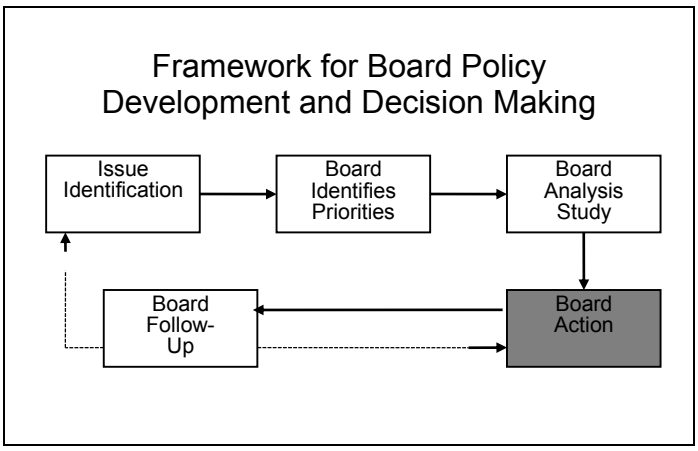
Attachment 2

Iowa State Board of Education

Executive Summary

November 19, 2014



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

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.

Presenter: None (consent agenda)

Attachments: 1

Recommendation: It is recommended that the State Board 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.

A public hearing was held on November 4, 2014. No one attended and no public comments were received.

EDUCATION DEPARTMENT [281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby rescinds Chapter 23, "Adult Education," and adopts new Chapter 23, "Adult Education and Literacy Programs," Iowa Administrative Code.

New Chapter 23 provides for statewide standards and guidance for adult education and literacy programs and defines the requirements for the qualifications of staff, professional development, and performance and accountability.

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

Notice of Intended Action was published in the October 15, 2014, Iowa Administrative Bulletin as **ARC 1672C**. Public comments were allowed until 4:30 p.m. on November 4, 2014. A public hearing was held on that date. No one attended the public hearing. No written comments regarding these rules were received. These rules are identical to those published under Notice of Intended Action.

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

These rules are intended to implement Iowa Code chapter 260C.

The following amendment is adopted.

Rescind 281—Chapter 23 and adopt the following **new** chapter in lieu thereof:

CHAPTER 23

ADULT EDUCATION AND LITERACY PROGRAMS

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 Iowa Code 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:

1. Aligns with the skill needs of industries in the state or regional economy;
2. Prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships;
3. Includes counseling to support an individual in achieving the individual's education and career goals;
4. 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;
5. 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
6. 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.

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

"Professional staff" means all staff that are engaged in providing services, including instruction and data entry, for individuals who are eligible for adult education and literacy programs.

"State assessment policy" means a federally approved policy which stipulates the use of a standardized assessment, scoring and reporting protocols, certification requirements for test administrators, and the protocol for tracking test and attendance data.

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

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 these rules 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 awarded to eligible institutions for adult basic education programs through a grant application in accordance with this chapter 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 federal workforce training and adult education legislation, and approved by the department.

23.3(2) *Program components.*

a. 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 or high school diploma;

(4) Instructional services provided by qualified instructors as defined in subrule 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 the state's assessment policy; and

(6) Programs and services stipulated by current and subsequent federal and state adult education legislation.

b. 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.

c. 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.*

a. 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.

b. 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 in this chapter, federal adult education and family literacy legislation, and the strategies and goals of the state plan as defined in

the local plan application.

c. 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 this subrule. All funds shall 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) Allowable uses pursuant to the Adult Education and Family Literacy Act, 20 U.S.C. Ch. 73, and subsequent federal workforce training and adult education legislation.

(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 federal workforce training and adult education legislation, except for administrative cost restrictions.

c. Reporting. All reporting for state funding shall adhere to a summary of financial transactions related to the adult education and literacy program's resources and expenses in a format prescribed by the department. Adult education and literacy 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

subrules 23.3(1) through 23.3(5), English as a second language programs shall adhere to the following provisions.

a. Application process. An English as a second language program shall annually submit an application to the department that identifies the need, sets benchmarks, and provides a plan for high-quality instruction.

b. 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.

c. Midyear reporting. English as a second language programs shall include a narrative describing the progress and attainment of the benchmarks specified in the application described in paragraph 23.3(6)*"a."* The 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.

23.4(1) *Collaboration.* Adult education and literacy programs shall coordinate with other available education, training, and social service resources in the community for the development of career pathways, 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, social service agencies, business and industry, labor organizations,

community-based organizations, nonprofit organizations, and intermediaries.

23.4(2) *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 shall 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. A person seeking to enroll in an adult education and literacy program shall be at least 16 years of age and not enrolled or required to be enrolled in a secondary school under Iowa Code section 299.1A and shall meet one of the following eligibility requirements:

1. Lacks sufficient mastery of basic educational skills to enable the person to function effectively in society, demonstrated by a score of Adult Secondary Education (Low) or lower in at least one modality;
2. Does not have a secondary school diploma or a recognized equivalent; or
3. Is unable to speak, read, or write the English language.

281—23.6(260C) Qualification of staff. Adult education and literacy programs shall be in compliance with the requirements established under this rule by July 1, 2015. The requirements of this rule apply to all staff hired after July 1, 2015. All staff hired prior to July 1, 2015, are exempt from this rule.

23.6(1) *Professional staff.* Professional staff providing instruction in an adult education and literacy program 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 professional development opportunities for professional and volunteer staff, including:

a. Proper procedures for the administration and reporting of data pursuant to rule 281—23.8(260C);

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 professional and volunteer staff 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 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 professional and volunteer staff knowledge and application of content areas, instructional strategies, and assessment strategies based on research;

b. Prepares and supports professional and volunteer staff 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 adult education and literacy programs and learners;

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

e. Enhances abilities of professional and volunteer staff to evaluate and apply current research, theory, evidence-based practices, and professional wisdom;

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

g. Fosters adult education and literacy 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 their job duties and improve the quality of the adult education and literacy program with 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 6 clock hours of preservice professional development prior to, but no later than, one month after starting employment with an adult education program. Preservice professional development may

apply toward the professional development requirements of paragraph 23.7(4)*"a."*

c. Volunteer staff shall receive 50 percent of the professional development required in paragraphs 23.7(4)*"a"* and 23.7(4)*"b."*

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 professional staff.

c. Continuing professional development for professional staff.

d. Procedures for accurate record keeping and documentation for plan monitoring.

e. Specific activities to ensure that 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.

23.7(6) *Waiver.* The requirement for professional development may be reduced by local adult education and literacy programs 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.

23.7(7) *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, 20 U.S.C. Ch. 73, and subsequent federal workforce training and adult education legislation in the use and administration of the accountability system. The accountability system will be a statewide system to include, but not be limited to, enrollment reports, 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. Data shall be submitted by the tenth day of each month or, should that day fall outside of standard business hours, the first Monday following the tenth day of the month. All adult education and literacy 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, including, but not limited to,

percentage of participants in unsubsidized employment during the second and fourth quarter after exit from the program; median earnings; percentage of participants who obtain a postsecondary credential or diploma during participation or within one year after exit from the program; participants achieving measurable skill gains; and effectiveness in serving employers.

These rules are intended to implement Iowa Code chapter 260C.