

Red Tape Review Rule Report (Due: September 1, 2023)

Department Name:	Education	Date:	7/27/2023	Total Rule Count:	8
IAC #:	281	Chapter/ SubChapter/ Rule(s):	23	Iowa Code Section Authorizing Rule:	260C.15 (amended by SF 514)
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Note: This rule chapter has been transferred to Iowa Workforce Development under Senate File 514. The Department of Education has completed this Red Tape Review, as required by Executive Order 10. Iowa Workforce Development may have a different approach or make different proposals as it administers this rule chapter. The Department of Education will provide any necessary technical assistance during this transition.

What is the intended benefit of the rule?

This rule is intended to benefit lowans who qualify for adult education and literacy services, as well as the organizations that serve them.

Is the benefit being achieved? Please provide evidence.

Yes. In the 2022-2023 reporting period, 6,779 lowans were served under this chapter.

What are the costs incurred by the public to comply with the rule?

There are data reporting, assessment, and recordkeeping costs associated with this rule; however, state and federal funds may be used to attain compliance.

What are the costs to the agency or any other agency to implement/enforce the rule?

The Department defrayed the costs of administering this rule with federal funds and with a state appropriation.

Do the costs justify the benefits achieved? Please explain.

Yes. This rule implements federal requirements and helps ensure state and federal funds are wisely spent to support eligible lowans.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

Iowa Code requires rules. The Department of Education proposes removing language that duplicates state and federal statutes, that is obsolete, and that is unnecessarily restrictive.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

Yes. This language has been removed from all eight rules.

RULES PROPOSED FOR REPEAL (list rule number[s]):

None noted.

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

See attached.

METRICS

Total number of rules repealed:	0
Proposed word count reduction after repeal and/or re-promulgation	406
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	71

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

None noted.

Proposed new Chapter 281—23 (to be codified at Chapter 877—32(260C))

CHAPTER 23 ADULT EDUCATION AND LITERACY PROGRAMS

281—23.1(260C) Definitions.

“Act” is the Adult Education and Family Literacy Act, 29 U.S.C. sections 3101 et seq.

“Adult education and literacy program” means the same as Iowa Code section 84A.19, as enacted by 2023 Iowa Acts, Senate Filed 514, as well as other activities specified in the Act.

“Career pathways” means the same as defined in 29 U.S.C. section 3102, subsection 7, with the exception of item (F).

“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 workforce development.

“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. The department will develop a state plan according to the terms of the Act, which will establish appropriate statewide strategies and goals for adult education and literacy programs. The department is 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, including establishing the funding formula and issuing a competitive bidding process.

281—23.3(260C) Program administration. The department is 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 department is 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 entities accredited by the Higher Learning Commission and approved by the department or by an entity that meets the definition of “eligible provider” under 29 U.S.C. section 3272.

23.3(2) Program components.

a. The eligible institution will 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 who are English learners;
- (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 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 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 are to collaborate and enter into agreements with multiple partners in the community for the purpose of establishing a local plan. Such plans are to 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 will not be formalized until the local plan is approved by the department. A plan will be approved if 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 is not to be expended for any purpose other than authorized activities pursuant to the Act.

23.3(5) State funding. Moneys received from state funding sources for adult education and literacy programs are to be used in the manner described in this subrule. All funds are to be used to expand services and improve the quality of adult education and literacy programs.

a. *Use of funds.* State funding may only be expended on:

(1) Allowable uses pursuant to the Act.

(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 provisions of the Act, except for administrative cost provisions.

c. *Reporting.* All reporting for state funding will 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 will submit quarterly reports to the department on dates to be set by the department. A year-end report will be submitted to the department no later than October 1.

23.3(6) English as a second language. In addition to meeting subrules 23.3(1) through 23.3(5), English as a second language programs are to adhere to the following provisions.

a. *Application process.* An English as a second language program will 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 will jointly prescribe the distribution and allocation of funding, based on need for instruction in English as a second language in the region served by each community college, as measured by census data, survey data, and local outreach efforts and results.

c. *Midyear reporting.* English as a second language programs will include a narrative describing the progress and attainment of the benchmarks specified in the application described in paragraph 23.3(6) "a." The report is to 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 are to 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 will 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 is eligible if the person meets the criteria in 29 U.S.C. section 3272(4).

281—23.6(260C) Qualification of staff. This rule applies 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 possess at minimum a bachelor's degree.

23.6(2) Volunteer staff. Volunteer staff 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 are responsible for providing professional development opportunities for professional and volunteer staff pursuant to this rule, 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. Professional development is to 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 are to promote effective professional development and foster continuous instructional improvement. Professional development are to 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 are to 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 will be in accordance with the published Iowa Adult Education Professional Development Standards.

a. All professional staff are to receive at least 12 clock hours of professional development annually. Professional staff who possess a valid Iowa teacher certificate are exempt from this paragraph.

b. All professional staff new to adult education are to 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 in paragraph 23.7(4) "a."

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

23.7(5) Individual professional development plan. Adult education and literacy programs are to 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 may be differentiated for each type of employee.

23.7(6) Waiver. The time for professional development may be reduced by local adult education and literacy programs in individual cases where exceptional circumstances prevent staff from completing the specified hours of professional development.

Documentation is to be kept which justifies the granting of a waiver. Requests for exemption from staff qualification requirements in individual cases will be kept on record and available to the department for review upon request.

23.7(7) Monitoring. Each program will maintain records of staff qualifications and professional development for five years, which will be 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 Act in the use and administration of the accountability system, as well as this rule. The accountability system will be a statewide system to include enrollment reports, progress indicators and core measures.

23.8(2) Performance indicators.

a. Compliance. Adult education and literacy programs will adhere to the policies and procedures outlined in the state assessment policy. Data will 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 will comply with data quality reviews and complete quality data checks 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 will place eligible students at an appropriate level of instruction. Progress assessments will 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 data for reporting core measures, including 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.