



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: 05/13/2019 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: WVDE Office of Adult Education
ADDRESS: Capitol Bldg. 6, Room 825, 1900 Kanawha Blvd., East
Charleston, West Virginia 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:

Policy 2420 provides updated guidance for the operation of adult education programs due to reauthorization of federal law.

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

Policy 2420 expands the purpose of adult education to prepare individuals with skills and knowledge needed to succeed in postsecondary education and the workforce; reinforces support to prepare adults who are English language learners for, and place them in, unsubsidized employment in in-demand industries and occupations that lead to economic self-sufficiency; and to integrate with the local workforce; and, ensures that resources support activities to better prepare adult students for postsecondary and career success.

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		
	2019 Increase/Decrease (use "-")	2020 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

External Stakeholders

- Mandated WIOA Partners
 - WorkForce West Virginia
 - Russell Fry, Acting Director
 - Charleston WV

- West Virginia Division of Rehabilitative Services
 - Marijane Waldron, Director
 - Charleston WV

Internal Stakeholders

- West Virginia Department of Education
 - Dr. Kathy D'Antoni, Associate State Superintendent
 - Mendy Marshall, Executive Director, Office of Adult Education
 - Sandra Adkins, Coordinator, Office of Adult Education
 - Cynthia Sundstrom, Coordinator, Office of Adult Education
 - Edward Hicks, Coordinator, Office of Adult Education

126CSR57

TITLE 126
PROCEDURAL RULE
BOARD OF EDUCATION

SERIES 57
ADULT EDUCATION PROGRAMS (2420)

§126-57-1. General.

1.1. This rule implements the federal Workforce Innovation and Opportunity Act (WIOA) and sets forth the processes by which partnerships are created among the federal government, states, and localities to provide, on a voluntary basis, adult education and literacy activities.

1.2. Authority. -- W. Va. Constitution, Article XII, §2, W. Va. Code §18-5-19b, and WIOA Public Law 113-128 (29 U.S.C. Sec. 3101, et seq.).

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal of Former Rule. -- This rule repeals and replaces W. Va. 126CSR57, Policy 2420, Adult Education Programs, filed January 11, 2019, and effective February 11, 2019.

§126-57-2. Individual Eligibility.

2.1. To be eligible for enrollment in an adult education program, an individual:

2.1.a. must have attained 16 years of age;

2.1.b. must not be enrolled in a secondary school;

2.1.c. must be basic skills deficient;

2.1.d. must not have a secondary school diploma or its recognized equivalent or have achieved an equivalent level of education; or

2.1.e. must be an English language learner.

§126-57-3. Eligible Provider.

3.1. To be an eligible provider of adult education programs, a provider must be an organization that has demonstrated effectiveness in providing adult education and literacy activities. This organization may include a county school system, community-based or faith-based organization, volunteer literacy organization, an institution of higher education, public or private nonprofit agency, library, public housing authority, nonprofit institution not previously described, consortium or coalition of agencies previously described, or a partnership between an employer and an entity previously described.

§126-57-4. Programs and Services.

4.1. Program providers shall consider and be responsive to the needs of:

4.1.a. individuals in the community or region who are identified as most in need of adult education and literacy activities, including individuals who have low levels of literacy skills or who are English language learners; and

4.1.b. eligible individuals with disabilities, including eligible individuals with learning disabilities.

4.2. In selecting providers to deliver programs and services, these criteria shall be used:

4.2.a. past effectiveness of the provider in improving the literacy of eligible individuals to meet state-adjusted levels of performance for primary indicators of performance, especially with respect to eligible individuals who have low levels of literacy;

4.2.b. alignment between proposed activities and services and the strategy and goals of the WIOA State Plan for West Virginia, as well as activities and services of the local comprehensive workforce center;

4.2.c. program intensity, quality, and research-based to ensure that participants achieve substantial learning gains in literacy;

4.2.d. program activities that include reading, writing, speaking, mathematics, and English language acquisition instruction delivered are based on the best practices derived from the most rigorous research available and appropriate, including scientifically valid research and effective educational practice;

4.2.e. program services and activities that effectively use technology and delivery systems, including distance education in a manner sufficient to increase the amount and quality of learning and how such technology, services, and systems lead to improved performance;

4.2.f. program activities that provide learning in context, including integrated education and training, so that an individual acquires the skills needed to transition to and complete postsecondary education and training programs, to obtain and advance in employment leading to self-sufficiency, and to exercise the rights and responsibilities of citizenship;

4.2.g. program activities delivered by well-trained instructors, counselors, and administrators who meet minimum qualifications established by the state, and who have access to high quality professional development, including through electronic means;

4.2.h. program activities that 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, comprehensive workforce centers, job training programs, social service agencies, business and industry, labor organizations, community-based organizations, nonprofit organizations, and intermediaries for the development of career pathways. Mandatory partners include West Virginia Department of Education (WVDE) Office of Adult Education, WorkForce West Virginia, and the West Virginia Division of Rehabilitation Services;

4.2.i. program activities that offer flexible schedules and coordination with federal, state, and local support services (such as child care, transportation, mental health services, and career planning) that are necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs;

4.2.j. existence and maintenance of a high-quality information management system that has the capacity to report measurable participant outcomes and to monitor program performance; and

4.2.k. program location in an area that has a demonstrated need for additional English language acquisition and civics education programs.

§126-57-5. Adult Education and Literacy Activities.

5.1. Eligible provider program services and activities may include adult education, literacy, workplace adult education and literacy activities, family literacy activities, English language acquisition activities, integrated English literacy and civics education, workforce preparation activities and integrated education and training that provide adult education and literacy activities. These services and activities may be provided concurrently and contextually with workforce preparation activities and workforce training for specific occupations and are for the purpose of educational and career advancement as outlined in the Adult Education Instructor Handbook, located on the WVDE website.

§126-57-6. Severability.

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

**W. Va. 126CSR57, Policy 2420, Adult Education Programs
Comment Response Form**

Comment Period Ends: May 13, 2019

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. Individual Eligibility.
§126-57-3. Eligible Provider.
§126-57-4. Programs and Services.
§126-57-5. Adult Education and Literacy Activities.
§126-57-6. Severability.

**W. Va. 126CSR57, Policy 2420, Adult Education Programs
Comment Response Form**

Please direct all comments to:

Mendy Marshall, Executive Director
Office of Adult Education
West Virginia Department of Education
Capitol Building 6, Room 825
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: mamarsha@k12.wv.us
Fax No.: 304.558.1055