

1 **R277. Education, Administration.**

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

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

4 (1) This rule is authorized by:

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

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

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

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

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

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

18

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

21 (1) The rule incorporates by reference the Utah Adult Education Policies and
22 Procedures Guide, [~~January 2022~~] February 2023 Revision, which provides day-to-day
23 operating standards and technical assistance to eligible providers for operation of adult
24 education programs.

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

26 (a) [<https://www.schools.utah.gov/adulthoodeducation?mid=2654&tid=2v>]

27 <https://www.schools.utah.gov/administrativerules/documentsincorporated>; and

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

30

31 **R277-733-3. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

56 (b) identifies a student's skills and objectives;

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

58 and

59 (d) links a student to post-secondary education, training, or employment using a
60 program-defined adult education transition process.

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

63 (8)(a) "Eligible adult education student" means an individual who provides
64 documentation that the individual:

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

66 (ii) is one of the following:

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

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

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

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

72 (iii) meets any of the following:

73 (A) is basic skills deficient;

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

76 (C) is an ELL; or

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

79 (9) "Eligible Provider" may include:

80 (a) an LEA;

81 (b) a community-based or faith-based organization;

82 (c) a voluntary literacy organization;

83 (d) an institution of higher education;

84 (e) a public or private non-profit agency;

85 (f) a library;

86 (g) a public housing authority;

87 (h) a non-profit institution not described in Subsections (a) through (g) that can
88 provide adult education and literacy activities to eligible adult education students;

89 (i) a consortium or coalition of providers identified in Subsections (a) through (h);
90 or

91 (j) a partnership between an employer and a provider identified in Subsections
92 (a) through (i).

93 (10) "English Language Learner" or "ELL" means an individual:

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

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

98 (11) "FERPA" means the [Family Educational Rights and Privacy Act](#), 20 USC
99 1232g, and its implementing regulations.

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

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

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

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

110 (16) "Utah Online Performance Indicators for Adult Education" or "UTopia"
111 means a statewide database for tracking adult education student progress and
112 outcomes.

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

115

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

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

120

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

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

125

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

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

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

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

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

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

136 (6) The Superintendent shall allocate recaptured funds to an LEA's adult
137 education program through the supplemental award process described in Section R277-
138 733-10.

139

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

141 (1) An LEA administered adult education program shall receive WPU funding for
142 a student consistent with the criteria and rate outlined in the Utah Adult Education
143 Policies and Procedures Guide described in Section R277-733-2.

144

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

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

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

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

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

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

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

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

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

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

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

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

169

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

171 (1) An eligible provider may charge a tuition or fee consistent with Section [53E-](#)
172 [10-205](#) and the Utah Adult Education Policies and Procedures Guide described in

173 Section R277-733-2.

174 ~~[(2) An eligible provider shall report annually to the Superintendent the amount~~
175 ~~of tuition and fees collected.]~~

176 ([3]2) An eligible provider may not:

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

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

182 (c) calculate carryover balance amounts using funds collected from fees and
183 tuition.

184 ([4]3) An eligible provider receiving state or federal adult education funds shall
185 ~~[provide annual written assurances to the Superintendent]~~ ensure that fees and tuition
186 collected are:

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

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

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

191

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

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

194 (a) local school boards;

195 (b) state post-secondary educational institutions;

196 (c) other state agencies; or

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

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

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

202 (b) compliance with relevant Board standards;

203 (c) program monitoring by the Superintendent in accordance with R277-733: and
204 (d) coordination of services with non-custodial programs to enable an inmate in
205 custody to continue the inmate's public-school education with minimal disruption
206 following discharge.

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

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

210 (5) When a student inmate is transferred to a new program, the sending program
211 shall update and finalize all school records in UTopia releasing the student's records as
212 soon as possible after receiving notice of the transfer.

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

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

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

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

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

222

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

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

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

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

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

229

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

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

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

235

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

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

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

241 (a) Board rule;

242 (b) adult education state policy and procedures;

243 (c) associated reporting timelines; and

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

245 (i) lack of program improvement; and

246 (ii) unsuccessful student outcomes.

247

248 **KEY: adult education**

249 **Date of Last Change: June 2, 2022**

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

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

252 **[501\(1\)](#); [53E-3-401\(4\)](#); [53F-2-401](#); [53E-10-205](#)**