



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education TITLE-SERIES: 126-057

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Adult Education Programs (Policy 2420)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 12/17/2018 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Mendy Marshall, Executive Director

ADDRESS: WVDE Office of Adult Education, Capitol Building 6, Room 243
1900 Kanawha Blvd., E., Charleston, WV 25305

EMAIL: mamarsha@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Adult education programs provide instruction in foundational skills related to employment, family, educational, civic, and personal goals.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Policy 2420 is being amended as two sections of this policy (Adult Vocational Technical Programs and Funding Source) are being incorporated into W. Va. 126CSR44M, West Virginia Board of Education Policy 2520.13, West Virginia College- and Career-Readiness Programs of Study/Standards for Career Technical Education.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

No costs or revenue will be impacted by the proposed amendment of W. Va. 126CSR57, Policy 2420, Adult Education Programs.

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

No costs or revenue will be impacted by the proposed amendment of W. Va. 126CSR57, Policy 2420, Adult Education Programs.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2018 Increase/Decrease (use "-")	2019 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

No costs or revenue will be impacted by the proposed amendment of W. Va. 126CSR57, Policy 2420, Adult Education Programs.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

William C Burch -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**Policy 2420, Adult Education Programs
List of Stakeholders**

West Virginia Department of Education

Internal Stakeholders

- Dr. Kathy D'Antoni, Associate Superintendent, Division of Technical Education & Governor's Economic Initiatives
- Dr. Sherri Nash, Executive Director, Office of Career Technical Education
- Mendy Marshall, Executive Director, Office of Adult Education
- Clinton Burch, Executive Director, Office of Governor's Economic Initiatives
- Adam Canter, Assistant Director, Office of Governor's Economic Initiatives
- Tara Combs, Coordinator, Office of Governor's Economic Initiatives
- Angie Gardner, Program Lead, Office of Governor's Economic Initiatives
- Alyssa Keedy, Coordinator, Office of Governor's Economic Initiatives

TITLE 126
PROCEDURAL RULE
BOARD OF EDUCATION

SERIES 57

~~GUIDELINES FOR COMPLIANCE WITH ADULT EDUCATION PROGRAMS AND COMPUTATION FOR ADULTS ENROLLED UNDER THE SCHOOL AID FORMULA, ADULTS IN NET ENROLLMENT (2420)~~

§126-57-1. General.

1.1. Scope. -- Today's world demands a well-educated workforce, technically literate and poised for change. Family literacy should be re-enforced as a goal of our society. Learning must become a life-long goal and part of our ~~every day~~ everyday life. Therefore, the West Virginia Board of Education (WVBE) and county boards of education have a shared responsibility to offer adult education programs in cooperation with employers, community groups and community colleges.

1.2. Authority. -- West Virginia Constitution, Article XII, Section 2; W. Va. Code §18-9A-2.

1.3. Filing Date. -- ~~February 20, 1998.~~

1.4. Effective Date. -- ~~March 22, 1998.~~

1.5. Repeal of Former Rule. -- This rule amends W. Va. 126CSR57, WVBE Policy 2420, Guidelines for Compliance with Adult Education Programs and Computation for Adults Enrolled Under the School and Formula, Adults in Net Enrollment, filed February 20, 1998 and effective March 22, 1998.

~~**§126-57-2. Adult Vocational Technical Programs.**~~

~~2.1. All adults who enter technical centers should be assessed. Persons enrolled in technical education, not possessing a high school diploma or a General Education Development (GED) diploma, must successfully complete the GED test or the External Diploma Program before the technical education center may confer a certificate.~~

~~2.1.1. The intake process for adults should include full disclosure of:~~

~~a. exact course title~~

~~b. number of hours of instruction to be provided~~

~~c. main learning goals and objectives~~

~~d. national certification to be earned with disclosure of any waiting periods or work requirements to sit for the exam~~

~~e. articulation available~~

~~2.1.2. New adult vocational technical education classes of 400 hours or more must be submitted to the Division of Technical and Adult Education Services for approval, regardless of funding source.~~

~~2.1.3. New one-year certificate vocational technical programs must be approved by the Division of Technical and Adult Education Services and the West Virginia Joint Commission for Vocational Technical Occupational Education.~~

~~2.2. Adult training programs should be offered in viable occupational areas.~~

~~2.3. Local county personnel should work closely with area employers to provide quality training and retraining programs for employees.~~

~~2.4. Technical education centers are encouraged to include one-year certificates in Community College articulation agreements.~~

~~2.5. Class schedules and offerings should be designed to meet customer needs.~~

~~2.6. Counties should include adults in secondary technical programs when daytime schedules and enrollments permit.~~

~~2.7. Vocational technical education facilities staff should actively recruit adults, especially from targeted groups such as veterans, economically disadvantaged and single parents.~~

~~2.8. Vocational technical education facilities should participate in financial aid programs.~~

~~2.9. Vocational technical education facilities should offer assessment, remediation, counseling and placement services as components of adult programs.~~

~~§126-57-3. Funding Sources.~~

~~3.1. The West Virginia Board of Education will fund adult programs up to levels of funding available from State and Federal sources.~~

~~3.2. Schools will be assured of tuition and fees being paid if students receive financial assistance.~~

~~3.3. Tuition that is received for classes will be used to start new classes and maintain currently established classes. Any funds accruing from such tuition shall be credited to adult education in the current expense fund of the county board of education and reported each year as of June thirtieth in the manner required for other financial reports of the board. @ W. Va. Code §18-5-19b.~~

~~3.4. As described in, W.Va. Code '18-9A-2, counties will receive funding through school state aid formula monies for adults enrolled in secondary vocational programs.~~

~~3.4.1. All West Virginia adults qualify for technical training except under the following circumstances:~~

~~a. Adults enrolled in other federal/state training programs and/or financial aid programs, such as Job Training Partnership Act (JTPA), Migratory Education, Pell Grant, etc.~~

~~b. Adults who obtain financial assistance from any federal or state financial aid program, while~~

~~enrolled under the school aid formula through W.Va. Code '18-9A-2, immediately become ineligible under the school aid formula and are responsible for full payment of tuition and fees.~~

§126-57-42. Adult Basic Education (ABE): Essential Elements.

~~4.1.2.1.~~ Adult Basic Education (ABE) programs will provide instruction in foundational skills related to employment, family, educational, civic and personal goals.

~~4.2.2.2.~~ Each ABE program will develop a planning document that specifies program goals and objectives and is regularly reviewed and revised.

~~4.3.2.3.~~ Each ABE program will develop and utilize a needs assessment system to determine the type of course offerings, preferred locations, and class scheduling most appropriate to meet the needs of the community.

~~4.4.2.4.~~ ABE programs will develop a system for obtaining continual community input and coordination to ensure that services are relevant, to avoid duplication of effort and to create a smooth transition of services for the adult learner.

~~4.5.2.5.~~ ABE programs will target student recruitment activities toward adults most in need of educational and life skill services.

~~4.6.2.6.~~ Curriculum and instruction will be geared to a variety of student learning styles and levels of student needs.

~~4.7.2.7.~~ Emphasis will be placed on the use of technology as an instructional tool and a learning skill for participant use.

~~4.8.2.8.~~ Adults with special learning needs will be identified and provided with appropriate accommodations for learning.

~~4.9.2.9.~~ Community support services will be identified and utilized to meet the adult learner's needs.

~~4.10.2.10.~~ ABE classes will be located in facilities that are safe, handicapped-accessible and conducive to learning.

~~4.11.2.11.~~ Adult learners will be assisted to improve in foundational skills that: (1) support their educational needs; (2) enhance existing strengths; (3) enable them to function more effectively in their roles as worker, parent and citizen; and (4) prepare them for further education or training.

~~4.12.2.12.~~ A data collection system will be utilized to document and record participant achievement.

~~4.13.2.13.~~ ABE program instructors will participate in an ongoing process for professional development that considers the specific needs of its staff and adult learners.

~~4.14.2.14.~~ A continuous improvement process will be executed to ensure that all services are of the highest quality and meet standards of accountability.

§126-57-3. Severability.

3.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

**Policy 2420, Adult Education Programs
Comment Response Form**

Comment Period Ends: December 17, 2018

NOTICE: *Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.*

The following form is provided to assist those who choose to comment on **Policy 2420, Adult Education Programs**. Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

- | | | |
|---|--|---|
| <input type="checkbox"/> Superintendent | <input type="checkbox"/> Higher Educator | <input type="checkbox"/> Parent/Family |
| <input type="checkbox"/> Principal | <input type="checkbox"/> Teacher | <input type="checkbox"/> Community Member |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Other |

COMMENTS/SUGGESTIONS
§126-57-1. General.
§126-57-2. Adult Education (AE): Essential Elements.
§126-57-3. Severability.

Please direct all comments to:

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West Virginia Department of Education
Capitol Building 6, Room 243
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
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