

EDUCATION DEPARTMENT [281]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to adopt new Chapter 25, “Academic Career and Employment Program; Tuition Assistance,” Iowa Administrative Code.

This chapter provides for the implementation of the pathways for academic career and employment program. This is a program for the development of projects that will lead to gainful, quality, in-state employment for members of target populations by providing members of target populations with both effective academic and employment training to secure such employment and customized support services to maintain such employment. This chapter also provides for the implementation of a need-based tuition assistance program to applicants to enable completion of continuing education certificate training programs for in-demand occupations.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendment on or before March 13, 2012, at 4:30 p.m. Comments on the proposed amendments should be directed to Roger Utman, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-8260; e-mail roger.utman@iowa.gov; or fax (515) 281-6544.

A public hearing will be held on March 13, 2012, from 10 to 11 a.m., at the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special

requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Education of specific needs by calling (515)281-5295.

There will be an impact on jobs in the private sector. The Pathways Academic Career and Employment (PACE) Program is targeted to match underemployed and unemployed workers with in-demand industry areas in Iowa. This will assist private businesses and industry by providing skilled workers for a variety of positions. PACE will allow low-skilled/low-income unemployed and underemployed adult and dislocated workers to rapidly and efficiently acquire and demonstrate competency in a specified technical field. These occupations will be determined regionally and will include, but not be limited to: information technology, health care, advanced manufacturing and transportation. Certificate programs are aligned with credit certificates, diplomas and degrees. PACE does not replace existing training but will target a currently under-served population in the State.

The proposed new chapter is intended to implement 2011 Iowa Acts, House File 645, sections 70 to 89.

The following amendment is proposed.

Item 1. Adopt the following **new** 281—Chapter 25:

CHAPTER 25
ACADEMIC CAREER AND EMPLOYMENT PROGRAM;
TUITION ASSISTANCE
DIVISION I
GENERAL PROVISIONS

281—25.1(260H,260I) Scope. The rules in this chapter implement the pathways for academic career and employment (PACE) programs under Iowa Code chapter 260H and the gap tuition assistance program under Iowa Code chapter 260I.

281—25.2(260H,260I) Definitions.

“Department” refers to the Iowa department of education.

“Director” refers to the director of the Iowa department of education.

“Dislocated workers” refers to an individual eligible for services and benefits under the federal Trade Adjustment Act of 2002, P.L. 107-210. An individual must meet each of criteria one and two, plus any one of criteria three through eight:

- 1) Registered for the selective service, if applicable;
- 2) A citizen or national of the United States, a lawfully admitted permanent resident alien, a lawfully admitted refugee or parolee or an individual authorized by the Attorney General to work in the United States.
- 3) Terminated or laid off, AND eligible for or have exhausted entitlement to unemployment compensation, AND unlikely to return to a previous industry or occupation; OR
- 4) In receipt of a notice of termination or lay-off from employment, AND will be entitled to unemployment compensation at the time of lay-off or termination, AND unlikely to return to the individual’s previous industry or occupation; OR
- 5) Terminated or laid off, or have received a termination notice and have been employed for a duration of time to sufficiently demonstrate attachment to the workforce, AND not eligible for unemployment compensation due to insufficient

earnings, or having performed services for an employer that was not covered under the unemployment compensation law and unlikely to return to a previous industry or occupation; OR

- 6) Terminated or laid off, or have received notice of termination or layoff as a result of a permanent closure of or any substantial layoff at a plant, facility or enterprise;

OR

- 7) Formerly self-employed and unemployed from his or her business

- 8) A Displaced Homemaker who has been providing unpaid services to family members in the home, **AND** has been dependent on the income of another family member, and is no longer supported by that income, **AND** is unemployed or underemployed, **AND** is experiencing difficulty in obtaining or upgrading employment.

“Federal poverty level” refers to the most recently revised poverty income guidelines published by the federal department of health and human services.

“IWD” refers to the Iowa workforce development agency.

“Low skilled” refers to an adult individual who is basic skills deficient, has lower level digital literacy skills, has an education below a high school diploma, or has a low level of educational attainment that inhibits the individual’s ability to compete for skilled occupations that provide opportunity for a self-sufficient wage.

“State board” refers to the Iowa state board of education.

“Underemployed” refers to an adult individual who is working less than 30 hours per week, or who is employed any number of hours per week in a job that is substantially below the individual’s skill level and that does not lead to self-sufficiency.

“Unemployed” refers to an adult individual who is involuntarily unemployed and is actively engaged in seeking employment.

281—25.3 to 25.10 Reserved.

DIVISION II

PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT PROGRAM

281—25.11(260H) Purpose. The pathways for academic career and employment program is established to provide funding to community colleges for the development of projects that will lead to gainful, quality, in-state employment for members of target populations by providing members of target populations with both effective academic and employment training to ensure such gainful employment and customized support services.

281—25.12(260H) Target populations. Individuals included in target populations are those individuals who meet one of more of the following:

- a. Are deemed by definition to be low skilled;
- b. Earn incomes at or below two hundred percent of the federal poverty level;
- c. Are unemployed;
- d. Are underemployed;
- e. Are dislocated workers.

281—25.13(260H) Eligibility criteria for projects. Projects eligible for funding for the pathways for academic career and employment program shall be projects that further the ability of members of target populations to secure gainful, quality employment; that

further partnerships that link the community colleges to industry and nonprofit organizations; and that further the following program outcomes:

- a. Enabling the target populations to:
 1. Acquire and demonstrate competency in basic skills.
 2. Acquire and demonstrate competency in a specified technical field.
 3. Complete a specified level of postsecondary education.
 4. Earn a national career readiness certificate.
 5. Obtain employer-validated credentials.
 6. Secure gainful employment in high-quality, local jobs.

b. Meet economic and employment goals including but not limited to:

1. Economic and workforce development requirements in each region served by the community colleges as defined by regional advisory boards established pursuant to section 84A.4.
2. Needs of industry partners in areas including but not limited to the fields of information technology, health care, advanced manufacturing, transportation and logistics, and any other industry designated as in-demand by a regional advisory board established pursuant to section 84A.4.

281—25.14(260H) Program component requirements. Program components for pathways for academic career and employment project implemented at a community college shall:

- a. Include measurable and effective recruitment, assessment, and referral activities designed for the target populations.

b. Integrate basics skills and work-readiness training with occupational skills training.

c. Combine customized supportive and case management services with training services to help participants overcome barriers to employment.

d. Provide training services at times, locations, and through multiple, flexible modalities that are easily understood and readily accessible to the target populations. Such modalities shall support timeless entry, individualized learning, and flexible scheduling, and may include online remediation, learning lab and cohort learning communities, tutoring, and modularization.

281—25.15(260H) Pipeline program. Each community college receiving funding for the pathways for academic career and employment program shall develop a pipeline program in order to better serve the academic, training, and employment needs of the target populations. A pipeline program shall have the following goals:

a. To strengthen partnerships with community-based organizations and industry representatives.

b. To improve and simplify the identification, recruitment, and assessment of qualified participants.

c. To conduct and manage an outreach, recruitment, and intake process, along with accompanying support services, reflecting sensitivity to the time and financial constraints and remediation needs of the target populations.

d. To conduct orientations for qualified participants to describe regional labor market opportunities, employer partners, and program requirements and expectations.

e. To describe the concepts of the project implemented with funds from the pathways for academic career and employment program and the embedded educational and support resources available through such project.

f. To outline the basic skills participants will learn and describe the credentials participants will earn.

g. To describe success milestones and ways in which temporal and instructional barriers have been minimized or eliminated.

h. To review how individualized and customized service strategies for participants will be developed and provided.

281—25.16(260H) Career pathways and bridge curriculum development program.

Each community college receiving funding for the pathways for academic career and employment program shall develop a career pathway and bridge curriculum development program in order to better serve the academic, training, and employment needs of the target populations. A career pathways and bridge curriculum development program shall have the following goals:

a. The articulation of courses and modules, the mapping of programs within career pathways, and establishment of bridges between credit and noncredit programs.

b. The integration and contextualization of basic skills education and skills training. This process shall provide for seamless progressions between adult basic education and general education development programs and continuing education and credit certificate, diploma, and degree programs.

c. The development of career pathways that support the attainment of industry-recognized credentials, diplomas, and degrees through stackable, modularized program delivery.

281—25.17 to 25.19 Reserved.

DIVISION III

GAP TUITION ASSISTANCE PROGRAM

281—25.20(260I) Purpose. A gap tuition assistance program is established to provide funding to community colleges for need-based tuition assistance to applicants to enable completion of continuing education certificate training programs for in-demand occupations.

281—25.21(260I) Applicants for tuition assistance — eligibility criteria.

25.21(1) Eligibility for tuition assistance shall be based on financial need.

Applicants may be found eligible for partial or total tuition assistance. Tuition assistance shall not be approved when the community college receiving the application determines that funding for an applicant's participation in an eligible certificate program is available from any other public or private funding source. Criteria to be assessed in determining financial need shall include but is not limited to:

a. The applicant's family income for the twelve months prior to the date of application.

b. The applicant's family size.

c. The applicant's county of residence.

25.21(2) An applicant for tuition assistance under this chapter must have a demonstrated capacity to achieve the following outcomes:

a. The ability to complete an eligible certificate program.

b. The ability to enter a postsecondary certificate, diploma, or degree program for credit.

c. The ability to gain full-time employment.

d. The ability to maintain full-time employment over time.

25.21(3) The community college receiving the application shall only approve an applicant for tuition assistance under this chapter if the community college determines the applicant is likely to succeed in achieving the outcomes described in subrule 25.18(2) after considering factors including but not limited to:

a. Barriers that may prevent an applicant from completing the certificate program.

b. Barriers that may prevent an applicant from gaining employment in an in-demand occupation.

281—25.22(260I) Applicants for tuition assistance — additional provisions.

25.22(1) An applicant for tuition assistance under this chapter shall provide to the GAP coordinator at the community college receiving the application documentation of all sources of income.

25.22(2) Only an applicant eligible to work in the United States shall be approved for tuition assistance under this chapter.

25.22(3) An application shall be valid for six months from the date of signature on the application.

25.22(4) A person shall not be approved for tuition assistance under this chapter for more than one eligible certificate program.

25.22(5) Eligibility for tuition assistance under this chapter shall not be construed to guarantee enrollment in any community college certificate program.

25.22(6) Eligibility for tuition assistance under this chapter shall be limited to persons earning incomes at or below two hundred percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

281—25.23(260I) Eligible costs. Costs of a certificate program eligible for coverage by tuition assistance shall include but are not limited to the following:

- a. Tuition.
- b. Direct training costs.
- c. Required books and equipment.
- d. Fees including but not limited to fees for industry testing services and background check testing services.

281—25.24(260I) Eligible certificate programs. For the purposes of this chapter, “*eligible certificate program*” means a program meeting all of the following criteria:

a. The program is not offered for credit, but is aligned with a certificate, diploma, or degree for credit, and does any of the following:

- (1) Offers a state, national, or locally recognized certificate.
- (2) Offers preparation for a professional examination or licensure.
- (3) Provides endorsement for an existing credential or license.
- (4) Represents recognized skill standards defined by an industrial sector.
- (5) Offers a similar credential or training.

b. The program offers training or a credential in an in-demand occupation. For the purposes of this chapter, “*in-demand occupation*” includes occupations in information

technology, health care, advanced manufacturing, transportation and logistics, and any other industry designated as in-demand by a regional advisory board established pursuant to section 84A.4.

281—25.25(260I) Initial assessment. An eligible applicant for tuition assistance under this chapter shall complete an initial assessment administered by the community college receiving the application to determine the applicant's readiness to complete an eligible certificate program. The assessment shall include assessments for completion of a national career readiness certificate, including the areas of reading for information, applied mathematics, and locating information. An applicant must achieve at least a national bronze-level certificate, defined as a minimum level 3 for reading, math, and locating information, in order to be approved for tuition assistance. An applicant shall complete any additional assessments and occupational research required by the community college GAP program and/or an eligible certificate program.

281—25.26(260I) Program interview. An eligible applicant for tuition assistance under this chapter shall meet with a member of the staff for an eligible certificate program offered by the community college receiving the application. The GAP tuition assistance coordinator shall discuss the relevant industry, any applicable occupational research, and any applicable training relating to the eligible certificate program. The discussion shall include an evaluation of the applicant's capabilities, needs, family situation, work history, educational background, attitude and motivation, employment skills, vocational potential, and employment barriers. The discussion shall also include potential start dates, support needs, and other requirements for an eligible certificate program.

281—25.27(260I) Participation requirements.

25.27(1) A participant in an eligible certificate program who receives tuition assistance pursuant to this chapter shall do all of the following:

a. Maintain regular contact with staff members for the certificate program to document the applicant's progress in the program.

b. Sign a release form to provide relevant information to community college faculty or case managers.

c. Discuss with staff members for the certificate program any issues that may impact the participant's ability to complete the certificate program, obtain employment, and maintain employment over time.

d. Attend all required courses regularly.

e. Meet with staff members for the certificate program to develop a job search plan.

25.27(2) A community college may terminate tuition assistance for a participant who fails to meet the requirements of this section. The process to appeal a termination will be provided to a participant through the GAP tuition assistance coordinator.

281—25.28(260I) Oversight. Statewide oversight, evaluation, and reporting efforts for the gap tuition assistance program is coordinated by the department.

25.28(1) A steering committee, consisting of Iowa Department of Education, Iowa Workforce Development, and community college continuing education deans and directors, is established to determine if the performance measures of the gap tuition assistance program are being met and to correct any deficiencies. The steering committee shall meet at least quarterly to evaluate and monitor the performance of the gap tuition assistance program.

25.28(2) A common intake tracking system is established to be implemented consistently by each participating community college. The community colleges will work cooperatively in establishing the system and the Department of Education will assist in gathering required reporting data elements through the community college Management Information System (MIS).

25.28(3) The steering committee will develop the required program criteria for PACE and GAP certified programs to be eligible for tuition assistance and program funding. This criteria will be developed based on the best-practices in the development and delivery of career pathway programs that provide a clear sequence of education coursework and credentials that are aligned with the regional workforce skill needs, that clearly articulate from one level of instruction to the next, combines occupational skills and remedial adult education, leads to the attainment of a credential or degree, assists with job placement, provides wrap-around social and socioeconomic support services with the goal of increasing the individual's skills attainment and employment potential.

These rules are intended to implement 2011 Iowa Acts, House File 645, sections 70 to 89.