

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
20 by Reference.**

21 (1) The rule incorporates by reference the Utah Adult Education Policies and
22 Procedures Guide, ~~June 2016~~ January 2019 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/sas/\[aaed\]arc/adulteducation](https://www.schools.utah.gov/sas/[aaed]arc/adulteducation); and

27 (b) the Utah State Board of Education.

28

29 **R277-733-3. Definitions.**

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

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

34 (a) provided by LEAs or other eligible providers;

35 (b) affording opportunities for individuals having demonstrated both presence and
36 intent to reside within the state of Utah;

37 (c) provided for out-of-school youth (16 years of age and older) or adults who
38 have or have not graduated from high school; and

39 (d) provided to improve literacy levels and to further high school level education.

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

45 (b) ABE is designed to help adults by:

46 (i) increasing their independence;

47 (ii) improving their ability to benefit from occupational training;

48 (iii) increasing opportunities for more productive and profitable employment; and

49 (iv) making them better able to meet adult responsibilities.

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

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

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

58 (5) "Adult High School Completion" or "AHSC" means a program of academic

59 instruction at the 9.0 grade level or above in Board-approved subjects for eligible adult
60 education students who are seeking an Adult Education Secondary Diploma from an
61 adult education program.

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

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

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

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

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

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

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

85 (9) "Eligible Provider" may include:

- 86 (a) an LEA;
- 87 (b) a community-based or faith-based organization;

- 88 (c) a voluntary literacy organization;
- 89 (d) an institution of higher education;
- 90 (e) a public or private non-profit agency;
- 91 (f) a library;
- 92 (g) a public housing authority;
- 93 (h) a non-profit institution not described in Subsections (a) through (g) that has
- 94 the ability to provide adult education and literacy activities to eligible adult education
- 95 students.
- 96 (i) a consortium or coalition of providers identified in Subsections (a) through (h);
- 97 or
- 98 (j) a partnership between an employer and a provider identified in Subsections (a)
- 99 through (i).
- 100 (10)(a) "Enrollee" means an adult student who has:
- 101 (i) 12 or more contact hours in an adult education program during a fiscal
- 102 program year;
- 103 (ii) an academic assessment establishing an Entering Functioning Level; and
- 104 (iii) an adult education CCRP with an established goal and a defined funding
- 105 code.
- 106 (b) An enrollee's status is based on the last date that the items set forth in
- 107 Subsections R277-733-3(10)(a)(i) through (iii) were entered into UTopia.
- 108 (11) "English Language Learner" or "ELL" means an individual:
- 109 (a) who has limited ability in reading, writing, speaking, or comprehending the
- 110 English language and whose native language is a language other than English; or
- 111 (b) who lives in a family or community where a language other than English is the
- 112 dominant language.
- 113 (12)(a) "Fee" means any charge, deposit, rental, or other mandatory payment,
- 114 however designated, whether in the form of money or goods.
- 115 (b) Admission fees, transportation charges, and similar payments to third parties
- 116 are fees if the charges are made in connection with an activity or function sponsored by or

117 through an adult education program.

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

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

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

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

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

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

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

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

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

- 141 (i) the Department of Workforce Services;
- 142 (ii) higher education institutions;
- 143 (iii) the Utah State Office of Rehabilitation; and
- 144 (iv) a Board approved HSE contractor.

145 (b) A signed waiver release allows a student's education records to be shared

146 with other adult education programs or interested agencies for the purpose of skill
147 development, job training, career planning, or other purposes if specified in the waiver
148 release form.

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

151

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

153 The Superintendent shall follow the standards and procedures contained in
154 AEFLA and the WIOA state plan adopted by the Board pursuant to AEFLA to administer
155 ~~both~~ federal ~~and state funding~~ of adult education programs.

156

157 **R277-733-5. Program Standards.**

158 (1) Adult education programs shall comply with state and federal law and
159 administrative regulations and follow the procedures contained in the Utah Adult
160 Education Policies and Procedures Guide.

161 ~~[(2) Adult education programs shall make reasonable efforts to:~~

162 ~~——(a) market and inform prospective students within their geographic areas of the~~
163 ~~availability of adult education programs; and~~

164 ~~——(b) provide enrollment information to prospective students.~~

165 ~~——(3)(a) Adult education programs may offer adult education services to a qualifying~~
166 ~~individual whose primary residence is located in communities closely bordering Utah if the~~
167 ~~student's circumstances are not conducive to commuting to the bordering state's closest~~
168 ~~adult education program.~~

169 ~~——(b) An adult education program shall not charge tuition to a student receiving~~
170 ~~services in accordance with Subsection (3)(a).~~

171 ~~——(4) Adult education programs shall make reasonable efforts to schedule classes~~
172 ~~at sites and times that meet the needs of adult education students.~~

173 ~~——(5)(a) Each eligible adult education student shall have a written GCRP defining~~
174 ~~the student's goals based upon:~~

- 175 ~~——(i) a complete academic assessment;~~
176 ~~——(ii) prior academic achievement;~~
177 ~~——(iii) work experience; and~~
178 ~~——(iv) an established entering functioning level.~~
179 ~~——(b) A designated program official shall review a student's plan and waiver release~~
180 ~~form annually with the student.~~
181 ~~——(6) Adult education staff shall only teach courses identified in R277-733-8.~~
182 ~~——(7) The Superintendent shall evaluate programs for compliance through:~~
183 ~~——(a) tri-annual site monitoring visits;~~
184 ~~——(b) monthly desk monitoring; and~~
185 ~~——(c) additional monitoring as needed.~~
186 ~~——(8) Adult education program staff, administrators, teachers, instructors, and~~
187 ~~counselors shall have appropriate qualifications for their assignments.~~
188 ~~——(9)(a) An eligible provider may consider a staff member's teaching certificate and~~
189 ~~endorsement in evaluating the appropriateness of the staff member's assignment.~~
190 ~~——(b) Notwithstanding Subsection (9)(a) an eligible provider may assign staff~~
191 ~~members to teach in circumstances not generally covered by their teaching certificate and~~
192 ~~endorsement under appropriate circumstances, such as placing an elementary teacher to~~
193 ~~teach adult students who are performing academically at an elementary level in certain~~
194 ~~subjects.~~
195 ~~——(c) An individual teaching an adult education high school completion class shall~~
196 ~~hold a valid Utah elementary or secondary education license and may issue adult~~
197 ~~education high school completion credits in multiple subjects.~~
198 ~~——(d) A non-licensed individual providing instruction in ELL, ABE, HSE preparation,~~
199 ~~or AHSC classes shall instruct under the supervision of a licensed program employee.~~
200 ~~——(10) A non-licensed individual with a post-secondary degree may only be~~
201 ~~considered for a teaching position by an eligible provider after approval for participation in~~
202 ~~the Alternative Route to Licensure program under R277-518 and R277-503-4; or~~
203 ~~——(11) An eligible provider may consider an individual for employment who has~~

204 ~~TESOL credentials in lieu of a Utah teaching license solely in an adult education program~~
205 ~~funded to provide ELL services.]~~

206

207 **R277-733-6. Fiscal Procedures.**

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

210 ~~[(2) No eligible LEA shall receive less than its portion of an eight percent base~~
211 ~~amount of the state appropriation if:~~

212 ~~——(a) the LEA provided instructional services approved by the Board to eligible adult~~
213 ~~students during the preceding fiscal year; or~~

214 ~~——(b) the LEA is preparing to offer services to eligible adult students, provided that~~
215 ~~the LEA's preparation period does not exceed two years.]~~

216 ~~[(3)]~~2 Funds appropriated for adult education programs shall be subject to Board
217 accounting, auditing, and budgeting rules and policies.

218 ~~[(4)]~~3 An LEA may carry over to the next fiscal year ten percent or \$50,000,
219 whichever is less, of state adult education funds allocated to the LEA's adult education
220 programs not expended in the current fiscal year with written approval from the
221 Superintendent.

222 ~~[(5)]~~4(a) An LEA shall submit a request to carry over funds for approval by August
223 1 annually.

224 (b) The Superintendent shall prepare a revised budget incorporating approved
225 carryover amounts no later than September 1 in the year requested.

226 ~~[(6)]~~5 The Superintendent may consider excess funds in determining an LEA's
227 allocation for the next fiscal year.

228 ~~[(7)]~~6 The Superintendent shall recapture fund balances in excess of 10 percent
229 or \$50,000 no later than February 1 annually.

230 ~~[(8)]~~7 The Superintendent shall reallocate funds recaptured in accordance with
231 Subsection (7) to LEA adult education programs through the supplemental award process
232 based on need and effort as determined by the Board consistent with Subsection

233 53F-2-401(3).

234 ~~[(9)]~~8(a) The Superintendent shall develop uniform forms, deadlines, program
235 reporting and accounting procedures, and guidelines to govern state and federally funded
236 adult education programs.

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

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

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

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

246

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

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

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

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

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

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

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

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

262 (b) has not received a high school diploma but whose high school class has
263 graduated;

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

265 (d) has written approval from all parties following consultation with the student's
266 parent or guardian.

267 (2) Student attendance up to 990 clock hours of membership is equivalent to 1
268 FTE per year.

269 (3) The Superintendent shall prorate the clock hours of students enrolled
270 part-time

271 (4) As an alternative, a district may generate equivalent WPUs for competencies
272 mastered with a district plan approved by the Superintendent.

273 (5)(a) A student may only be counted in average daily membership once on any
274 day.

275 ~~[(b) If a student's day is part-time in the regular school program and part-time in
276 the adult education program, a district shall report the student's membership on a
277 prorated basis for each program.]~~

278 ~~[(e)]~~b A district may not receive funding for a student for more than one regular
279 WPU for any school year.

280 (6) If an eligible adult education student as specified in R277-733-3(8)(a)(iv)
281 enrolls in an adult education program:

282 (a) The district may not receive WPU funding for the student's participation in an
283 adult education program;

284 (b) The student may be eligible for adult education state funding;

285 (c) The student shall be presented with information prior to or at the time of
286 enrollment in an adult education program that defines the consequences of the student's
287 decision, including the following:

288 (i) The student may receive an Adult Education Secondary Diploma upon
289 completion of the minimum required Carnegie units of credit as defined by the adult
290 education program;

291 (ii) The student may earn a Utah High School Completion Diploma upon
292 successful passing of an HSE exam; or

293 (iii) The student may, at the discretion of the district, return to his regular high
294 school prior to the time his class graduates with the understanding and expectation that
295 all necessary requirements for the traditional k-12 diploma shall be completed, provided
296 that the student:

297 (A) is released from the adult education program;

298 (B) has not completed the requirements necessary for an Adult Education
299 Secondary Diploma; and

300 (C) has not successfully passed an HSE exam and has not received a Utah High
301 School Completion Diploma;

302 (d) The student may not return to a k-12 high school after receiving an Adult
303 Education Secondary Diploma;

304 (e) The student is not eligible to return to a k-12 high school after receiving a Utah
305 High School Completion Diploma unless it is required for the provision of a free
306 appropriate public education (FAPE) under the IDEA.

307 (f) A district shall report a student who has successfully completed an Adult
308 Education Secondary Diploma or a Utah High School Completion Diploma [~~as a graduate
309 for k-12 graduation (AYP) outcomes~~].

310 (g) The student may take an HSE exam in accordance with the provisions of
311 R277-702.

312

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

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

316 (2) The core standards may be modified or adjusted to meet the individual needs
317 of an adult education student.

318 (3) An LEA shall develop written course descriptions for AHSC required and
319 elective courses for all adult education program classes taught, consistent with the core

320 standards and Utah adult education college and career readiness standards, as provided
321 by the Superintendent.

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

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

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

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

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

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

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

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

341 (a) completed credits;

342 (b) demonstrated course competency; or

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

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

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

349 (b) an adult education CCRP.

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

353 (12) Modified graduation requirements for an individual student shall:

354 (a) be consistent with the student's IEP or CCRP;

355 (b) be maintained in the student's adult education files; and

356 (c) maintain the integrity and rigor expected for AHSC graduation.

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

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

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

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

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

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

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

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

377 (21) Notwithstanding receipt of the Utah High School Completion Diploma a

378 student may still be entitled to a free appropriate public education under IDEA
379 requirements.

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

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

385 (b) the student lacks sufficient mastery of basic educational skills to enable the
386 student to function effectively in society; and

387 (c) the focus of the continued instruction is limited solely to literacy in reading,
388 math or English for a maximum of 120 instructional contact hours.

389

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

391 (1) Any adult may enroll in an adult education class consistent with Section
392 53E-10-205.

393 (2) An eligible provider may charge tuition and fees for ABE, HSE exam
394 preparation, AHSC, or ELL courses in an amount not to exceed \$100 annually per
395 student based on the student's ability to pay as determined by federal free and reduced
396 lunch guidelines under the Richard B. Russell National School Lunch Act, 42 USC
397 Section 1751, et seq.

398 (3) A school board or board of trustees of an eligible provider shall determine
399 reasonable and necessary student fees and tuition on an annual basis.

400 (4) An eligible provider shall provide potential adult education program students
401 adequate notice of tuition and fees through public posting.

402 (5) An eligible provider shall specifically use collected fees and tuition to provide
403 additional adult education and literacy services that the provider would otherwise be
404 unable to provide.

405 (6) An eligible provider receiving state or federal adult education funds shall
406 provide annual written assurances on a form approved by the Superintendent that all fees

407 and tuition collected and submitted for accounting purposes are:

408 (a) returned or delegated with the exception of indirect costs to the local adult
409 education program;

410 (b) used solely and specifically for adult education programming; and

411 (c) not withheld and maintained in a general maintenance and operation fund.

412 (7)(a) An eligible provider shall spend all collected fees and tuition generated
413 from the previous fiscal year in the adult education program in the ensuing program year.

414 (b) A district may not use funds identified in Subsection (7)(a) in calculating
415 carryover fund balance amounts.

416 (8) An eligible provider may not count collected fees and tuition toward meeting
417 federal matching, cost sharing, or maintenance of effort requirements related to the
418 program's award.

419 (9) Annually, eligible providers shall report to the Superintendent all fees and
420 tuition collected from students associated with each funding source.

421 (10) An eligible provider shall not co[~~m~~]ingle or report fees and tuition collected
422 from adult education students with community education funds or any other public
423 education fund.

424

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

426 (1) The Superintendent shall distribute adult education state funds to an LEA
427 offering adult education programs consistent with percentages defined in the Utah Adult
428 Education Policies and Procedures Guide.

429 (2)(a) The Superintendent shall distribute supplemental support to an LEA adult
430 education program with no carryover funds, which receives less than one percent of the
431 state allocation as indicated on the state allocation table.

432 (b) The Superintendent shall accept and process applications for supplemental
433 funds annually between October 15 and October 31.

434 (c) An LEA receiving supplemental support shall use the awarded funds for
435 special program needs or professional development, as determined by the

436 Superintendent's evaluation of the LEA's written request and need.

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

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

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

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

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

449 ~~[(4)]~~³ The Superintendent may recommend that the Board withhold state or
450 federal funds for noncompliance with:

451 (a) Board rule;

452 (b) adult education state policy and procedures;

453 (c) associated reporting timelines; and

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

455 (i) lack of program improvement; and

456 (ii) unsuccessful student outcomes.

457

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

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

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

464 (3) To ensure valid and accurate student data, all programs accepting state or

465 federal adult education funds, or both, shall enter and maintain required student data in
466 the UTopia data system.

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

468 (a) audit student accounting records;

469 (b) verify UTopia data entries; and

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

471 (5) An auditor retained pursuant to Subsection (4) shall submit a written report by
472 September 15 annually to:

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

474 (b) the Superintendent; and

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

476 (6) In the event of an audit finding of non-compliance with state or federal law,
477 regulation, or policy, a program shall prepare and submit to the Superintendent a written
478 corrective action plan for each audit finding by October 15 annually.

479 (7) The Superintendent shall monitor and assist a program in the resolution of a
480 corrective action plan.

481 (8) The Superintendent may recommend that the Board terminate a program's
482 state or federal funding for failure to resolve audit findings in accordance with R277-114.

483 (9) Independent audit reporting dates, forms, and procedures are available in the
484 state of Utah Legal Compliance Audit Guide provided to an eligible provider by the
485 Superintendent in cooperation with the State Auditor's Office and published under the
486 heading of APPC-5.

487 (10) The Superintendent may review for cause an eligible provider's records and
488 practices for compliance with the law and this rule.

489

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

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

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

494 Board WIOA committees to the purpose of implementation of the State's WIOA Unified
495 Plan.

496

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

498 The Board may designate no more than two percent of the total legislative
499 appropriation for adult education services to be used specifically by the Superintendent
500 for oversight, monitoring, and evaluation of adult education programs and their
501 compliance with law and regulation.

502

503 **KEY: adult education**

504 **Date of Enactment or Last Substantive Amendment: August 7, 2017**

505 **Notice of Continuation: June 6, 2017**

506 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-10-202;**
507 **53E-3-501(1); 53E-3-401(4); 53F-2-401; 53F-2-401; 53E-10-205**

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