

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 Revision, which provides day-to-day operating  
23 standards and technical assistance to eligible providers for operation of adult education  
24 programs.

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

26 (a) <https://www.schools.utah.gov/adulteducation?mid=2654&tid=2v>; and

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

29

30 **R277-733-3. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

57 and

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

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

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

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

65 (ii) is one of the following:

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

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

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

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

71 (iii) meets any of the following:

72 (A) is basic skills deficient;

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

75 (C) is an ELL; or

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

78 (9) "Eligible Provider" may include:

79 (a) an LEA;

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

81 (c) a voluntary literacy organization;

82 (d) an institution of higher education;

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

84 (f) a library;

85 (g) a public housing authority;

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

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

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

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

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

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

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

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

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

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

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

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

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

114

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

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

119

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

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

124

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

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

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

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

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

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

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

138

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

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

143

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

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

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

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

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

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

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

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

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

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

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

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

168

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

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

172 Section R277-733-2.

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

175           (3) An eligible provider may not:

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

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

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

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

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

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

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

190

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

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

193           (a) local school boards;

194           (b) state post-secondary educational institutions;

195           (c) other state agencies; or

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

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

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

201           (b) compliance with relevant Board standards;

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

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

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

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

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

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

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

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

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

221

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

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

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

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

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

228

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



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

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

234

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

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

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

240 (a) Board rule;

241 (b) adult education state policy and procedures;

242 (c) associated reporting timelines; and

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

244 (i) lack of program improvement; and

245 (ii) unsuccessful student outcomes.

246

247 **KEY: adult education**

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

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

250 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-10-202; 53E-3-**

251 **501(1); 53E-3-401(4); 53F-2-401; 53E-10-205**