RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
Chapter 35: ADULT BASIC EDUCATION [AMENDED]

SUMMARY:
The proposed amendments in Chapter 35 include, updating the term “adult basic education” to “adult education and family literacy.” Other amendments correct the spelling of the “HiSet” test, fix punctuation and add clarification of the testing program.

PROPOSED ACTION BEING TAKEN:
The term “adult basic education” is being updated to “adult education and family literacy.” Spelling and punctuation is being corrected. Language for those interested in the testing program is being clarified.

CIRCUMSTANCES CREATING THE NEED FOR THE RULE:
The term “adult basic education” was not the correct term for state and federal law purposes. Spelling correction and clarification was needed for the public to better understand the process for the testing program.

AUTHORITY:
Oklahoma State Board of Career and Technology Education: 70 O.S. 2011, § 14-103 and § 14-104, as amended.

THE INTENDED EFFECT OF THE RULE:
The term “adult education and family literacy” will be the correct and consistent term to refer to the program and testing opportunities for Oklahomans. The public will find the amended language easier to use and navigate.

COMMENT PERIOD:
Written comments on the proposed rule(s) will be accepted from February 16, 2022 until 1:00 p.m. March 18, 2022. During the open public comment period, written comments in electronic form will be accepted via email sent to angela.jones@careertech.ok.gov. Written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under “Contact Person.”

PUBLIC HEARING:
A public hearing will be held at 10:00 a.m., Thursday, March 24, 2022, Oliver Hodge Building, Room 1-20, 2500 N. Lincoln Blvd, Oklahoma City, Oklahoma 73105. Persons wishing to speak must sign in at the door of the State Board meeting prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
N/A

COPIES OF PROPOSED RULES:
Copies will be on file for public viewing beginning February 16, 2022, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at https://oklahoma.gov/careertech/about/rules/proposed-amendments.html

RULE IMPACT STATEMENT:
A Rule Impact Statement will be prepared as required by law, and will be available beginning February 16, 2022, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at https://oklahoma.gov/careertech/about/rules/proposed-amendments.html

CONTACT PERSON:
Angela Jones, Assistant to the State Director, 405-743-5445, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398.
CHAPTER 35. ADULT BASIC EDUCATION ADULT EDUCATION AND FAMILY LITERACY

(a) Purpose. The rules of this subchapter have been adopted for the purpose of establishing standards, guidelines, allocation of funds, development of projects and applications, and the implementation of Adult Education and Family Literacy, Activities Corrections Education and other Education of Institutionalized Individuals, Correctional and Institutional Education, and Integrated English Literacy and Civics Education. These activities are designed to 1) assist adults to become literate and obtain the knowledge and skills necessary for employment and economic self-sufficiency, 2) assist adults who are parents or family members to obtain the education and skills that are necessary to becoming full partners in the educational development of their children, and lead to sustainable improvements in the economic opportunities for their family 3) assist adults in attaining high school equivalency diploma and in the transition to postsecondary education and training, including through career pathways, and 4) assist immigrants and other individuals who are English language learners in improving their reading, writing, speaking, and comprehension skills in English, mathematics skills, and acquiring an understanding of the American system of Government, individual freedom, and the responsibilities of citizenship.
(b) Definitions. The following words and terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise:
(1) "Act" means the Adult Education and Family Literacy Act, Title II of the Workforce Innovation and Opportunity Act (P.L. 113-118).
(2) "Adult education" means academic instruction and education services below the postsecondary level that increase an individual's ability to a) read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma, b) transition to postsecondary education and training, and c) obtain employment.
(3) "Adult education program" means a local education agency, postsecondary institution, community-based organization or faith-based organization, corrections education agency a volunteer literacy organization, a public or private nonprofit agency, a library, a public housing authority, a nonprofit institution, a consortium or coalition of agencies, institutions, libraries, or authorities described previously, or partnership between an employer and entities described previously who are responsible for locally administering the Adult Education and Family Literacy Act grant.
(4) "Eligible Individual" means an individual who 1) has attained is at least 16 years of age, 2) who is not currently enrolled or required to be enrolled in secondary school under state law, and 3) who is basic skills deficient, does not have a secondary school high school equivalency diploma or its recognized equivalent and has not achieved an equivalent level of instruction, or is an English language learner.
(5) "High School Equivalency" (HSE) means a high school equivalency credential (GED, HiSET). The Oklahoma Department of Career and Technology Education (ODCTE) is the appointed entity in the State of Oklahoma, responsible for oversight and regulation of the High School Equivalency (HSE) program for high school equivalency examinations for adult populations. Effective July 1, 2020, the HiSET HiSET and
GED High School Equivalency Examinations are authorized by the Oklahoma Department of Career and Technology Education to provide high school equivalency examinations that meet state requirements.

(6) "State educational agency" (SEA) means the Oklahoma Department of Career and Technology Education.

780:35-1-2. Adult basic education Education and Family Literacy
(a) Programs, services and activities funded in accordance with uses specified in this Act are designed to expand or improve the quality of adult education programs, including priority programs for eligible individuals.
(b) Adult education programs governed by the Act shall make every effort to provide free classes to students. Adult education programs may charge necessary and reasonable fees for consumable materials and work-based classes. Adult education programs that wish to implement fees must develop a fee policy that has been approved by the adult learning center's education program's local governing board. The fee policy must be reasonable and may not restrict access to services.
(c) The Act permits local adult education programs to generate income. The purpose of income is not to make a profit, but rather to expand services. Income and donations received must be reinvested in the adult education program. Any income must be accounted for in records and reported to the state Adult Education and Family Literacy Basic Education office for National Reporting System Financial Reports.
(d) Adult education programs governed by the Act must follow the state adult education Assessment Policy per federal guidelines.
(e) Adult education programs governed by the Act must follow the state adult education Student Goal Setting Policy per SEA.
(f) For each year covered by the plan, the fiscal effort per student from nonfederal sources available for expenditure by the state for adult education, during the second preceding fiscal year must not be less than the fiscal effort per student from nonfederal sources during the third preceding fiscal year in order to meet the maintenance of effort requirement.
(g) Teachers of adult education and family literacy activities located in the adult education programs learning centers funded by the state under the Act, shall have a valid Oklahoma Teacher's Certificate or a minimum of a Master’s degree. Directors of adult education located in the adult learning centers shall have a valid Oklahoma Teacher's Certificate or a minimum of a Master's degree. Prior to employing a Teacher or Director who does not meet the above criteria, the Adult Education Program must seek written approval from the SEA- ODCTE.
(h) For fiscal control, the obligation basis of accounting is used; expenditures will be supported by copies of paid claims and invoices and will be audited following accepted auditing procedures.
(i) Federal funds for adult education programs operating under a grant extension will be allocated according to, the funding formula described in Oklahoma's AEFLA State Plan.
(j) State funds for adult education programs operating under a grant extension will be allocated according to the funding formula described in Oklahoma's AEFLA State Plan.
(k) The SEA ODCTE and the adult education programs participating in the plan shall enterinto cooperative arrangements, when feasible and appropriate, with such entities as other state agencies, community-based organizations, community action agencies, career technology schools, churches, businesses, etc. in order to carry out the general purpose of the
Act.

(k) The adult education programs will expend 95% of the funding for adult education activities and 5% can be used for administrative costs. However, if the administrative cost limits would be insufficient for adequate planning and administration of the program, the SEA ODCTE may negotiate with the local grant recipient in order to determine an adequate level of funds to be used for noninstructional purposes. Negotiated administrative cost limits are indicated in the Adult Education and Family Literacy State Plan/State Plan Amendments.

(l) The SEA ODCTE will provide direct and equitable access to and will review grant proposal applications during an open grant competition. The adult education program will demonstrate that the thirteen considerations outlined in Section 231 of the Act are being met in order to be considered for a grant award. The adult education program must assure that the services are coordinated with and are not duplicated services under other Federal, State and local programs. The comments of the adult education program and responses thereto shall be attached to the application when it is forwarded to the state.

(m) Federal funds for new grantees shall be allocated on the basis of an application, budget, and census data, proposed number of students to be served. State funds will be matched on the ratio specified by the Act’s regulations in existence for the current fiscal program year.

(n) The SEA ODCTE will provide direct and equitable access to and will review grant proposal applications during an open grant competition. The adult education program will demonstrate that the thirteen considerations outlined in Section 231 of the Act are being met in order to be considered for a grant award. The adult education program must assure that the services are coordinated with and are not duplicated services under other Federal, State and local programs. The comments of the adult education program and responses thereto shall be attached to the application when it is forwarded to the state.

(o) The SEA ODCTE will evaluate grant recipients based on the SEA and federal requirements for program evaluation.

(p) Adult education programs will follow all requirements set forth in the SEA ODCTE Adult Education State Plan, State Plan Amendments, and ODCTE handbook.

(q) Adult education programs will meet the state performance measures of pre- and post-assessing 60% of their students and increasing the average number of student contact hours each fiscal year.

(r) Adult education programs will use an approved management information system to document student enrollment, goals, attendance, measurable skill gains, and other information as required by the National Reporting System (NRS). At a minimum, programs will update data at minimum monthly.

780:35-1-3. High School Equivalency (HSE) testing program

(a) The Adult Basic Education Division Federal Programs Division, Adult Education and Family Literacy staff of the Oklahoma Department of Career and Technology Education has a responsibility for directing the HSE Testing Program in Oklahoma and for issuing high school equivalency diplomas to those who successfully complete the HSE tests.

(b) Any individual having attained the age of 16, but who are not yet 18, who is 16 or 17 years of age, may be permitted to take the HSE tests provided the individual submits along with the HSE 16 and 17 Age Waiver Form, test application a notarized joint written agreement. This waiver agreement must be signed by between the school administrator of the school district in which the individual resides or the district that the student last attended and the parent, guardian, or custodian, stating that it has been determined that such action is in the best interest of the child and community.

(c) The HSE tests shall be administered by one of the local HSE Testing Centers in Oklahoma.

(d) Individuals interested in taking the HSE test should register online with the HSE testing company. To become eligible to take the HSE tests, an application must be made to the Adult Basic Education Division of the Oklahoma Department of Career and Technology Education.
online or through a HSE Testing Company. A fee will be charged by the testing company when
the registration is made.
(e) To obtain a high school equivalency diploma, an individual shall make obtain the minimum
score required for passing the HSE tests, as established by the HSE Testing Company.