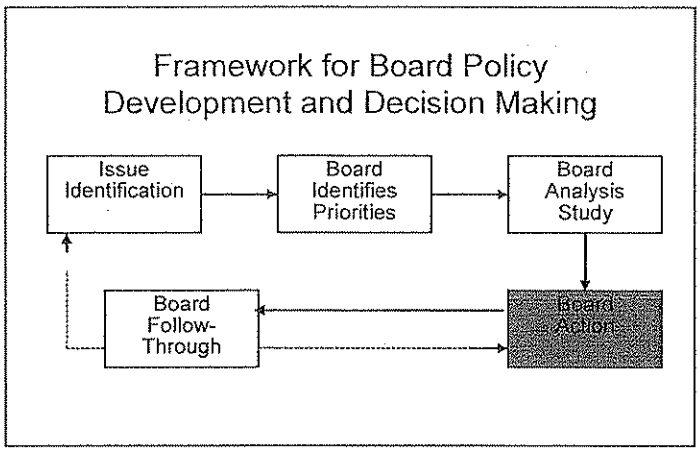
Iowa State Board of Education

Executive Summary

September 18, 2014



Agenda Item: Rules: 281 IAC Chapter 23 - Adult Education and Literacy Programs (Notice)

Iowa Goal: Individuals will pursue postsecondary education in order to drive economic success.

State Board Role/ Authority: Iowa Code section 256.7(5) gives the State Board of Education the statutory authority to adopt rules under Chapter 17A.

Presenters: Jeremy Varner, Administrator
Division of Community Colleges

Kent Farver, Chief
Bureau of Community College Education

Attachments: 1

Recommendation: It is recommended that the State Board give public notice of its intent to rescind old Chapter 23 and adopt new Chapter 23.

Background: New 281 Iowa Administrative Code (IAC) Chapter 23 aligns Iowa's adult education and literacy programs with the purposes of providing a high-quality educational program to address the needs of adults in acquiring the knowledge and technical skills necessary for economic self-sufficiency. These rules further clarify policies with respect to program eligibility, allowable use of funds, qualification of staff, and performance measures.

To reflect the needs of Iowa, and to support the guidance provided in Iowa Skilled Worker and Job Creation Fund, statewide meetings have been conducted for the past nine months with key stakeholders in the drafting of new Chapter 23.

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 rescind Chapter 23, "Adult Education," Iowa Administrative Code, and replace it with Chapter 23, "Adult Education and Literacy Programs," Iowa Administrative Code.

New Chapter 281 – 23(256) provides for statewide standards and guidance for adult education and literacy programs as well as defining the requirements for the qualifications of staff, professional development, and performance and accountability.

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

Interested individuals may make written comments on the proposed amendments on or before November 4, 2014, at 4:30 p.m. Comments on the proposed amendments should be directed to Jeremy Varner, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515) 281-8260; E-mail jeremy.varner@iowa.gov; or fax (515) 242-5988.

A public hearing will be held on November 4, 2014, from 2:00 to 3:00 p.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Education of their specific needs by calling (515) 281-5295.

After analysis and review of this rule making, no impact on jobs has been found.

This new chapter is intended to implement Iowa Code section 260C.

ITEM 1: Chapter 23, "Adult Education," Iowa Administrative Code, is rescinded.

ITEM 2: The following new Chapter 23, "Adult Education and Literacy Programs," Iowa Administrative Code, is proposed.

281 – 23.1 (260C) Definitions. For purposes of this chapter, the indicated terms are defined as follows:

"Adult education and literacy program" means adult basic education, adult education leading to a high school equivalency diploma under chapter 259A, English as a second language instruction, workplace and family literacy instruction, integrated basic education and technical skills instruction, and other activities specified in the Adult Education and Family Literacy Act, 20 U.S.C. Ch. 73 and subsequent federal workforce training and adult education legislation.

"Career pathways" means a combination of rigorous and high-quality education, training, and other services that –

a. Aligns with the skill needs of industries in the economy of the State or regional economy involved;

b. Prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships;

c. Includes counseling to support an individual in achieving the individual's education and career goals;

d. Includes, as appropriate education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

e. Organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable; and

f. Helps an individual enter or advance within a specific occupation or occupational cluster.

"Coordinator" means the person(s) responsible for making decisions for the adult education and literacy program at the local level.

"Department" means the Iowa department of education.

"English as a second language" means a structured language acquisition program designed to teach English to students whose native language is other than English.

"Enter employment" means learners who enter employment by the end of the first quarter after the program exit quarter. This cohort consists of learners who are unemployed and in the labor force at time of entry and who exit during the year.

"Enter post-secondary or training" means learners enrolling after exit in post-secondary educational or occupational skills program building on prior services or training received. This cohort consists of learners who earned a secondary credential at entry, or are enrolled in a class specifically designed for post-secondary or training who exit during the program year.

"Intake" means admittance and enrollment in an adult education and literacy program by an eligible provider.

"Professional staff" means all staff that is engaged in providing services which includes instruction and data entry for eligible adult education and literacy individuals.

"Retain employment" means learners who obtain a job and remain employed in the third quarter after program exit quarter. This cohort consists of learners who were not employed at time of entry; in labor force who enter employment by first quarter after exit quarter; and learners employed at entry who exit during program year.

"Receipt of a secondary credential" means learners who take all High School Equivalency Diploma tests, or are enrolled in adult high school at the high adult secondary education level.

This cohort consists of any of the above students who exit with or without completion during the program year.

"Volunteer staff" means all non-paid persons who perform services which includes individualized instruction and data entry for eligible adult education and literacy individuals.

281 – 23.2 (260C) State Planning.

23.2(1) *Basis.* A state plan for adult education shall be developed as required by federal legislation. Current federal rules and regulations shall be followed in developing the state plan.

23.2(2) *State planning.* Statewide planning shall be conducted in accordance with applicable federal legislation. The state board is authorized to prepare, amend, and administer the state plan in accordance with state and federal law. The state plan shall establish appropriate statewide strategies and goals for adult education and literacy programs.

23.2(3) *Funding allocation.* The department shall be responsible for the allocation and distribution of state and federal funds for adult basic education programs in accordance with this act and with the state plan. The state has the right under federal legislation to establish the funding formula and to issue a competitive bidding process.

281 – 23.3 (260C) Program Administration. The department through the Division of Community Colleges is hereby designated as the agency for administration of state and federally funded adult basic education programs and for supervision of the administration of adult basic education programs. The division shall be responsible for the allocation and distribution of state and federal funds to awarded eligible institutions for adult basic education programs through a grant application in accordance with this act and with the state plan.

23.3(1) *Eligible institutions.* Adult education and literacy programs may be operated by:

a. Entities accredited by the Higher Learning Commission and approved by the department; or

b. Eligible entities as defined by the Adult Education and Family Literacy Act, 20 U.S.C. Ch. 73 and subsequent legislation, and approved by the department.

23.3(2) *Program Components.* The eligible institution shall maintain the ability to provide the following adult education and literacy services as deemed appropriate by the community or needs of the students.

1. Adult basic education;

2. Programs for adults of limited English proficiency;

3. Adult secondary education, including programs leading to the achievement of a high school equivalency certificate and/or high school diploma;

4. Instructional services provided by qualified instructors as defined by section 23.6(1) to improve student proficiencies necessary to function effectively in adult life, including accessing further education, employment-related training, or employment;

5. Assessment and guidance services adhering to state's assessment policy; and

6. Programs and services stipulated by current and subsequent adult education legislation.

a. Institutions shall effectively use technology, services, and delivery systems, including distance education in a manner sufficient to increase the amount and quality of student learning and performance.

b. Institutions shall ensure a student acquires the skills needed to transition to and complete postsecondary education and training programs, and obtain and advance in employment leading to economic self-sufficiency.

23.3(3) *Local planning.* Adult education and literacy programs shall collaborate and enter into agreements with multiple partners in the community for the purpose of establishing a local plan. Such plans shall expand the services available to adult learners, align with the strategies and goals established by the state plan, and prevent duplication of services. An adult education and literacy program's agreement shall not be formalized until the local plan is approved by the department. A plan shall be approved provided the plan complies with the standards and criteria outlined under this chapter, federal adult education and family literacy legislation considerations, and the strategies and goals of the state plan as defined in the local plan application. Local plans may be approved by the state for single or multiple years.

23.3(4) *Federal funding.* Federal funds received by an adult education and literacy program must not be expended for any purpose other than authorized activities, in the manner prescribed by the authorizing federal legislation.

23.3(5) *State funding.* Moneys received from state funding sources for adult education and literacy programs shall be used in the manner described in the following subsections. All funds are to be used to expand services and improve the quality of adult education and literacy programs.

a. *Use of funds.* State funding shall be expended on:

1. Adult Education and Family Literacy Act, 20 U.S.C. Ch. 73 and subsequent adult education and literacy legislation allowable uses.

2. High school equivalency testing and associated costs.

b. *Restrictions.* In expending state funding, adult education and literacy programs shall adhere to the allowable use restrictions of the Adult Education and Family Literacy Act, 20

U.S.C. Ch. 73 and subsequent adult education legislation, except for administrative cost restrictions.

c. Reporting. All reporting for state moneys shall adhere to a summary of financial transactions related to the program's resources and expenses in a format prescribed by the department. Programs shall submit quarterly reports to the department on dates to be set by the department. A year-end report shall be submitted to the department no later than October 1.

23.3(6) *English as a Second Language.* In addition to meeting the requirements of sections 23.3(1) through 23.3(5), English as a Second Language programs shall adhere to the following provisions.

1. Application process. Annually submit an application to the department that identifies need, sets benchmark, and provides a plan for high quality instruction.

2. Distribution and allocation. The department and the community colleges shall jointly prescribe the distribution and allocation of funding, which shall be based on need for instruction in English as a second language in the region served by each community college. Need shall be based on census, survey, and local outreach efforts and results.

3. Midyear reporting. Programs offered under this provision shall include a narrative describing the progress and attainment of the benchmarks specified in the application described in section 23.3(6)(1). This report shall be provided to the department midway through the academic year.

281 – 23.4 (260C) *Career pathways.* Adult education and literacy programs may use state adult education and literacy education funding for activities related to the development and implementation of the basic skills component of a career pathways system.

a. Collaboration. Adult education and literacy programs shall coordinate with other available education, training, and social service resources in the community, such as by establishing strong links with elementary schools and secondary schools, postsecondary educational institutions, institutions of higher education, local workforce investment boards, one-stop centers, job training programs, and social service agencies, business industry, labor organizations, community-based organizations, nonprofit organizations, and intermediaries, for the development of career pathways.

b. Use of state funds. Only activities directly linked to adult education and literacy programs and instruction shall be funded with moneys received from state adult education and literacy funds. Consideration should be given to providing adult education and literacy activities concurrently with workforce preparation activities and workforce training for the purpose of educational and career advancement.

281 – 23.5 (260C) Student Eligibility. Persons seeking to enroll in an adult education and literacy program shall be at least sixteen years of age and not enrolled or required to be enrolled in a secondary school under Iowa Code chapter 299.1A, and meet one of the following eligibility requirements:

a. Lack sufficient mastery of basic educational skills to enable them to function effectively in society, having scored in at least one modality as Adult Secondary Education (Low) or lower;

b. Do not have a secondary school diploma or a recognized equivalent; or

c. Are unable to speak, read, or write the English language.

281 – 23.6(260C) Qualification of Staff. Adult literacy and education programs shall be in compliance with the requirements established under this section by July 1, 2015. The

requirements of this section apply to all staff hired after July 1, 2015. All staff hired prior to July 1, 2015 are exempt from this provision.

23.6(1) *Professional staff.* Professional staff providing instruction in an adult education and literacy course to students must possess at minimum a bachelor's degree.

23.6(2) *Volunteer staff.* Volunteer staff must possess at minimum a high school diploma or high school equivalency diploma.

281 – 23.7 (260C) High Quality Professional Development.

23.7(1) *Responsibility of program.* Adult education and literacy programs shall be responsible for providing and participating in professional development opportunities for professional and volunteer staff, including:

a. Proper procedures for the administration and reporting of data as defined by section 23.8;

b. The development and dissemination of instructional and programmatic practices based on the most rigorous and scientifically valid research available; and

c. Appropriate reading, writing, speaking, mathematics, English language acquisition, distance education, and staff training practices aligned with content standards for adult education.

23.7(2) *Professional development requirements.* Professional development shall include formal and informal means of assisting practitioners to:

a. Acquire knowledge, skills, approaches, and dispositions;

b. Explore new or advanced understandings of content, theory, and resources; and

c. Develop new insights into theory and its application to improve the effectiveness of their current practice and lead to professional growth.

23.7(3) *Professional development standards*. The department and entities providing adult education and literacy programs shall promote effective professional development and foster continuous instructional improvement. Professional development shall incorporate the following standards:

a. Strengthens practitioners' knowledge and application of content areas, instructional strategies, and assessment strategies based on research;

b. Prepares and/or supports practitioners in creating supportive environments that help adult learners reach realistic goals;

c. Uses data to drive professional development priorities, analyze effectiveness, and help sustain continuous improvement for programs and learners;

d. Uses a variety of strategies to guide program improvement and initiatives;

e. Enhances practitioners' abilities to evaluate and apply current research, theory, evidence-based practices, and professional wisdom;

f. Models and/or incorporates theories of adult learning and development;

g. Fosters program, community, and state level collaboration;

23.7(4) *Provision of professional development.* Adult education and literacy program staff shall participate in professional development activities that are related to the job duties and improve the quality of the program of which the staff is associated. All professional development activities shall be in accordance with the published Iowa Adult Education Professional Development Standards.

a. All professional staff shall receive at least 12 clock hours of professional development annually. Professional staff who possess a valid Iowa teacher certificate are exempt from this requirement.

b. All professional staff new to adult education shall receive six clock hours of pre-service professional development prior to, but no later than, one month after starting employment with an adult education program. Pre-service professional development may apply toward the professional development requirements of section 23.7(4)(a).

c. The requirements of subparagraph sections 23.7(4)(a) and 23.7(4)(b) apply to volunteer staff at a reduced amount of fifty percent.

23.7(5) *Individual Professional Development Plan.* Adult education and literacy programs shall develop and maintain a plan for hiring and developing quality professional staff that includes all of the following:

a. An implementation schedule for the plan.

b. Orientation for new staff.

c. Continuing professional development for staff.

d. Procedures for accurate recordkeeping and documentation for plan monitoring.

e. Specific activities that ensure professional staff attain and demonstrate instructional competencies and knowledge in related adult education and literacy fields.

f. Procedures for collection and maintenance of records demonstrating that each staff member has attained or documented progress toward attaining minimal competencies.

g. Provision that all professional staff will be included in the plan. The plan requirements may be differentiated for each type of employee.

(1) *Waiver.* The requirement for professional development may be reduced by local adult education and literacy program in individual cases where exceptional circumstances prevent staff from completing the required hours of professional development. Documentation shall be kept which justifies the granting of a waiver. Requests for exemption from staff qualification

requirements in individual cases shall be kept on record and made available to the department for review upon request.

(2) *Monitoring*. Records of staff qualifications and professional development shall be maintained by each adult education and literacy program for five years and shall be made available to department staff for monitoring upon request.

281 – 23.8 (260C) Performance and Accountability.

23.8(1) *Accountability System.* Adult education and literacy programs shall adhere to the standards established by the Adult Education and Family Literacy Act and subsequent adult education legislation for the use and administration of the accountability system. This will be a statewide system to include but not limited to reporting enrollment, progress indicators and core measures.

23.8(2) *Performance Indicators*

a. Compliance. Adult education and literacy programs shall adhere to the policies and procedures outlined in the State Assessment Policy to ensure uniform implementation. The policy includes the use of standardized assessments, scoring and reporting protocols, certifying test administrators and tracking test and attendance data by the tenth day of each month or the first Monday following the tenth day of the month should that day fall outside of standard business hours. All programs shall comply with data quality reviews and complete quality data checks as required to ensure federal compliance with reporting

b. Determination of progress. Upon administration of a standardized assessment, within the first 12 hours of attendance, adult education and literacy programs shall place eligible students at

an appropriate level of instruction. Progress assessments shall be administered after the recommended hours of instruction as published in the State Assessment Policy.

c. Core Measures. Federal and state adult education and literacy legislation has established the data required for reporting core measures to include but not limited to – percentage of participants in unsubsidized employment during the second and fourth quarter after exit; median earnings; percentage of participants who obtain a postsecondary credential or diploma during participation or within one year after exit; participants achieving measurable skill gains; and effectiveness in serving employers.

ITEM 3. This proposed chapter is intended to implement Iowa Code section 260C.