

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY  
EDUCATION  
CHAPTER 35. ADULT BASIC EDUCATION**

**COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from February 16, 2021 until 4:30 p.m. March 22, 2021. During the open public comment period, written comments in electronic form will be accepted during the open public comment period via email at [angela.jones@careertech.ok.gov](mailto:angela.jones@careertech.ok.gov). Written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under “Contact Person.”

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m., Thursday, March 25, 2021, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398. Persons wishing to speak must sign in at the door of the State Board meeting prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies will be on file for public viewing beginning February 17, 2021, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at [www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments](http://www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments)

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 17, 2021, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at [www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments](http://www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments)

**CONTACT PERSON:**

Angela Jones, Assistant to the State Director, 405-743-5445, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398.

**Oklahoma Department of Career and Technology Education  
Title 780 Oklahoma Administrative Code**

**CHAPTER 35. ADULT BASIC EDUCATION**

**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, Activities, Corrections Education and other Education of Institutionalized Individuals and Integrated English Literacy and Civics Education. These activities are designed to 1) assist adults to become literate and obtain the knowledge and skills necessary for employment and economic self-sufficiency, 2) assist adults who are parents or family members to obtain the education and skills that are necessary to becoming full partners in the educational development of their children, and lead to sustainable improvements in the economic opportunities for their family 3) assist adults in attaining a secondary school diploma and in the transition to postsecondary education and training, including through career pathways, and 4) assist immigrants and other individuals who are English language learners in improving their reading, writing, speaking, and comprehension skills in English, mathematics skills, and acquiring an understanding of the American system of Government, individual freedom, and the responsibilities of citizenship.

(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 Innovation and Opportunity Act (P.L. 113-118).

(2) **“Adult education”** means academic instruction and education services below the postsecondary level that increase an individual’s ability to a ) read, write and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma, b ) transition to postsecondary education and training, and c ) obtain employment.

(3) **“Adult education program”** means a local education agency, postsecondary institution, community-based organization or faith-based organization, corrections education agency a volunteer literacy organization, a public or private nonprofit agency, a library, a public housing authority, a nonprofit institution, a consortium or coalition of agencies, institutions, libraries, or authorities describe previously, or partnership between an employer and entities described previously who are responsible for locally administering the Adult Education and Family Literacy Act grant.

(4) **“Eligible Individual”** means an individual who 1) has attained 16 years of age, 2) who is not currently enrolled or required to be enrolled in secondary school under state law, and 3) who is basic skills deficient, does not have a secondary school diploma or its recognized equivalent and has not achieved an equivalent level of instruction, or is an English language learner.

(5) **“High School Equivalency” (HSE)** means a high school equivalency credential (GED, HiSET, ~~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, 2020 ~~2015~~ the HiSET; and 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.

(6) “**State educational agency**” (SEA) means the 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 this Act are designed to expand or improve the quality of adult education programs, including priority programs for eligible individuals.

(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 Adult Basic Education 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) Adult education programs governed by the Act must follow the state adult education Student Goal Setting Policy per SEA, federal guidelines.

(f) 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.

(g) Teachers of adult education and literacy activities located in the adult learning centers funded by the state under the Act, shall have a valid Oklahoma Teacher’s Certificate or a minimum of a Master’s degree. Directors of adult education located in the adult learning centers shall have a valid Oklahoma Teacher’s Certificate or a minimum of a Master’s degree. Prior to employing a Teacher or Director who does not meet the above criteria, the Adult Education Program must seek written approval from the SEA.

(h) For fiscal control, the obligation basis of accounting is used; expenditures will be supported ~~supposed~~ by copies of paid claims and invoices and will be audited following accepted auditing procedures.

(i) Federal funds for adult education programs operating under a grant extension will be allocated according to, the funding formula described in Oklahoma’s AEFLA State Plan.

(j) State funds for adult education programs operating under a grant extension will be allocated according to the funding formula described in Oklahoma’s AEFLA State Plan.

(k) The SEA ~~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.

- (l) The adult education programs will ~~expend~~ expand 95% of the funding for adult education activities and 5% ~~can~~ will be used for administrative costs, however if the administrative cost limits would be insufficient for adequate planning and administration of the program, the SEA ~~state agency~~ may negotiate with the local grant recipient in order to determine an adequate level of funds to be used for noninstructional purposes. Negotiated administrative cost limits are indicated in the Adult Education and Literacy State Plan/State Plan Amendments.
- (m) 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 ~~thirteen~~ 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.
- (n) 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 Act's regulations in existence for the current fiscal program year.
- (o) The SEA will evaluate grant recipients based on the SEA and federal requirements for program evaluation.
- (p) Adult education programs will follow all requirements set forth in the SEA Adult Education State Plan and State Plan Amendments.
- (q) 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.
- (r) Adult education programs will use an SEA-approved management information system to document student enrollment, goals, attendance, measurable skill ~~educational~~ gains, and other information as required by the National Reporting System (NRS). Programs will update data at minimum monthly.

**780:35-1-3. High School Equivalency (HSE) testing program**

- (a) The Adult Basic Education Division of the Oklahoma Department of Career and Technology Education has responsibility for directing the HSE Testing Program in Oklahoma and for issuing high school diplomas to those who successfully complete the HSE Tests.
- (b) ~~An applicant shall be 18 years of age or older, except beginning August 1, 1995, persons~~ Any individual having attained the age of 16, but who are not yet 18, must be permitted to take the HSE ~~tests~~ Tests provided the individual applicant ~~meets the residency requirements and~~ submits along with the HST test application ~~to take the HSE Tests, a notarized joint written agreement,~~ agreement. This agreement must be between the school administrator of the school district in which the individual applicant ~~resides or the district that the student last attended;~~ 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) The HSE ~~tests~~ Tests shall be administered by one of the ~~many~~ local HSE Testing Centers in Oklahoma.
- (d) Individuals interested in taking the HSE test, should register online with a HSE testing company. To become eligible to take the HSE ~~tests~~ Tests, an application must be made to the Adult Basic Education Division of the Oklahoma Department of Career and Technology

Education online or through a HSE Testing Company. A fee will be charged by the testing company when the registration application is made.

(e) To obtain a high school equivalency, an individual ~~An applicant~~ shall make the minimum score required for passing the HSE tests ~~Tests~~, as established by the HSE Testing Company.

### **Rule Impact Statement Information:**

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

Chapter 35 of the Oklahoma CareerTech administrative rules establishes the standards, guidelines, allocation of funds, development of projects and applications, and the implementation of Adult Education and Literacy Activities, Corrections Education and other Education of Institutionalized Individuals and Integrated English Literacy and Civics Education.

**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.**

The rule amendments will not affect any one class of persons; however it will improve the agency processes for all CareerTech customers.

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

The rule amendments will not benefit any one class of persons; however it will improve the agency processes for all CareerTech customers.

**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.**

There is no economic impact on any class of persons as a result of the proposed rule amendments.

**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.**

There is no cost to the agency or other entities as a result of the rule amendments.

**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.**

Schools would be the only political subdivision to potentially see an economic impact as a result of the proposed rule amendments. However, this impact would be very minimal.

**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.**

There is 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.**

The rule amendments in this Chapter are not intrusive and there are no other appropriate methods to make the needed corrections and improvements.

**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.**

The rule amendments have no effect on the public health, safety and environment.

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

The rule amendments will not have a detrimental effect on the public health, safety and environment if not implemented, but agency rules would be inconsistent with state statutes.

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

This rule impact statement was prepared January 22, 2021.