



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

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)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

July 15, 2019

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.

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. -- June 13, 2019.

1.4. Effective Date. -- July 15, 2019.

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.