

RULE IMPACT STATEMENT

1. A brief description of the purpose of the proposed rule,

To update rules since the ODCTE assumed the responsibility for the program from the Oklahoma State Department of Education (SDE) in July 2014 and passage of Oklahoma HB 1687.

2. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the agency from any private or public entities,

Persons most affected by these rule changes will be those ABE Centers that provide High School Equivalency (HSE) education and assessment and those individuals who are enrolled in those centers that are attempting to pass the HSE Assessment.

3. A description of the classes of persons who will benefit from the proposed rule,

Persons who will benefit by these rule changes will be those ABE Centers that provide High School Equivalency (HSE) education and assessment and those individuals who are enrolled in those centers that are attempting to pass the HSE Assessment.

4. A description of the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change,

Rule changes will have little to no economic impact on the ABE Centers and the clients served in those centers.

5. The probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency,

The proposed rule changes will have no additional costs to the agency and will not provide any additional income to the agency. Present budget and staffing will allow for the enforcement of the proposed rule. No affect on state revenue.

- 6. A determination of whether implementation of the proposed rule will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule,**

No political impact

- 7. A determination of whether implementation of the proposed rule may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act,**

No adverse economic impact on small business

- 8. An explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule,**

No additional employees or increase in budget will be required to implement these proposed rule changes.

- 9. A determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk,**

No risk to public health

- 10. A determination of any detrimental effect of the public health, safety and environment if the proposed rule is not implemented, and**

No detrimental effect on public health if the rule is not implemented

- 11. The date the rule impact statement was prepared and if modified, the date modified.**

January 12, 2016

**TITLE 780: OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY
EDUCATION**

CHAPTER 35. LIFELONG LEARNING

780:35-1-1. General Provisions

(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 Literacy, Workplace Literacy, English Literacy, and Integrated English Literacy/Civics. These projects provide educational programs to educationally disadvantaged adults and community needs.

(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 Investment Act of 1998 (P.L. 105-330).~~ Under the Workforce Innovation and Opportunity Act (WIOA).

(2) **“Adult”** means an individual who has attained 16 years of age or who is beyond the age of compulsory school attendance under State law who is not enrolled in secondary school; who lacks sufficient mastery of basic educational skills to enable him/her to function effectively in society or who does not have a secondary school diploma or its recognized equivalent and who has not achieved an equivalent level of education; and whose lack of mastery of basic skills results in an inability to speak, read, or write the English language.

(3) **“Adult education”** means services or instruction below the college level for educationally disadvantaged adults.

(4) **“Adult education program”** means a local education agency, postsecondary institution, community-based organization, corrections education agency or faith-based organization responsible for locally administering the Adult Education and Family Literacy Act grant.

(5) **“Community-based organization” (CBO)** means a private nonprofit organization which is representative of a community or significant segments of a community and which provides education, vocational education or rehabilitation, job training, or internship services and programs and includes neighborhood groups and organizations, community action agencies, community development corporations, union related organizations, employer-related organizations, tribal governments, and organizations serving Native Alaskans and Indians. The term ‘private industry council’ means the private industry council established under section 102 of the Job Training Partnership Act.

(6) **“Cooperative”** means that the board of education of two or more school districts may enter into cooperative agreements and maintain joint programs including but not limited to, courses of instruction for handicapped children, courses of instruction in music and other subjects, practical instruction for trades and vocations, practical instruction in driver training courses, and health programs including visual care by persons legally licensed for such purpose, without

favoritism as to either profession.

(7) **“Disadvantaged Adult”** means an adult who demonstrates basic skills equivalent to or below that of students at the fifth grade level.

(8) **“~~General Educational Development~~ (GED) High School Equivalency” (HSE)** means a high school equivalency credential (GED, HiSet, TASC). The Oklahoma Department of Career and Technology Education 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, 2015 the HISET, GED and TASC, 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.

(9) **“Local educational agency” (LEA)** means a public board of education or other public authority legally constituted within elementary or secondary schools in a city, county, township, school district, or other political subdivision of a state, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, except that, if there is a separate board of other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority.

(10) **“State educational agency” (SEA)** means the ~~Oklahoma State Department of Education~~ Oklahoma Department of Career and Technology Education.

780:35-1-2. Adult basic education

(a) Programs, services and activities funded in accordance with uses specified in sections 203 and 231 of the Act are designed to expand or improve the quality of adult education programs, including priority programs for educationally disadvantaged adults (including first those adults with less than a 5th-grade achievement level, and second, those adults with a 6th-8th grade achievement level), adults with limited English speaking ability, adults with disabilities, institutionalized adults and ~~GED~~ High School Equivalency preparation.

(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 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 Lifelong Learning 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) 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.

- (f) Teachers of adult education located in the adult learning centers funded by the state under the Act, shall have a valid Oklahoma Teacher's Certificate. Directors of adult education located in the adult learning centers shall have a valid Oklahoma Teacher's Certificate or a graduate degree.
- (g) 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.
- (h) Federal funds for adult education programs operating under a grant extension will be allocated according to local program data, program performance, and participation in state and national initiatives. Seventy percent of federal funds will be allocated according to the number of students with a pre-assessment and 12 hours of instruction as reported in National Reporting System (NRS) data. Twenty percent of federal funds will be allocated according to whether federal and state indicators of performance were met. Ten percent of funds will be allocated for participation in state and national initiatives. Allocations for the current fiscal year will be based on National Reporting System data from the second preceding fiscal year.
- (i) State funds for adult education programs operating under a grant extension will be allocated according to program data. Fifty percent of state funds will be divided evenly among all programs to establish a funding base. The remaining fifty percent of state funds will be allocated according to the number of students enrolled. Allocations for the current fiscal year will be based on National Reporting System data from the second preceding fiscal year.
- (j) The State Education Agency (SEA) and the adult education programs participating in the plan shall enter into 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% will be used for administrative costs, however if the administrative cost limits would be insufficient for adequate planning and administration of the program, the state agency may negotiate with the local grant recipient in order to determine an adequate level of funds to be used for non-instructional purposes. Negotiated administrative cost limits are indicated in the Adult Education and Literacy State Plan/State Plan Amendments.
- (l) The SEA 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 twelve 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 duplicative 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 proposed number of students to be served. State funds will be matched on the ratio specified by the Adult Education Act regulations in existence for the current fiscal program year.
- (n) The SEA will evaluate grant recipients based on the federal requirements for program evaluation.
- (o) Adult education programs will follow all requirements set forth in the SEA Adult Education State Plan and State Plan Amendments.

- (p) Adult education programs will meet the state performance measures of pre-/post-assessing 60% of their students and increasing the average number of student contact hours each fiscal year.
- (q) Adult education programs will use an SEA-approved management information system to document student enrollment, goals, attendance, educational gains, and other information as required by the National Reporting System (NRS). Programs will update data monthly.

780:35-1-3. General educational development (GED) High School Equivalency (HSE) testing program

- (a) ~~The Lifelong Learning Section Division of the State Department of Education Oklahoma Department of Career and Technology Education~~ has responsibility for directing the ~~GED HSE~~ Testing Program in Oklahoma and for issuing high school diplomas to those who successfully complete the ~~GED HSE~~ Tests.
- (b) An applicant shall be 18 years of age or older, except beginning August 1, 1995, persons having attained the age of 16, but who are not yet 18, must be permitted to take the ~~GED HSE~~ Tests provided the applicant meets the residency requirements and submits along with the application to take the ~~GED HSE~~ Tests, a notarized joint written agreement between the school administrator of the school district in which the applicant resides, 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) An applicant shall be a resident of the State of Oklahoma.
- (d) The ~~GED HSE~~ Tests shall be administered by one of the many local ~~GED HSE~~ Testing Centers in Oklahoma approved by the ~~GED HSE~~ Testing Service, Washington, D.C.
- (e) To become eligible to take the ~~GED HSE~~ Tests, an application must be made to the Lifelong Learning ~~Section Division of the State Department of Education Oklahoma Department of Career and Technology Education~~ online or through an approved local ~~GED HSE~~ Testing Center. A fee will be charged by the local testing center at the time the tests are taken.
- (f) The ~~State Department of Education Oklahoma Department of Career and Technology Education~~ will contract with an independent scoring service approved by the ~~GED HSE~~ Testing Service for the scoring of ~~GED HSE~~ Tests. The local ~~GED HSE~~ Testing Centers shall send the test answer sheets to the contracted scoring service for scoring.
- (g) An applicant shall make the minimum score required for passing the ~~GED HSE~~ Tests, as established by the ~~GED HSE~~ Testing Service.
- (h) ~~A high school diploma shall be awarded by the State Department of Education to those who make a passing score on the GED Tests. This credential certifies that the holder has shown evidence of general educational development equivalent to a high school education, as revealed by scores made on the GED Tests.~~
- ~~(i) The Lifelong Learning Section Division will collect a \$10 fee for processing the initial application for GED HSE Testing and the original GED HSE Diploma. This fee is in addition to the fees required by the GED HSE Testing Service for first time test takers and the scoring fee. Payment will be in the form of a school or institution check.~~
- ~~(j) The Lifelong Learning Section Division will collect a fee of \$5 to score and process the writing test; a fee of \$5 to score and process one or more of the science, social studies, reading, or math tests; and a fee of \$10 to score and process a combination of the writing test plus one or more of the other four tests.~~

~~(k) — The Lifelong Learning Section Division will require a fee of \$20 for a duplicate GED Diploma with transcript and a fee of \$10 for an official GED HSE transcript.~~

~~(h) Only scores from the 2002 GED HSE Tests will count toward earning a GED HSE Diploma from January 1, 2002, forward.~~

~~(m) — The Lifelong Learning Section will collect a \$25 fee from the local GED Testing Center for processing a form repeat error. The local GED Testing Center may not collect this fee from the test taker for whom the error occurred since this is an administrative error.~~

~~(n) — Beginning September 1, 2012, GED Testing Centers in Oklahoma may begin offering a computer based GED test.~~

~~(o) — The Lifelong Learning Section will collect a four dollar (\$4) administration fee for each computer based delivered content area test. This fee is in addition to the computer based delivery fee for each content area test required by the GED Testing Service.~~

~~(p) — By January 1, 2014, every GED HSE Testing Center in Oklahoma shall have fully implemented a computer based testing program.~~

NOTICE OF RULEMAKING INTENT

1. In simple language, a brief summary of the rule;

These rules help support the operation of the Oklahoma Adult Basic Education Program (ABE) that is administered by the Oklahoma Department of Career and Technology Education (ODCTE)

2. The proposed action being taken;

The rules have not been analyzed and updated since the ODCTE assumed the responsibility for the program from the Oklahoma State Department of Education (SDE) in July 2014 and passage of Oklahoma HB 1687.

3. The circumstances which created the need for the rule;

Administration of the Adult Basic Education Program beginning in July 2014 and response to a Federal Review during Fall 2015.

4. The specific legal authority authorizing the proposed rule;

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

5. The intended effect of the rule;

Update information as related to changes as per new administration of ABE program, Federal Review, and Oklahoma HB 1687.

A determination whether the rule affects business entities. Yes / No ___X___