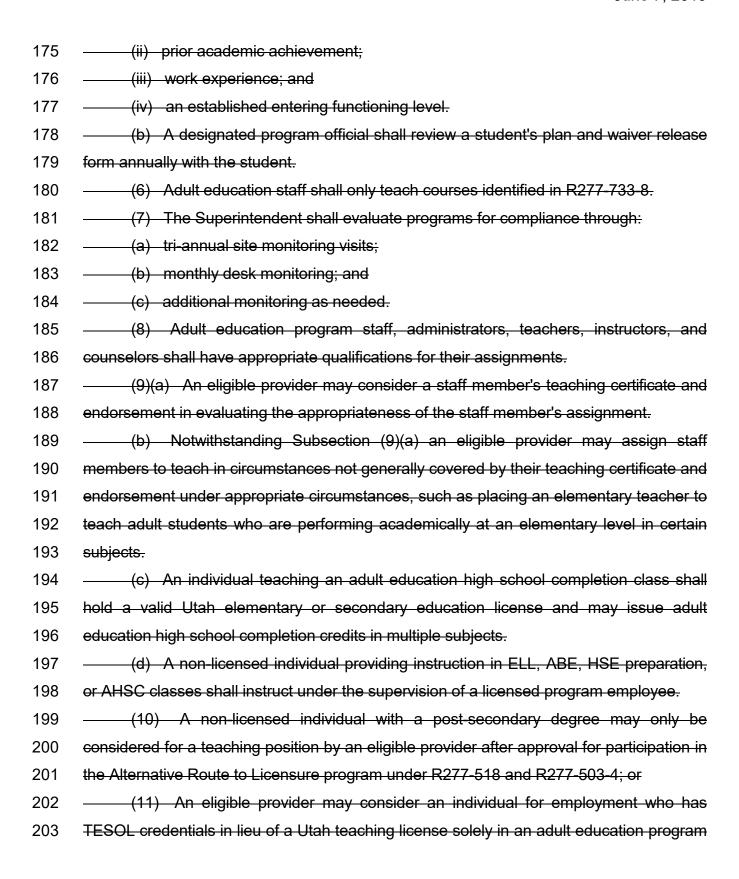


59 education students who are seeking an Adult Education Secondary Diploma from an 60 adult education program. 61 (6) "College and Career Readiness Plan" or "CCRP" means a plan developed by 62 a student in consultation with adult education program counselors, teachers, and 63 administrators that: 64 (a) is initiated at the time of entrance into an adult education program: (b) identifies a student's skills and objectives; 65 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. (7) "Desk monitoring" means the monthly review of UTopia data to ensure 69 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; (ii) is under 18 years of age and is married: 74 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 from high school and who: 77 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. (9) "Eligible Provider" may include: 84 85 —— (a) an LEA; 86 (b) a community-based or faith-based organization; 87 (c) a voluntary literacy organization;

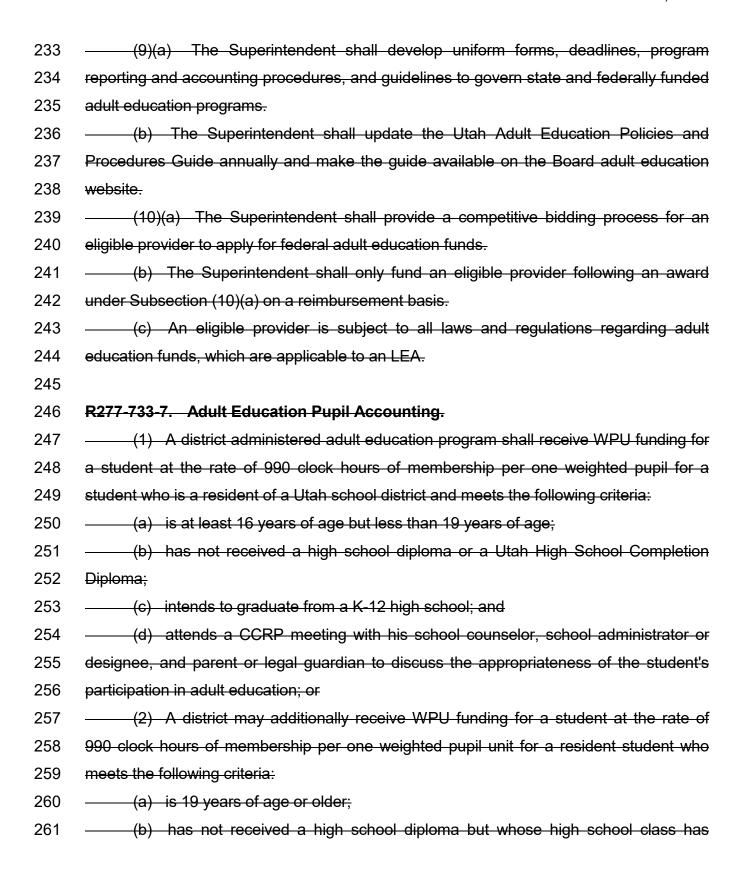


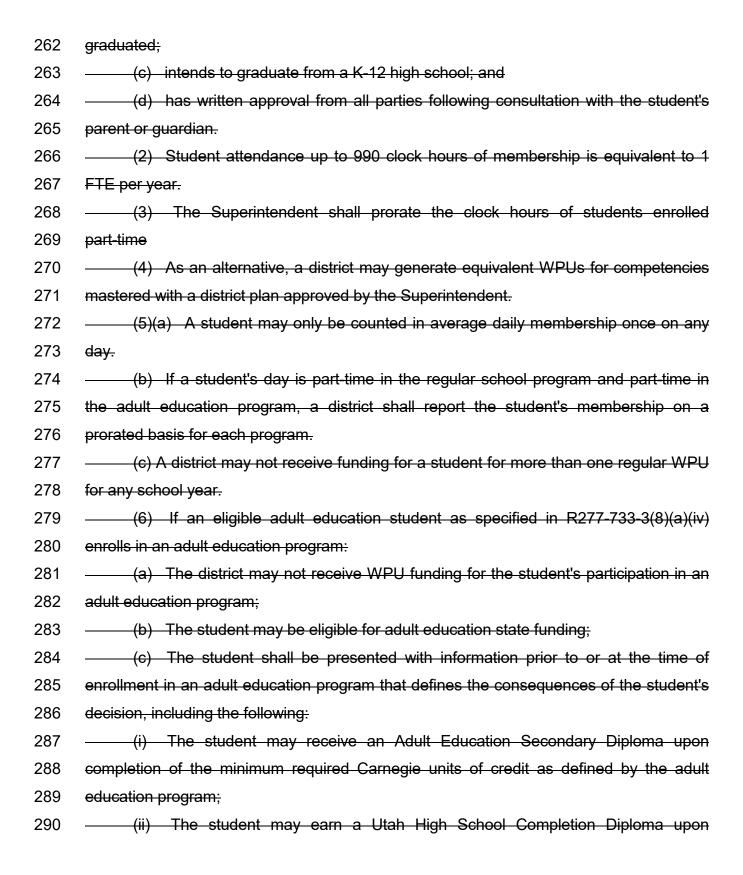


146 development, job training, career planning, or other purposes if specified in the waiver 147 release form. 148 (20) "Weighted pupil unit" or "WPU" means the basic per pupil unit used to 149 calculate the amount of state funds for which a school district is eligible. 150 151 R277-733-4. Federal Adult 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;

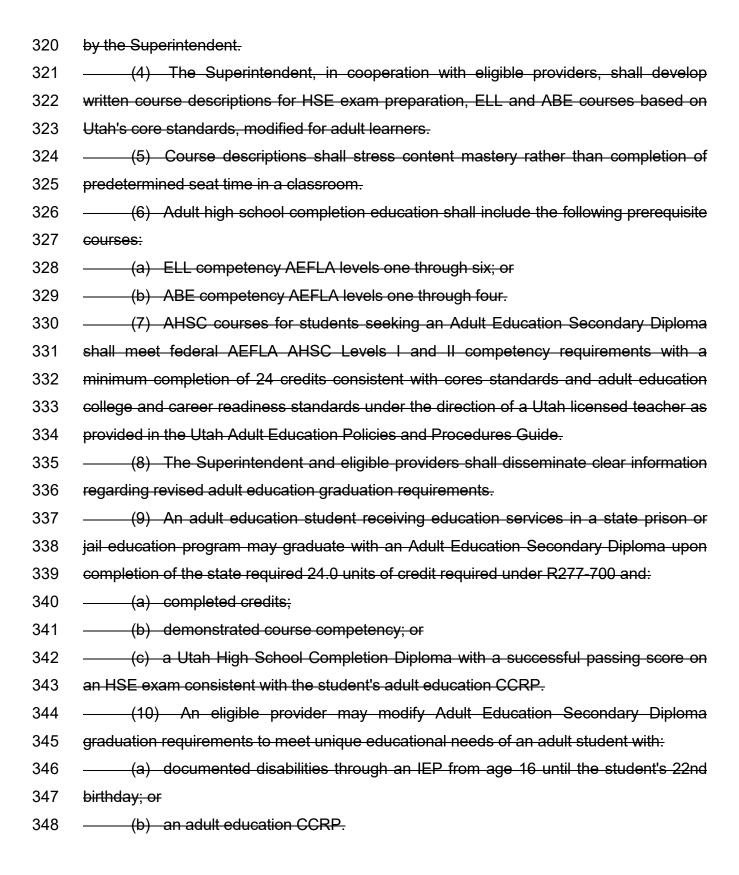


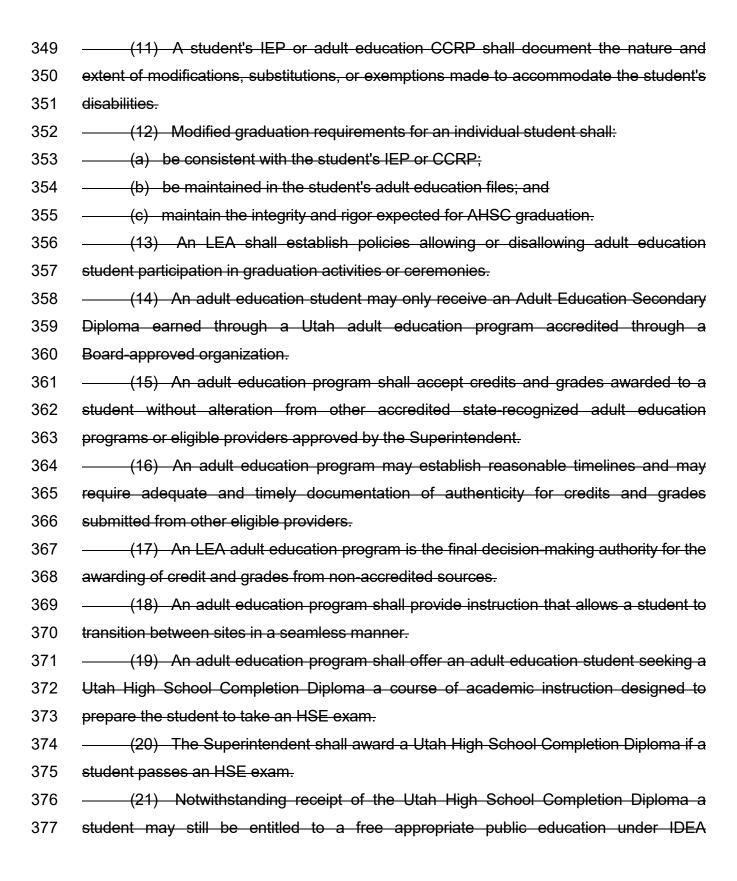
204 funded to provide ELL services. 205 206 R277-733-6. Fiscal Procedures. 207 (1) The Superintendent shall allocate state funds for adult education in 208 accordance with Section 53F-2-401. 209 (2) No eligible LEA shall receive less than its portion of an eight percent base 210 amount of the state appropriation 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).



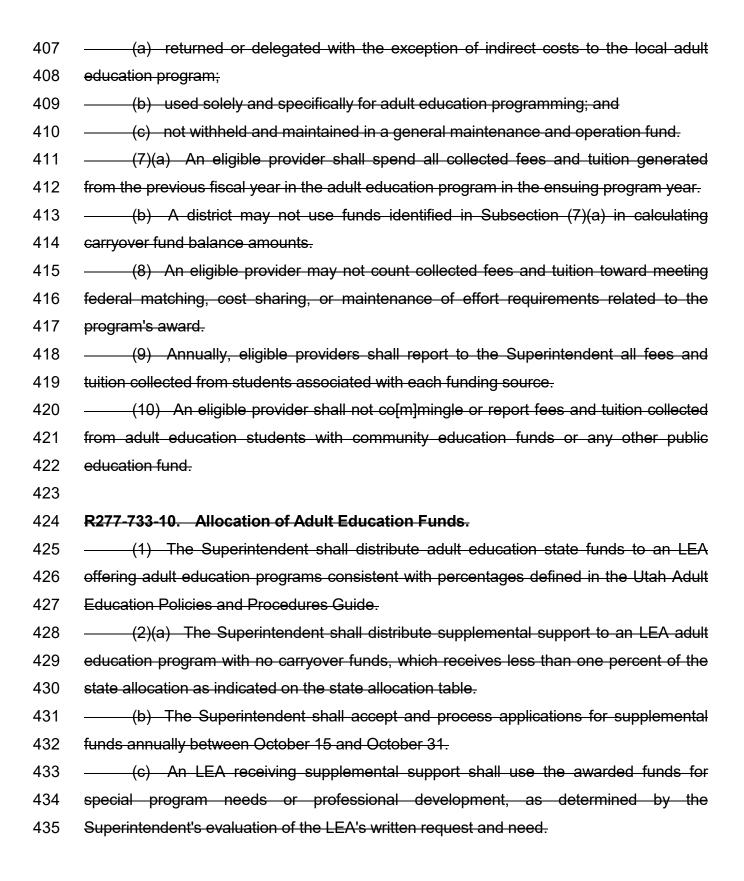


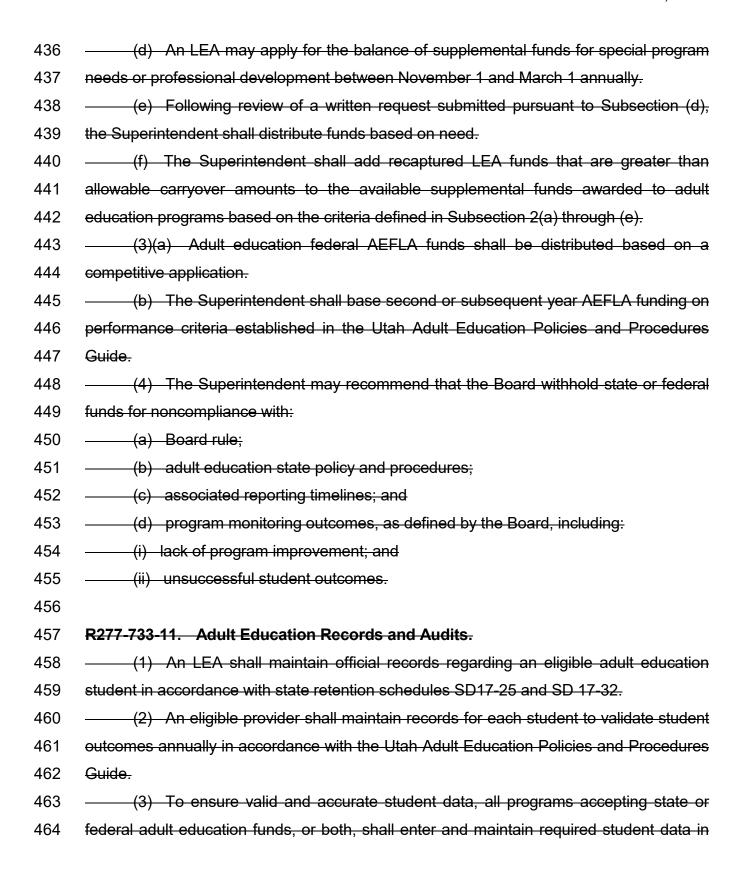
| 291 | successful passing of an HSE exam; or |
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| 292 | (iii) The student may, at the discretion of the district, return to his regular high |
| 293 | school prior to the time his class graduates with the understanding and expectation that |
| 294 | 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 |
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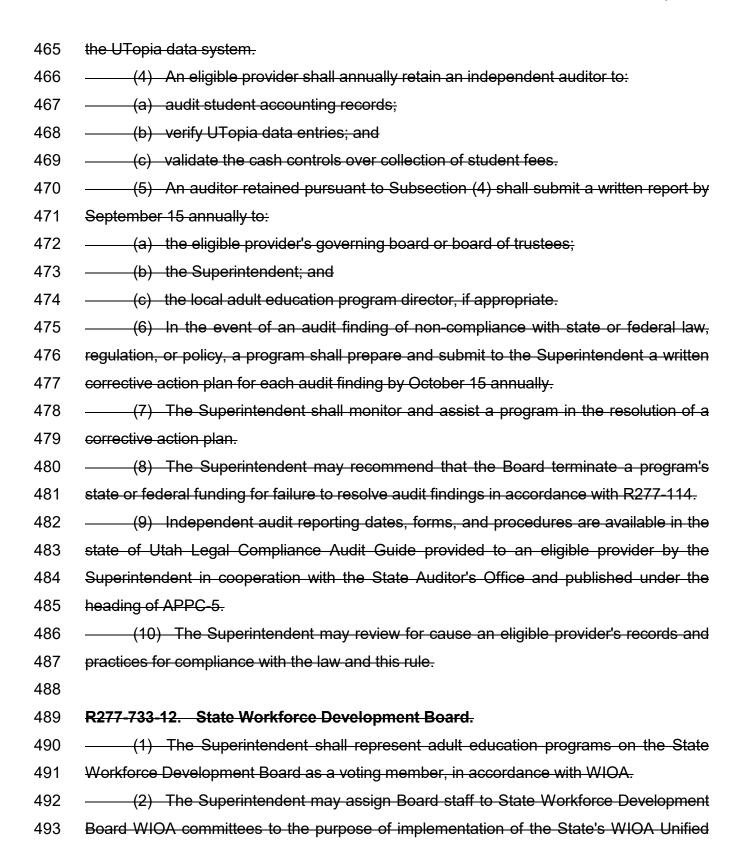




378 requirements. 379 (22) Following completion of requirements for a Utah Adult Education Secondary 380 Diploma or a Utah High School Completion Diploma, an adult education student may only 381 continue in an adult education program to improve their basic literacy skills if: 382 (a) the student's academic 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:

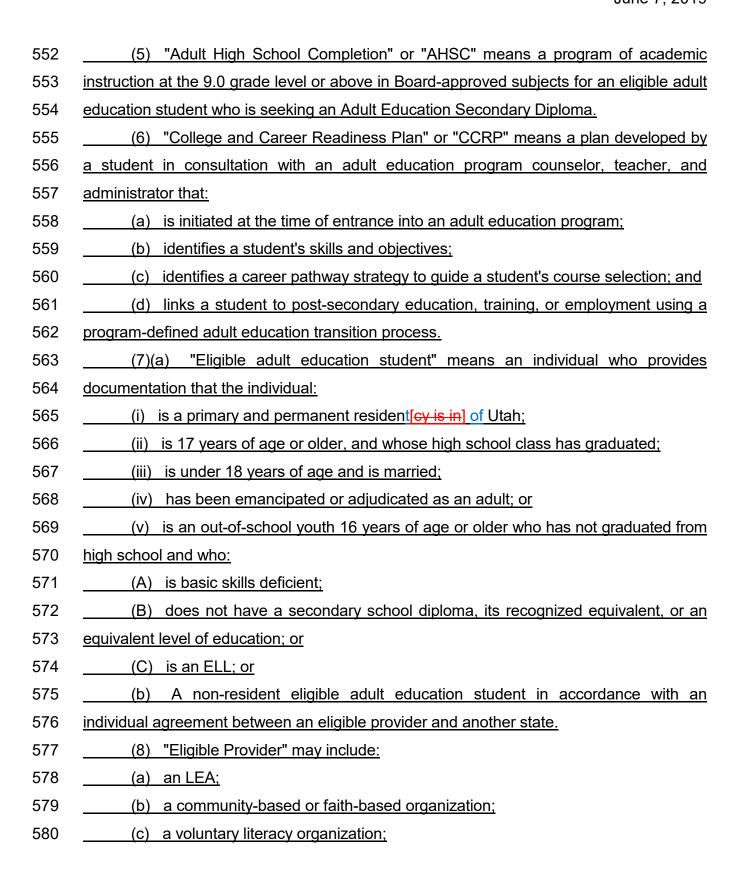






494 Plan. 495 496 R277-733-13. Oversight, Monitoring, Evaluation, and Reports. 497 The Board may designate no more than two percent of the total legislative 498 appropriation for adult education services to be used specifically by the Superintendent 499 for oversight, monitoring, and evaluation of adult 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: 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 Subsection 53E-3-501(1), which allows the Board to adopt minimum 519 standards for programs; and (e) Section 53F-2-401, which vests the Board with responsibility to provide 520 521 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.



| 581 | (d) an institution of higher education; |
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| 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. |
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| 607 | R277-733-4. Federal Adult Education Funds. |
| 808 | 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. |
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| 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 |

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| 639 | the K-12 Education Withdrawal and GED Testing Application Form. |
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| 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. |

| 668 | R277-733-9. Adult Education ProgramsTuition and Fees. |
|-----|---|
| 669 | (1) An eligible provider may allow any adult to enroll in an adult education class |
| 370 | and charge a tuition or fee consistent with Section 53E-10-205 and the Utah Adult |
| 371 | Education Policies and Procedures Guide described in Section R277-733-2. |
| 372 | (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: |
| 375 | (a) comingle or report fees and tuition collected from adult education students |
| 676 | with community education funds or any other public education fund; |
| 377 | (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; and |
| 680 | (c) calculate carryover balance amounts using funds collected from fees and |
| 81 | <u>tuition.</u> |
| 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: |
| 85 | (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 |
| 886 | (iii) not withheld and maintained in a general maintenance and operation fund. |
| 689 | |
| 590 | R277-733-10. Supplemental Awards. |
| 591 | (1) An LEA may receive a supplemental award if the LEA: |
| 592 | (a) has an adult education program with no carryover funds; |
| 593 | (b) receives less than one percent of the state adult education distribution; |
| 594 | (c) demonstrates that the award funds will only be used for special program |
| 695 | needs or professional development; and |
| 396 | (d) provides in writing the level of need for the award. |

| 697 | (2) The Superintendent may recommend that the Board withhold state or federal |
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| 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 |