

Adult Education Policy Manual

(06/2003)

Staff members of Kansas Board of Regents Adult Education thank the Adult Education Advisory Committee for their tireless efforts in designing and contributing to this policy and procedures manual, a first in the history of Kansas adult education. Without the guidance of the committee and the creativity of adult educators across the state, this manual would not exist.

The manual is designed in sections for periodic updates as needed – please help keep your manual as current as possible by regularly adding in new sections and destroying outdated sections. Please encourage all Adult Education staff members in your program to read and thoughtfully practice the procedures detailed below.

For more information on any of the policies in this manual, please contact KBOR Adult Education staff at: 785-296-7159 or 785-368-7359.

OTHER SEGMENTS OF THE MANUAL INCLUDE: the *Kansas Four Year State Plan*, ABE2003 Software Manual and Definitions, sample Monitoring Instruments, *The Comprehensive Adult Education Planner*, *Accommodating Adults with Disabilities in Adult Education*, weekly *Friday Notes* newsletters, and the monthly *Adult Education Contacts* database.

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1. Acronyms

ABE = Adult Basic Education (Levels 1 through 4)

ABE2000 = Kansas adult education data collection and reporting software for data collected under the National Reporting System (NRS)

ADA = Americans with Disabilities Act

AEFLA = *Adult Education and Family Literacy Act*, Title II of the *Workforce Investment Act* which funds adult education services in Kansas

ASE = Adult Secondary Education (Levels 5 and 6)

CASAS = Comprehensive Adult Student Assessment System, a national assessment-to-instruction system of competencies

COABE = Commission on Adult Basic Education, a national professional association for adult educators

EL/Civics = English Literacy and Civics Education, services to adults in need of English language instruction, skills necessary to pass the U.S. Citizenship examination, technology skills, and competencies in governmental, educational and workplace systems

ESL = English as a Second Language (Levels 7 through 12)

ESOL = English for Speakers of Other Languages (alternative term for ESL)

FERPA = The Family Educational Rights and Privacy Act, legislation protecting the rights of learners' records to privacy and guarding how educational records are shared within agencies or with other agencies

GED = General Educational Development Test battery; if passed, an examinee receives a Kansas High School Diploma

IDEA = Individuals with Disabilities Education Act, federal legislation on education services for individuals with disabilities

IEP = Individual Education Plan, a required plan of action and educational support for pupils with disabilities in public schools

LD = Learning Disability

OHI = Other Health Impairment

SED = Severe Emotional Disturbance

SLD = Specific Learning Disability

KAEA = Kansas Adult Education Association, a state professional association for adult educators

KCS = Kansas Competency System, the Kansas CASAS system of assessment and instruction

KBOR = Kansas Board of Regents, state agency for post-secondary education that administers AEFLA funding and distributes funds to eligible local programs

LEP = Limited English Proficiency, status of learners with limited English language skills

MVAEA = Missouri Valley Adult Education Association, a Midwest regional professional association for adult educators

NRS = National Reporting System for data collection and reporting as required under AEFLA – data is collected on ABE2000 in Kansas

OPT = Official GED Practice Tests, a half or full-length version of the GED Tests used to determine a learner’s readiness for the GED Test battery

Pre-GED = Instructional services to adults whose skill levels are between ABE and ASE

PSE = Post-secondary Education or other training (goal or outcome)

USDOE = U.S. Department of Education, federal agency which oversees AEFLA

WIA = Workforce Investment Act, a block grant of workforce development legislation, of which adult education is now Title II.

Statute # 72-4517

Chapter 72: SCHOOLS

Article 45: ADULT EDUCATION PROGRAMS

Title: Definitions.

Text: As used in this act:

(a) "Board" means the board of education of any school district or the board of trustees of any community college.

(b) "State board" means the state board of regents.

(c) "State plan" means the plan for adult basic education programs prepared and adopted by the state board in accordance with state and federal law.

(d) "Adult basic education program" means a program of one or more courses in general education subjects taught at the grade school or high school level under the supervision of a board for eligible persons which is included in the state plan and for which federal funds are received pursuant to federal law.

(e) "Eligible persons" means persons who (1) have attained the age of 16, (2) have not graduated from high school and have not been recognized as having achieved an equivalent level of education, and (3) are not now regularly enrolled in school.

(f) "Adult supplementary education program" means a program of one or more courses in any subject, other than courses in the adult basic education program or courses approved for state funding purposes, which is conducted under the supervision of a board for persons who have attained the age of 16.

(g) "Federal law" means the adult education act of 1966 (title III, P.L. 89-750), and acts amendatory thereof.

History: L. 1974, ch. 311, § 1; L. 1999, ch. 147, § 116; L. 2000, ch. 86, § 4; April 20.

2. Indicators of A Quality Adult Education Program Including Standards and Measures (Revised July 2002)

Note: Section references in [] refer to relevant sections of the Adult Education and Family Literacy Act, Title II of the Workforce Investment Act. Indicators with a ** are state-imposed requirements.

1. Participants in the program are fully representative of the undereducated population in the service area, including limited English proficient adults [AEFLA, Section 231 (e)(12)]. The program serves the “most-in-need/hardest-to-serve” members of the community [AEFLA, Section 231 (e)(2) and (e)(3)].

Measure 1.1

The program serves participants who are representative of the ethnic diversity of the undereducated population in the program’s service area, including limited English proficient adults. (2 points)		
	High (2 pts.)	The <i>percentage</i> of each ethnic group served by the program adequately reflects those identified as qualifying for services according to the most current U. S. Census and Kansas data.
	Medium (1 pts.)	The <i>percentage</i> of each ethnic group served by the program somewhat reflects those identified as qualifying for services according to the most current U. S. Census and Kansas data.
	Low (0 pts.)	The <i>percentage</i> of each ethnic group served by the program does not reflect those identified as qualifying for services according to the most current U. S. Census and Kansas data.

Note: all programs will access common U.S. Census and Kansas data sources for standardized determination of ethnic diversity by county. Further detail on accessing these common data sources will be available from KBOR adult education staff or the most current Request for Proposal application packet.

Definitions:

Participant – adult learner who participates in instructional activities in an adult education program for 12 or more hours.

Undereducated population – adults 16 and over without a high school diploma or GED, or those with a high school diploma or higher level of education that have identified low skill levels or low levels of English proficiency.

Service area – the county or counties the adult education program serves.

Each ethnic group – the number of participants in each of the ethnic groups as determined by U.S.

Department of Education definitions.

Measure 1.2

The program serves participants at the lowest levels of educational attainment. (8 points)		
	High (8 pts.)	25% or more of participants enter at one of the five “Beginning Levels” (Levels 1, 2, 7, 8, or 9 in Outcomes Measures Definitions).
	Medium (4 pts.)	15% to 24% of participants enter at one of the five “Beginning Levels” (Levels 1, 2, 7, 8, or 9 in Outcomes Measures Definitions).
	Low (0 pts.)	Less than 15% of participants enter at one of the five “Beginning Levels” (Levels 1, 2, 7, 8, or 9 in Outcomes Measures Definitions).

Definitions:

Beginning levels – includes Beginning Literacy ABE, Beginning ABE, Beginning ESL Literacy, Beginning ESL, and Low Intermediate ESL (at or below CASAS score of 210) as defined in Outcome Measures Definitions.

Enter – the classification of a participant’s level is determined when the participant begins or returns to the adult education program for the first time within the current year.

Measure 1.3

The program serves participants with documented disabilities. (2 points)		
	High (2 pts.)	10% or more of participants have documented disabilities and the program provides appropriate services and/or accommodations.
	Medium (1 pts.)	5% to 9% of participants have documented disabilities and the program provides appropriate services and/or accommodations.
	Low (0 pts.)	Less than 5% of participants have documented disabilities and the program provides appropriate services and/or accommodations.

Definitions:

Documented disabilities – in the case of a physical disability, documentation consists of notations in the participant folder of the nature of the disability and how it was accommodated (for example, “the learner entered in a wheelchair, was informed of accessible facilities within the center, and requested and was offered a table or computer terminal at an accessible height”).

In the case of **learning or other “invisible” disability**, documentation follows ADA guidelines, and includes confirmation of a disability through such evidence as school records (such as an IEP or evidence of special education services) or the written diagnosis of a qualified psychologist or medical doctor within the last 10 years. If this documentation is not available, note the *participant’s report of such evidence of a disability* in the participant’s folder. Participant’s self diagnosis of a disability does not constitute documentation of a learning disability. Results from screening instruments or learning style surveys do not constitute documentation of a learning disability.

NOTE: Documentation of a “specific learning disability” is much more narrowly defined for federal reporting on ABE2003.

Appropriate services and/or accommodations – program maintains evidence in the participant’s file that one-on-one counseling was provided. During the counseling session, the participant should be informed about possible accommodations, with follow-up counseling sessions conducted on a regular basis to evaluate effectiveness of recommended accommodations and to monitor participant’s progress and perceptions of progress and effectiveness of accommodations. If appropriate, the participant should also be directed to other relevant services available in the community and/or through other resources.

NOTE: The *Procedural Guide of the Accommodating Adults with Disabilities in Adult Education Programs* (Mellard, Gilbert, & Parker, 1998) provides an excellent format for helping adult learners identify appropriate accommodations.

2. The program is of sufficient intensity and duration so that participants *demonstrate progress* toward their educational/workplace readiness/technology goals [AEFLA, Section 231, (e)(4)(A) and (e)(7)].

Measure 2.1

Participants make significant educational/workplace readiness/technology gains. (10 points)		
	High (10 pts.)	50% or more of all participants complete a level within a program year.
	Medium (5 pts.)	30% to 49% of all participants complete a level within a program year.
	Low (0 pts.)	Less than 30% of all participants complete a level within a program year.

Definition:

Complete a level – as defined in Outcome Measures Definitions and on ABE2003 software.

Measure 2.2

Participants make significant educational gains, confirmed through <u>nationally</u> standardized assessments. (4 points)		
	High (4 pts.)	70% or more of all participants who complete an educational level demonstrate the completion through CASAS pre- and posttesting.
	Medium (2 pts.)	40% to 69% of all participants who complete an educational level demonstrate the completion through CASAS pre- and posttesting.
	Low (0 pts.)	Less than 40% of all participants who complete an educational level demonstrate the completion through CASAS pre- and posttesting.

Definition:

CASAS pre- and post-testing – Administration of a CASAS Reading, Math, or Listening Diagnostic Test, CASAS Oral Communication (Speaking) Assessment, or CASAS Functional Writing Assessment as a pre-test followed after an appropriate amount of instruction by an alternative version of the same assessment.

Note: This measure has been significantly revised.

3. The program documents participant outcomes, and participants remain in the program a *sufficient length of time* so that they are able to achieve outcomes [AEFLA, Section 231(e)(1), (e)(4)(A), and (e)(7)].

Measure 3.1

Participants spend a significant amount of time in instructional activities. (4 points)		
	High (4 pts.)	The <i>average</i> (mean) number of participant hours for <i>all</i> program participants is 40 or more hours.
	Medium (2 pts.)	The <i>average</i> (mean) number of participant hours for <i>all</i> program participants is 30 to 39 hours.
	Low (0 pts.)	The <i>average</i> (mean) number of participant hours for <i>all</i> program participants is less than 30 hours.

Definition:

Average number of participant hours – the total number of hours for participants at all levels (regardless of goal/outcome completion) in a fiscal year divided by the total number of participants at all levels in a fiscal year.

Example: 4000 hours / 100 participants = 40 hours (average number of participant hours).

If division results in a decimal that is .500 or greater, the number may be rounded to the next highest whole hour (e.g., 37.552 hours could be rounded to 38 hours, but 37.499 hours would be 37 hours).

Measure 3.2

The number of participants with up to 4 program goals is directly proportionate to the number of participant outcomes (i.e., achieved program goals). (8 points)		
	High (8 pts.)	The total number of intended outcomes is equal to or greater than the total number of participants, as measured in ABE2003 software.
	Medium (4 pts.)	The total number of intended outcomes is 75% to 99% of the total number of participants, as measured in ABE2003 software.
	Low (0 pts.)	The total number of intended outcomes is below 75% of the total number of participants, as measured in ABE2003 software.

Examples:

Example 1: 100 participants have 175 goals (not all of them chose more than 1 goal). 75 participants achieved 150 outcomes. Total number of outcomes (150) divided by total number of participants (100) equals 1.5, or 150%.

Example 2: 200 participants have 400 goals. 180 participants achieved 175 outcomes. Total number of outcomes (175) divided by total number of participants (200) equals .87, or 87%.

Note: Outcomes are defined in the ABE2003 software manual, Appendix 1. All learners must have the goal of “complete an educational level.” Learners have the option to choose an additional one, two, or three goals.

4. The program design and implementation process for all program sites is based on research and effective educational practice [AEFLA, Section 231 (e)(4)(B) and (e)(5)]. Programs offer flexible schedules and support services [AEFLA, Section 231 (e)(10)].

Measure 4.1

The program design and implementation process for all program sites fully incorporates the components of the Comprehensive Adult Education Planner (PAM – Mellard and Scanlon, University of Kansas). (2 points)		
	High (2 pts.)	Program design and implementation fully incorporates all seven components of PAM at all program sites.
	Medium (1 pts.)	Program design and implementation fully incorporates all seven components of PAM at 75% to 99% of program sites.
	Low (0 pts.)	Program design and implementation incorporates fewer than seven components of PAM at all program sites or fully incorporates all seven components at 1% to 74% of program sites .

Definition:

Program site – a site offering adult education program services (includes main center of the program or any outreach sites, if applicable).

Measure 4.2

Program services, including instructional activities and support services, and scheduling reflect the identified needs of the community. (8 points)		
	High (8 pts.)	Program services, including instructional activities and support services, are offered to participants at all program sites, including any outreach sites, 8 or more hours per week.
	Medium (4 pts.)	Program services, including instructional activities and support services, are offered to participants at all program sites, including any outreach sites, 6 to 7 hours per week.
	Low (0 pts.)	Program services, including instructional activities and support services, are offered to participants at all program sites, including any outreach sites, fewer than 6 hours per week.

Definitions:

Outreach site – a program site offering adult education program services away from the main center of the program.

Support services – services available during regularly scheduled hours to participants that support retention and learner outcomes, such as counseling, childcare, transportation and computer lab access.

5. Program activities effectively employ advances in technology, including the use of computers [AEFLA, Section 231, (e)(6)].

Measure 5.1

The program has a technology plan and incorporates use of current technology into participant instruction. (2 points)		
	High (2 pts.)	All program sites incorporate using a computer and other multi-media into instructional activities.
	Medium (1 pts.)	75% to 99% of program sites incorporate using a computer and other multi-media into instructional activities.
	Low (0 pts.)	1% to 74% of program sites incorporate using a computer and other multi-media into instructional activities.

Definition:

Multi-media – including the use of several media, e.g. videotapes, television, audiotapes, Internet.

Measure 5.2

The program provides technology-specific instruction, including current computer applications and use of internet, to participants. (2 points)		
	High (2 pts.)	The program provides technology-specific instruction, including computers and use of internet, to 75% to 100% of its participants.
	Medium (1 pts.)	The program provides technology-specific instruction, including computers and use of internet, to 25% to 74% of its participants.
	Low (0 pts.)	The program provides technology-specific instruction, including computers and use of internet, to 0% to 24% of its participants.

Definition:

Technology-specific instruction – instruction to participants in the use of facsimile machines, photocopiers, office telephone systems, computers and computer applications in current common use (i.e., Windows 95 or greater or MacIntosh equivalent) and internet access. (A significant number of computers used by participants during technology instruction must have Internet access.)

NOTE: This measure will be evaluated based on the number of participants reported on ABE2003 as completing a technology level during the current fiscal year.

6. The program receives local financial support and is viewed as a valuable component of the sponsoring institution or non-profit agency**.

Measure 6.1

The program receives local financial support in addition to the minimum required amounts to provide services. (8 points)		
	High (8 pts.)	Host institution or non-profit agency provides 10% or greater match (in cash) to federal funds.
	Medium (4 pts.)	Host institution or non-profit agency provides greater than a 5% but less than a 10% match (in cash) to federal funds.
	Low (0 pts.)	Host institution or non-profit agency provides 0% to 5% match (in cash) to federal funds.

Definitions:

Cash match – cash used to match federal funds must be local agency funds. The source of cash must be non-educational federal funds, and funds must not be generated from contracted basic skills services. The source of cash may be state general funds, local ABE mill levy, local donations, or other (non-federal) grants. The cash match will be measured from the approved fiscal year budget.

Measure 6.2

Paid instructional and administrative staff receives compensation comparable to equivalent staff in other programs in the same agency. (2 points)		
	High (2 pts.)	Host institution or non-profit agency pays program staff a salary that is equal to or better than staff counterparts.
	Medium (1 pts.)	Host institution or non-profit agency pays program staff a salary that is 1% to 5% less than staff counterparts.
	Low (0 pts.)	Host institution or non-profit agency pays program staff a salary that is 6% to 100% less than staff counterparts.

Definitions:

Paid instructional and administrative staff – paid staff involved in instructional activities, including instructors, teachers, tutors, paraprofessional classroom aides, counselors, and assessment staff, or in administrative duties, including directors and coordinators. This definition does not include secretarial or support staff not involved in instruction or assessment. It does not include unpaid volunteers.

7. The program demonstrates a commitment to quality service to adult learners and to the professionalism of the field of adult education by having paid staff with appropriate educational backgrounds, with credentials in adult education, and with adequate training [AEFLA, Section 231, (e)(8)].

Measure 7.1

Paid instructional and administrative staff has appropriate educational backgrounds. (4 points)		
High (4 pts.)	90% to 100% of paid instructional and administrative staff has a bachelor's or graduate degree.	
Medium (2 pts.)	75% to 89% of paid instructional and administrative staff has a bachelor's or graduate degree.	
Low (0 pts.)	Less than 75% of paid instructional and administrative staff has a bachelor's or graduate degree.	

Definitions:

Paid instructional and administrative staff – paid staff involved in instructional activities, including instructors, teachers, tutors, paraprofessional classroom aides, counselors, and assessment staff, or in administrative duties, including directors and coordinators. This definition does not include secretarial or support staff not involved in instruction or assessment. It does not include unpaid volunteers.

Measure 7.2

Paid instructional and administrative staff is currently KAEA credentialed. (2 points)		
High (2 pts.)	100% of paid instructional and administrative staff has a current KAEA credential.	
Medium (1 pts.)	90% to 99% of paid instructional and administrative staff has a current KAEA credential.	
Low (0 pts.)	Less than 90% of paid instructional and administrative staff has a current KAEA credential.	

Note: New staff has 6 weeks following the date of hire to secure the initial KAEA credential. KAEA credentialing must be kept current. The standard for KAEA credentialing of staff does not imply that programs must pay for costs of credentialing. Although programs have the option to use local funds if they choose, federal and state funds may not be used for the costs of credentialing.

Measure 7.3

Paid instructional and administrative staff participates in professional development relevant to program improvement. (4 points)		
High (4 pts.)	100% of paid instructional and administrative staff has yearly revised professional development plans that are aligned with Program Improvement Plans and <i>implemented</i>.	
Medium (2 pts.)	90% to 99% of paid instructional and administrative staff has yearly revised professional development plans that are aligned with Program Improvement Plans and <i>implemented</i>.	
Low (0 pts.)	Less than 90% of paid instructional and administrative staff has yearly revised professional development plans that are aligned with Program Improvement Plans and <i>implemented</i>.	

8. The program actively collaborates with multiple partners in the community to expand the services available to adult learners and to prevent duplication of services [AEFLA, Section 231, (e)(9)]. The program actively seeks and responds to input from local stakeholders in planning for local services**.

Measure 8.1

The program collaborates with multiple partners to provide quality services to adult learners. (2 points)		
	High (2 pts.)	Program demonstrates collaboration with 8 or more partners who provide a minimum of two types of services other than referrals.
	Medium (1 pts.)	Program demonstrates collaboration with 4 to 7 partners who provide a minimum of two types of services other than referrals.
	Low (0 pts.)	Program demonstrates collaboration with fewer than 4 partners who provide a minimum of two types of services other than referrals.

Definitions:

Minimum of two types of services other than referrals – those services provided by collaborative partners as identified and signed on a partner agreement form in the grant application. Partners providing fewer than two types of services are not considered as collaborative partners, and “makes referrals” does not count as one of the two types of services.

Example 1: Program A collaborates with Agency B. Agency B refers its clients to Program A, and in addition to referrals, it provides a classroom onsite (at no charge to Program A), includes information in B’s newsletter about A’s classes and schedules, and donates \$100 toward Program A’s annual GED graduation.

Example 2: Program C collaborates with the Local County Extension Office. The County Extension Office includes C’s brochures on their brochure rack, sends extension agents to make presentations to adult learners, and provides C with information packets that are relevant to topics that C’s instructors are currently teaching.

Measure 8.2

The program seeks and responds to input from local stakeholders pertaining to planning for local services. (2 points)		
	High (2 pts.)	Program seeks input 6 or more times per year and each time documents evidence of responses to stakeholders' input.
	Medium (1 pts.)	Program seeks input 4 to 5 times per year and each time documents evidence of responses to stakeholders' input.
	Low (0 pts.)	Program seeks input fewer than 4 times per year or has limited documentation of responses to stakeholders' input.

Definitions:

Seek input from stakeholders – examples of seeking input include advisory council planning sessions, community surveys, staff surveys, participant evaluations or questionnaires, or focus group sessions. Stakeholder input may be from one source or a variety of sources.

Documents evidence of responses – examples of documenting evidence of responses include formal and informal notations or reports:

1. memos or letters of response to staff or to advisory councils stating how their input was incorporated into planning;
2. advisory council minutes showing program agreement to use input in program services;
3. summary of survey results and a statement on the use of the results;
4. written evidence of policy change based on stakeholder input.

Example 1: Program A holds an advisory council meeting. During the meeting the stakeholders discuss two program needs and make suggestions to A on possible solutions. Program A's director implements two of the suggestions and documents them on her copy of the minutes from the meeting.

Example 2: Program B does a learner survey about class hours. As a result of the survey, B's director expands the evening hours from 6PM to 8PM two nights a week to 5PM to 9PM three nights a week and attaches a copy of the new class schedule to the survey summary.

Example 3: A staff committee in Program C meets and determines that certain local policies need to be changed. Based on recommendations from the staff committee, C changes three policies and acknowledges the work of the committee in the revised policy manual.

9. The program maintains a high-quality information management system to report participant outcomes and monitor program performance [AEFLA, Section 231 (e)(11)].

Measure 9.1

The program uses ABE2003 software to correctly report participant demographics and outcomes and meets quarterly and annual reporting deadlines. (2 points)		
	High (2 pts.)	Program uses ABE 2003 software, submits reports with checked and corrected queries, and meets all quarterly and annual reporting deadlines.
	Medium (1 pt.)	Program uses ABE 2003 software, submits reports with checked and corrected queries, and meets 80 to 99% of quarterly and annual reporting deadlines.
	Low (0 pts.)	Program uses ABE 2003 software and meets 0 to 79% of quarterly and annual reporting deadlines and/or submits a report that has unchecked and/or uncorrected queries.

Measure 9.2

The program uses ABE2003 software to report participant demographics and outcomes and uses reported data for program improvement. (2 points)		
	High (2 pts.)	Program uses ABE 2003 software and documents evidence of use of data in 3 or more program improvement activities per year.
	Medium (1 pt.)	Program uses ABE 2003 software and documents evidence of use of data in 1 or 2 program improvement activities per year.
	Low (0 pts.)	Program uses ABE 2003 software and does not document evidence of use of data in program improvement activities.

(Note: Policies and ideas in bold follow federal, Kansas law, or Kansas state plan requirements and may not be negotiated at this time)

3. Staff Qualifications and Professional Development Policies

3.1 Adult education programs need to employ instructional and administrative staff with appropriate backgrounds in compliance with KSA 72-4526 and in response to Measure 7.1 of *Indicators of A Quality Adult Education Program*.

Education Statute # 72-4526

Chapter 72: SCHOOLS

Article 45: ADULT EDUCATION PROGRAMS

Title: Teacher qualifications; certificate of accomplishment; regulations; participation by nonresidents; authority of teachers and administrators.

Text:

(a) Boards shall employ teachers who have known competence in the subjects taught. School teacher certification requirements shall be applied to adult education teachers only in cases where general education subjects are taught in adult basic education programs for grade school or high school credit.

(b) The board shall issue a certificate of accomplishment to every student completing an adult basic education course, which certifies the subjects studied and the accomplishments made therein. Such certificates shall be issued in accordance with the state plan.

(c) Any board may adopt regulations governing the operation of adult education programs. Any board may authorize persons not residents of the district to participate in adult education programs. The teachers and administrators in such adult education programs shall have the same authority over students as is exercised in regular school instruction.

History: L. 1974, ch. 311, S. 11; July 1.

[note on section (b): this section was written in the 1970's and applies to the authority of local school district or community college boards to issue certificates of accomplishment – no such certificates of accomplishment are currently authorized under the Kansas State 4-Year Plan for Adult Education and Family Literacy, but the section was included for historical accuracy]

3.2 Program staff should participate in essential workshops and may participate in further professional development opportunities.

Essential Professional Development Workshops for Kansas Adult Educators

CASAS ECS Implementation: Assessment to Instruction
CASAS Writing Assessment: Part I and Part II
Accommodating Accommodations for Individuals with Disabilities
The Comprehensive Adult Education Planner
Benchmarking CASAS Competencies and Basic Skills Credentialing
CASAS ESL (essential for ESL programs)
New Directors' Training (for new program administrators)
Using Data for Program Improvement

Recommended Workshops

CASAS ESL (recommended for all programs)
The Adult Learner
Recruitment and Retention: The Challenge of Adult Education Programs
Goal Setting/Goal Getting: What is Adult Education's Responsibility?
Monitoring Student Progress
Creating Programs that Lead to Student Success

Further professional development opportunities are available through Summer Institute, Kansas Adult Education Association, Missouri Valley Adult Education Association, and other national organizations. Program staff members are encouraged to use the required 8% of federal funds for professional development that impacts program improvement.

3.3 Individuals serving in administrative leadership positions and instructional staff positions that are funded (even partially) through federal, state, or local matching AEFLA funds (including adult education mill levy) must have current, active professional development plans. These plans must reflect participation in activities directly linked to the program's improvement plan.

In compliance with section 12.1 of the *Kansas Four-Year State Plan*, each adult education "program will submit an end-of-the-year report showing the effect of professional development on the provider's level of performance on core indicators and on the *Indicators of A Quality Adult Education Program*. The report will provide information on improvements relating to the staff, program, and learner outcomes."

Due: August 1, 200_

Adult Education Professional Development Report – FY200_-200_

Program Name _____

A. Program Improvement Plan Objective(s): (from your FY 200_-200_ Adult Education Grant Application)

B. Did your program successfully meet the objective(s)? Yes _____ No _____

C. If yes, provide a quantitative summary of major individual and program-wide professional development activities and explain how they contributed to accomplishing your objective. (Attach one additional page if needed)

D. If no, provide a quantitative summary of major individual and program-wide professional development activities accomplished and explain the reasons why these activities were not effective in accomplishing your objective and what you would do differently in the future. (Attach one additional page if needed)

Program Director/Coordinator _____

Date _____

3.4 All instructional and administrative staff should have a minimum of 50 hours of professional development every two years and hold current KAEA credentials (Measure 7.2 Indicators of A Quality Adult Education Program).

KAEA is the Kansas Adult Education Association, the professional organization for adult educators in Kansas since the mid-1940's. The KAEA Standards Council, established in 1993, was charged with the responsibility to develop a credentialing system for adult education professionals. The purpose is to document and enhance the professional stature of adult educators by establishing minimum requirements for levels of credentials in the field and to insure ongoing professional development. Applications are accepted throughout the year. Credentials are renewable every two years. Applications may be obtained through local Adult Basic Education centers or by visiting the KAEA website (www.thekaea.org). Those who should apply for a credential include all those currently employed as adult educators in Kansas, directors, instructors, tutors, community college, U.S.D., community-based, corporate, corrections, family or workplace literacy employees.

3.5 Programs may not pay fees for KAEA credentialing out of federal or state AEFLA funds but may use local funds to pay fees if their agency allows it.

3.6 All instructional and administrative staff members are encouraged to be on the Kansasabe listserv.

KAEA has a listserv for members to share information quickly. A listserv is an e-mail list that is intended for a limited and very specific audience. Only people who subscribe themselves have access to the information that we share. There is no moderator. That means that when you post a message to the list, the message goes directly to everyone on the list and does not go to an intermediary person to decide whether or not to post the information.

HOW TO SUBSCRIBE

Send an blank message to: join-kansasabe@list.jccc.net

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4. Policies on Services to Learners

4.1 Adult education services, including adult basic education (ABE), English as a Second Language (ESL), GED preparation, Civics Education, workplace preparation, and technology skills, must be accessible to all adults who qualify. To offset the costs of consumable instructional materials and equipment, local programs may establish policies concerning consistent, *reasonable* fees charged to individuals. To avoid creating any perceived barriers to AEFLA services, local policies concerning reasonable fees for *consumables* must be consistently set, clearly defined, and published in advance.

Programs may not use AEFLA funds to provide or offset the costs of any *services* which are not provided free of charge to individuals, other than reasonable fees for consumables (which then become the property of the individual). Learners who are charged fees for *services* may not be included in the count for AEFLA funding nor entered into ABE2000 software.

All funds generated from fees charged to individuals served with AEFLA funds must be reinvested exclusively in the adult education program but not included in the AEFLA budget. Funds generated from fees to individuals may not be used as part of a local cash match for AEFLA.

For example, consumable book fees that a program charges need to support program activities, such as providing new books or computer software, through petty cash. These fees are not reported as part of the AEFLA budget or its reports.

According to the Kansas Four-Year State Plan, the Kansas Board of Regents will award two-year grants on a competitive basis to eligible providers within Kansas. Grants will enable the eligible providers to develop, implement, and improve adult education and literacy activities, including the following categories:

- Adult education and literacy services, which may include workplace literacy services;
- Family literacy services; and
- English literacy programs, also known as English as a Second Language services;

- English Literacy and Civics Education services, which includes English as a Second Language, citizenship skills, technology skills, and employment skills.

Adult Basic Education (ABE) instruction uses CASAS competencies as the basis for a curriculum that is delivered in real-life settings pertaining to the adult learners' roles as worker, family member, citizen and lifelong learner. Pre-employment skills and computer literacy are two examples of life skills and workforce development skills offered in ABE instruction.

Family literacy programs include four distinct components in line with the Even Start family literacy model: adult education, early childhood or pre-school education, parenting skills, and intergenerational activities (parents and children together). Only family literacy programs that include all four components meet the definition of providing family literacy services.

English literacy (ESL) programs offer instruction in speaking and listening, reading, writing, and grammar in real-life settings pertaining to the adults' roles as worker, family member, citizen and lifelong learner. These programs include instruction in vocational English as a Second Language (VESL). Since Kansas is a member of the CASAS Consortium, CASAS ESL competencies offer a framework for instruction.

English Literacy and Civics Education includes services to adults in need of English language instruction, skills necessary to pass the U.S. Citizenship examination, technology skills, and competencies in governmental, educational and workplace systems.

Adult Secondary Education classes blend CASAS competencies with GED preparation and pre-employment or employment specific subjects chosen by employers, learners or referring agencies. Computer literacy skills are offered as well as a number of other subjects to help prepare the adults for their roles as worker, family member, citizen and lifelong learner.

4.2 Program services to non-native speakers of English offered in native languages other than English may provide emergency or other vital communication, but the focus of instruction must be on acquisition of skills in the English language, not on native language skills. GED preparation in languages other than English is not permitted with AEFLA funds, but Official GED Practice Tests and Official GED Test batteries passed in other languages may be counted in meeting performance measures such as educational gain or receiving the GED.

4.3 Programs need to follow the guidelines of “Who Qualifies for Adult Education Services” (see below) when deciding on appropriate services to adult learners. Adults must be at least 16 years of age, and 16 and 17-year-olds must have a disclaimer from their school district of current residence (not necessarily the last high school attended) prior to receiving AEFLA services, in compliance with the Compulsory Attendance Act, KSA 72-1111.

Who Qualifies for Adult Education Services?

In order to qualify for adult education services, **one** of the following three criteria must be met. Upon enrollment in the adult education program, a qualifying individual:

I. Does not have a secondary credential;

- A. Does not have a high school diploma; **and**
- B. Has not successfully completed the GED battery of tests and is working toward obtaining a GED diploma.

OR

II. Does not have basic reading, writing, or math skills.

- A. Scores below 235 on the CASAS Reading Diagnostic Test; **or**
- B. Scores below 235 on the CASAS Math Diagnostic Test; **or**
- C. Scores below 4 on the CASAS Writing Assessment.

OR

III. Does not have proficiency in the English language necessary to function in the multiple adult roles of citizen, employee, and family member.

- A. Scores below CASAS Level 2 in Speaking Performance Appraisal; **or**
- B. Scores below 225 on the CASAS Listening Diagnostic Test; **or**
- C. Scores below 235 on the CASAS Reading Test; **or**
- D. Scores below CASAS Level 4 on the CASAS Writing Assessment.

Only one of the criteria must be met to qualify for adult education services offered by an adult education program. However, it is expected that an adult education learner with a high school diploma or a GED diploma will be working primarily in the area of the identified deficiency and that learning gains will be reported in this area.

A learner enrolled in a community college course or vocational/technical school/college program, must meet one of the requirements above **and** may not be enrolled in a credit or non-credit course in the same area of study as the primary learning activities in the adult education program.

Example One

Situation:

A learner is enrolled in a vocational/technical college Home Health Aide program and is dual enrolled in an adult education program with the goal of obtaining a GED.

Elements for Consideration to Determine Eligibility:

- 1) Learner is enrolled in a vocational/technical college course focusing on occupational skills.
- 2) Learner qualifies for adult education services because he/she does not have a high school diploma or GED diploma.
- 3) Learner's primary learning activities in the adult education program focus on GED preparation.

Qualifies as an adult education learner?

Yes. Even though the learner is dual enrolled, the focus of the two educational programs do not overlap.

Example Two

Elements for Consideration to Determine Eligibility:

A learner is enrolled in Developmental Math at a community college. The learner participates in an adult education program to receive additional assistance with math.

Criteria:

- 1) Learner is enrolled in a college math class.
- 2) Learner's CASAS Math score is 229.
- 3) Learner qualifies for adult education services based on CASAS Math Diagnostic Test.
- 4) Learner's primary learning activities are focused on improving math skills.

Qualifies as an adult education learner?

No. The learner is dual enrolled and the major focus of both programs is improvement in math skills.

Example Three

Situation:

A learner with a high school diploma wants to improve his/her computer/technology skills. The learner scores 231 on the CASAS Math Diagnostic Test. The learner's primary learning activities focus on improving computer/technology skills.

Elements for Consideration to Determine Eligibility:

- 1) Learner has a high school diploma.
- 2) Learner scores below 235 on the CASAS Math Diagnostic Test.
- 3) Learner's primary learning activities focus on improving computer/technology skills.

Qualifies as an adult education learner?

No. The learner has a high school diploma and his/her major focus is the improvement of computer/technology skills.

Example Four

Situation:

A learner with a high school diploma wants to improve his/her math skills. The learner scores 231 on the CASAS Math Diagnostic Test. The learner's primary learning activities focus on improving math skills.

Criteria:

- 4) Learner has a high school diploma.
- 5) Learner scores below 235 on the CASAS Math Diagnostic Test.
- 6) Learner's primary learning activities focus on improving math skills.

Qualifies as an adult education learner?

Yes. The learner has a high school diploma and his/her major focus is the improvement of math skills.

Education Statute # 72-1111

Chapter 72: SCHOOLS

Article 11: SCHOOL ATTENDANCE, CURRICULUM AND ACCREDITATION

Title: Compulsory school attendance; exemptions.

Text: (for the full text of this statute, go online to: <http://www.ksde.org/statutes.html> and key in 72-1111)

(a) Subject to the other provisions of this section, every parent or person acting as parent in the state of Kansas, who has control over or charge of any child who has reached the age of seven years and is under the age of 18 years and has not attained a high school diploma or a general educational development (GED) credential, shall require such child to attend continuously each school year (1) a public school for the duration of the school term provided for in K.S.A. 72-1106, and amendments thereto, or (2) a private, denominational or parochial school taught by a competent instructor for a period of time which is substantially equivalent to the period of time public school is maintained in the school district in which the private, denominational or parochial school is located. [If the] child is 16 or 17 years of age, the parent or person acting as parent, by written consent, or the court, pursuant to a court order, may allow the child to be exempt from the compulsory attendance requirements of this section.

(b) If the child is 16 or 17 years of age, the child shall be exempt from the compulsory attendance requirements of this section if (1) the child is regularly enrolled in a program recognized by the local board of education as an approved alternative educational program, or (2) the child and the parent or person acting as parent attend a final counseling session conducted by the school during which a disclaimer to encourage the child to remain in school or to pursue educational alternatives is presented to and signed by the child and the parent or person acting as parent. The disclaimer shall include information regarding the academic skills that the child has not yet achieved, the difference in future earning power between a high school graduate and a high school drop out, and a listing of educational alternatives that are available for the child.

.....

(g) As used in this section, the terms "parent" and "person acting as parent" have the meanings respectively ascribed thereto in K.S.A. 72-1046, and amendments thereto.

from K.S.A. 72-1046 (d) As used in this section:

(1) "Parent" means and includes natural parents, adoptive parents, stepparents, and foster parents;

(2) "person acting as parent" means (A) a guardian or conservator, or (B) a person, other than a parent, who is liable by law to maintain, care for, or support the child, or who has actual care and control of the child and is contributing the major portion of the cost of support of the child, or who has actual care and control of the child with the written consent of a person who has legal custody of the child, or who has been granted custody of the child by a court of competent jurisdiction...

Simply put, the law requires that anyone who is 16 or 17 years old be enrolled in school – and if they are enrolled in school, they are *not* allowed to enroll in adult education. The law is in effect at all times, including summer when the public schools may be closed. It is the responsibility of the potential adult education learner to get the disclaimer forms completed – *not* that of the adult education program staff. The disclaimer forms and the counseling session need to be from the school district in which the 16- or 17-year-old resides *currently*, regardless if the student attended school there. If the 16- or 17-year-old is on an IEP, (s)he must disenroll from school, and a disclaimer also needs to be completed. If a 16- or 17-year-old is emancipated (by a court order) or is married, (s)he is considered an adult and no disclaimer is required. If a school district is reluctant to comply with the law when a learner has not attended its schools or for any other reason, programs are welcome to refer the school district staff to Mr. Rod Bieker, Kansas State Department of Education legal counsel, at (785) 296-3204 for clarification of the law.

4.4 Adults may not be required to show proof of residency in Kansas, nor may programs require adults to show a Social Security card, evidence of citizenship, or evidence of legal permission to reside in the U.S. However, international students and their families, as well as adults in the U.S. on special, temporary visas are not eligible for AEFLA program services.

While programs are encouraged to recruit and serve qualifying adults within Kansas, adults from another state, particularly those residing in communities along the state border, may participate in program services. Newcomers to Kansas from other states do not need to show identification, and programs are discouraged from viewing adults' Social Security cards, except in cases where the Social Security number is unclear in ABE2000. If copies of the card are made for convenience, programs should destroy copies of the Social Security card once the number has been verified and corrected in ABE2000.

An important exception to the paragraph above is learners who are international students (and their families) or adults on special, temporary visas. Temporary visas include tourist visas, student visas, and other nonimmigrant visas (see the INS website at [http://www.ins.gov/cgi-bin/folioisa.dll/lawbooks.nfo/query=\[jump!3A!27act101a15o!27\]/doc/{@508}/hits_only?](http://www.ins.gov/cgi-bin/folioisa.dll/lawbooks.nfo/query=[jump!3A!27act101a15o!27]/doc/{@508}/hits_only?) for specific definitions). *While program staff may not request to see visas, if adults voluntarily disclose their temporary visa status, they must be told they are not eligible to receive program services under AEFLA.*

ESL students attending post-secondary institutions (and their spouses) are in a unique situation. Before these students can obtain a student visa, the student must guarantee that they have English language skills at a level sufficient to handle the rigors of his/her area of study. The post-secondary institution becomes the student's (and spouse's) "sponsor" and provides an additional guarantee to the

U.S. Government, assuring that it will provide the support and instruction necessary for the student to be successful in his/her course of study.

This is the primary rationale for not serving ESL college students in our Adult Education ESL programs. Several years ago USDOE issued a policy memorandum reminding post-secondary institutions and Adult Education programs that post-secondary institutions were responsible for ESL instruction for their sponsored students. The cost for such classes is one of the additional expenses that justifies the "out-of-country" tuitions, which are usually quite significant.

To use Adult Education funding to serve these students violates the "most-in-need" mandate, since these students' needs for ESL instruction should be adequately met by the sponsoring institution. If their needs are not being met by the sponsoring institution, then the sponsoring institution is not fulfilling the contract it made with the U.S. government. This commitment extends to spouses and other family members since they are essentially on a student visa as well.

Therefore, before the student and spouse/family member can be issued student visas, the sponsoring post-secondary institution must guarantee services for everyone entering the United States on a student visa, including the family members; otherwise, the student visas will not be issued. Unfortunately, post-secondary institutions do not always provide the support necessary for foreign students to be successful in their courses; however, Adult Education definitely does not have the funding to undertake this additional task.

The USDOE memorandum also warned about the impact of post-secondary foreign students attending Adult Education ESL programs. Several research projects have provided evidence that attendance of post-secondary students in Adult Education sponsored ESL classes significantly decreases the enrollment of ESL learners who are less educated and frequently of lower economic status. In other words, inclusion of post-secondary students in ESL classes discourages participation by the "hardest-to-serve/least educated" populations.

4.5 Local programs may choose to expand the scope and enhance the quality of services to adult learners by collaborating with other agencies and local business/industry partners. All participants receiving services through collaborative efforts that include any percentage of AEFLA funding (federal, state, or local match) must qualify for adult education services (see section 4.1: *Who Qualifies for Adult Education Services?*). Adults served in classes/programs funded through collaborative efforts that include any percentage of AEFLA funding must be counted as AEFLA participants and their records entered in ABE2000 databases. All classes/programs/

services that are supported with any percentage of AEFLA funding and all individuals served in these programs are included when determining the performance levels of the *Indicators of a Quality Adult Education Program*.

4.5.1 About contracting with other agencies or federal programs:

Contracts for adult education services with Department of Corrections (DOC), Department of Social and Rehabilitation Services (SRS), Department of Human Resources (DHR), and/or One-Stop operators should be negotiated with the intent to improve support services to learners, expand the program's hours/location of services, and/or enhance the quality of adult education services in ways that would not be possible without a collaborative approach. Adult education programs must document how the contracted monies enhance, not supplant, adult education services. All services, all staff members, all program sites, and all participants served through collaborative partnerships that include any percentage of AEFLA funding must be included in the determination of performance levels of the *Indicators of a Quality Adult Education Program*.

Contracts for adult education services with business/industry partners are permitted as long as AEFLA funding is used exclusively to provide allowable AEFLA services. **AEFLA funding cannot be used to provide employer-specific training.** Onsite workplace literacy programs that are supported with any percentage of AEFLA funding and their participants must be included in the determination of performance levels of the *Indicators of A Quality Adult Education Program*. Adult education programs may not contract with business/industry partners to provide work-place literacy programs if this collaborative effort results in a reduction of services to the general public. Adult education programs must monitor the effectiveness of their workplace literacy programs in comparison to their adult education programs that serve the general public.

All monies generated by contracts that include services provided by any percentage of AEFLA funding must be reinvested exclusively in the adult education program, but not included in the AEFLA budget. However, no contracted dollars may be used as part of a local cash match for AEFLA. No portion of the local cash match may be generated from a federal source.

Any learner served through contractual services that are paid for exclusively by non-AEFLA funding cannot be included in the adult education learner count on ABE2000. The only exceptions to this policy are adults participating in Even Start, Migrant Even Start, Reading Excellence, Title I (ESEA), or 21st Century Community Learning Centers grant-funded programs that include the AEFLA-funded adult education program as a collaborative partner. Adult learners served in these programs may have their participation and outcomes reported on ABE2000 and on the required reporting format of the non-AEFLA program.

Learners served in all other federally funded education programs (such as Title III programs) cannot be simultaneously served in an AEFLA-funded program, and, therefore, they cannot be included in the adult education learner count on ABE2000. Adult education programs must be able to clearly define and delineate the services provided by AEFLA funding, the service provider(s) supported by AEFLA funding, and the recipients of services provided by AEFLA funding.

4.5.2 About assessments services provided for other agencies:

Programs are welcome to contract with outside agencies to provide assessments such as CASAS or GED Practice Testing for non-participants in AEFLA funded programs. Such contracts should be fully self-sustaining with none of the costs offset by any AEFLA funding (federal, state, or local match).

Adult education programs may use AEFLA funding (federal, state, and local match) to serve only individuals who qualify for adult education services. For example, AEFLA funding may not be used to offset the cost of assessing or providing other services to *all* customers of a One-Stop Center. AEFLA funding may be used to serve only those individuals (or an identified percentage of One-Stop customers) who are eligible to enter the adult education program if desired.

4.5.3 About GED Practice Testing:

The Official GED Practice Tests (OPT) may be administered to any learner of any age, including currently enrolled high school students, as long as the test taker is capable of reading and taking the test. GED Practice Tests need to be administered under standardized testing conditions by a GED testing center. The adult education program *may* provide this assessment for the general public under a contract with a GED testing center. More information about Official GED Practice Tests, including online sample questions, is available online at: <http://www.steckvaughn.com/c/@Ql665V742m0f6/Pages/ged.html>

Required practice testing for GED Testing is not the responsibility of AEFLA-funded programs, although AEFLA-funded programs may negotiate with local GED Testing Centers to best meet the needs of individuals taking practice tests. The Kansas GED Testing manual states that it is the responsibility of the GED testing center to provide GED practice testing opportunities for GED candidates without charging the candidate for this service. One of the reasons the GED testing fee was raised was to provide GED Testing centers with additional monies to cover this cost. GED centers need to have a cost-effective process for practice testing GED candidates that are not interested in participating in an adult education program.

The Kansas GED Testing manual also allows GED centers to accept GED practice test scores from AEFLA programs, but AEFLA programs are only required to provide testing to their own learners. When AEFLA programs provide GED practice testing for AEFLA learners, the practice testing is considered part of the educational process, and the cost is an allowable AEFLA expense. When GED testing centers do practice testing for GED candidates, it is a GED center expense that must be covered by the GED budget.

Many adult education programs are closely aligned with their sponsoring agencies' GED testing centers, and they may have problems defining the distinct roles of each of these separate entities. In general, one responsibility of the GED testing center is to provide (or contract for the provision of) GED practice testing to all interested parties. One responsibility of the adult education program is to provide GED practice testing for adult education participants. Therefore, it is especially important to emphasize that there are two distinct options for potential GED test takers: (1) sign up for and participate in an adult education program with the goal of studying for and successfully completing the GED Test Battery; or (2) sign up for a GED practice testing session with the goal of achieving a score sufficient to be able to take the GED Test Battery.

Local adult education programs should distinguish carefully between the two groups (adult education participants and GED testers) and should not compel adults who do not need adult education services to begin the program.

According to the U.S. Department of Education, adults who do not need adult education services should not be enrolled in the program. It would therefore be unethical to enroll an adult who doesn't need the program simply to capture an outcome when the program itself does not need to provide instructional services to that person.

One possible process is to identify potential "testers only" who indicate they have no need for adult education services and allow them to take GED Practice Tests as required in the Kansas GED Testing manual. If they pass the GED Practice Tests, then they may continue on to Official GED Tests per GED Testing policy. On the other hand, if the identified adults do not pass the GED Practice Tests and are determined to need adult education services, program staff would urge the adult to enter the adult education program, participate in orientation activities, CASAS testing, and whatever other managed enrollment activities were ordinarily part of the program. The GED Practice Testing hours would be counted toward the adult's time. From that point on, the adult would receive services as would any other learner entering the program.

5. Policies on Research-based Practice

Programs should make every effort to assist adults via methods reflecting research-based, effective practice during orientation and throughout instruction.

Programs are encouraged to follow all seven components of the Proficiency Attainment Model (PAM) described in *The Comprehensive Adult Education Planner* by Daryl Mellard, Ph.D., and David Scanlon, Ph.D., of the University of Kansas. PAM was developed as a result of federally funded research, and describes seven essential components of adult education in adult education programs:

- The pre-enrollment component;
- The orientation component;
- The assessment component;
- The individual prescription component;
- The instructional and monitoring component;
- The GED test-taking component;
- The transition to community component.

PAM is incorporated in the *Indicators of A Quality Adult Education Program* (see measure 4.1) and is a part of program evaluation. AEFLA legislation calls for a “program design and implementation process for all program sites ... based on research and effective educational practice [AEFLA, Section 231 (e)(4)(B) and (e)(5)]. The legislation further requires that “programs offer flexible schedules and support services [AEFLA, Section 231 (e)(10)].”

Components of PAM may be adapted to best suit the local needs of adult learners. For example, in the area of goal setting, learners who set goals during pre-enrollment or orientation may revisit and change those goals in a later component. Or activities from the transition component may actually occur much earlier during orientation or instruction.

6. Funding Policies

6.1 A funding formula based on quality and service to learners who are most in need will be applied to all successful AEFLA grant applicants according to the Kansas 4-Year State Plan. In order to be included in the funding formula, adult education programs must have an approved grant application (first year of funding) or renewal application (second year of funding) and meet minimum standards required by the state plan and in accordance with KSA 72-4521.

PURPOSE

The purpose of this formula is to equitably distribute state and federal funds available to those programs whose grant applications have been approved. It is not used to determine whose grant applications are approved, as that would interfere with the direct and equitable access that the state plan establishes and the Adult Education and Family Literacy Act requires. Components of the formula were developed with input from adult education program leadership in Kansas.

The Federal funds distributed by this formula include all Section 231 funds and 8 percent of Section 222 funds. Section 222 funds will be broken out by the funding formula and earmarked for use in professional development activities (see section 6.8).

GOALS

1. To build into funding decisions the core performance measures and *Indicators of A Quality Adult Education Program*, including participant outcomes, sufficient intensity, instructional staff credentials, and local support.
2. To establish a minimum level of funding so that all adult education programs have an adequate base from which to maintain and enhance quality services.
3. To recognize the difference between urban and rural centers in cost per participant hour to serve those participants at the five lowest levels.

FORMULA

1. One-half of state funds is divided evenly among all funded programs as a base level of funding, PLUS
2. One-half of federal funds is distributed based on the number of all participant outcomes, with educational/workplace readiness/technology gains achieved by participants at the five lowest levels (i.e., with a CASAS score of 210 or below) multiplied by a factor of 2, PLUS

6.2 KBOR authority for AEFLA administration

KBOR is authorized to administer AEFLA federal and matching state or local funds (according to KSA 71-4517, 72-4518, 72-4519, and 72-4520), as well as local mill levy funds designated for adult education (according to KSA 71-617 and 72-4523). Programs receiving mill levy funds must spend the funds as a match to AEFLA-funded activities, and funds may not necessarily be spent in the same manner as local cash that is not used to match AEFLA funds.

According to relevant educational statutes, funds generated by local mill levy for adult education programs cannot be used to operate a GED Testing Center nor pay the salaries or partial salaries of GED examiners, alternate examiners, or support staff.

Education Statute # 72-4518

Chapter 72: SCHOOLS

Article 45: ADULT EDUCATION PROGRAMS

Title: Acceptance of benefits of federal law; administration and supervision by state board; state plan; agreements with federal agencies authorized.

Text:

(a) The state of Kansas does hereby accept the provisions and benefits of federal law relating to adult basic education programs. The state board is hereby designated as the agency for administration of adult basic education programs and for supervision of the administration of adult basic education programs by boards. The state board is authorized to prepare, from time to time amend, and administer the state plan in accordance with state and federal law.

(b) The state board shall enter into agreements with the United States office of education and other agencies of the federal government for the purpose of participation in adult basic education programs provided for by federal law. Any such agreement may contain provisions required or authorized by federal law, so long as the same are not in conflict with the provisions of this act.

History: L. 1974, ch. 311, § 2; L. 1999, ch. 147, § 117; July 1.

Education Statute # 72-4519

Chapter 72: SCHOOLS

Article 45: ADULT EDUCATION PROGRAMS

Title: State and federal funds; allocation and distribution; where deposited; payments; rules and regulations.

Text:

(a) The state board shall be responsible for the allocation and distribution of state and federal funds for adult basic education programs in accordance with this act and with the state plan. Such moneys (sic) shall be expended only in accordance with and for the purposes specified in federal or state law or the state plan. Federal funds for adult basic education programs shall be deposited in the state treasury. Payments under this act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments. The state board shall approve vouchers for disbursements from moneys (sic) in the state treasury for adult basic education programs, and the director of accounts and reports shall draw his warrants thereon in accordance with law.

(b) The state board may adopt rules and regulations for the administration of this act, and for the distribution of federal and state funds for adult basic education programs so long as the same are not inconsistent with the provisions of this act.

History: L. 1974, ch. 311, S. 3; July 1.

Education Statute # 72-4520

Chapter 72: SCHOOLS

Article 45: ADULT EDUCATION PROGRAMS

Title: Basic education programs; establishment and operation by local boards; standards and criteria; cooperative agreements.

Text:

Each board is authorized to establish, conduct, maintain and administer an adult basic education program and such program shall meet standards and criteria set by the state board. Cooperative agreements among boards may be entered into for providing in conformity with the purposes of this act, such programs, facilities, equipment and services as may be necessary or desirable. No such cooperative agreement shall be effective until the same has been approved by the state board which approval shall be granted if such agreement complies with the standards and criteria established by the state board.

History: L. 1974, ch. 311, S. 4; July 1.

Education Statute # 71-617

Chapter 71: SCHOOLS - COMMUNITY COLLEGES

Article 6: STATE AID AND FISCAL PROVISIONS

Title: Adult basic education; tax levy authorized, limitations, protest; fund, sources; expenses.

Text:

(a) The board of trustees of any community college may levy a tax in each year for a period of not to exceed five (5) years of not to exceed one-fourth (1/4) mill on all taxable tangible property within the district to maintain and operate an adult basic education program at a level approved by the state board. In no event shall the tax levy authorized hereunder be at a rate which will produce an amount in excess of fifty thousand dollars (\$50,000).

Such tax levy shall be in addition to all other tax levies authorized or limited by law. Proceeds from such tax levy shall be deposited in the adult education fund of the community college which fund is hereby established. All moneys received by a community college for adult basic education shall be deposited in the adult education fund. The expenses of a community college attributable to adult basic education shall be paid from the adult education fund.

(b) No tax levy shall be made under authority of this section until a resolution authorizing such a levy is passed by the board of trustees and published once a week for three (3) consecutive weeks in a newspaper having general circulation in the community college district, and such resolution shall specify the millage rate of such tax levy and the period of time for which such tax levy shall be made under authority thereof. After the adoption of such resolution such levy may be made unless, within ninety (90) days following the last publication of the resolution, a petition in opposition to such levy, signed by not less than five percent (5%) of the qualified electors of such community college district, is filed with the county election officer of the county in which the main campus of the community college is located. In the event such a petition is filed, such levy shall not be made without the question of levying the same having been submitted to and been approved by a majority of the qualified electors of the district voting at an election which shall be called for that purpose or at the next general election.

History: L. 1974, ch. 311, S. 8; L. 1974, ch. 312, S. 2; L. 1978, ch. 283, S. 1; L. 1979, ch. 223, S. 2; L.1980, ch. 207, S. 45; July 1.

Cross References to Related Sections:

Adult education programs, see chapter 72, article 45.

Education Statute # 72-4523

Chapter 72: SCHOOLS

Article 45: ADULT EDUCATION PROGRAMS

Title: Tax levy authorized; limitations; disposition of proceeds; adult education fund; protest petition.

Text:

(a) Subject to the provisions of subsection (b), the board of any school district may make an annual tax levy for a period of not to exceed five years in an amount not to exceed 1/2 mill upon the assessed taxable tangible property within the school district to maintain and operate an adult basic education program at a level approved by the state board and for the purpose of paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. Proceeds from the tax levy, except for an amount to pay a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district, shall be deposited in the adult education fund of the school district, which fund is hereby established. Notwithstanding any other provision of law, all moneys (sic) received by the school district from whatever source for adult basic education shall be credited to the adult education fund established by this section. The expenses of a school district directly attributable to adult basic education shall be paid from the adult education fund.

(b) No tax levy shall be made under this section until a resolution authorizing the levy is passed by the board and published once a week for three consecutive weeks in a newspaper having general circulation in the school district. The resolution shall specify the millage rate of the tax levy and the period of time for which the tax levy shall be made under authority thereof. After adoption of the resolution, the levy may be made unless, within 90 days following the last publication of the resolution, a petition in opposition to the levy, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district. In the event a petition is filed, the tax shall not be levied without the question of levying the same having been submitted to and approved by a majority of the qualified electors of the school district voting at an election which shall be called for that purpose or at the next general election.

(c) The board of any school district which has made a tax levy authorized under the provisions of this section may initiate procedures to renew its authority to make such a tax levy at any time after the final levy under a current authorization is certified to the county clerk.

History: L. 1974, ch. 311, S. 7; L. 1974, ch. 312, S. 1; L. 1 ch. 52, S. 177; L. 1985, ch. 242, & 1; July 1.

6.3 Education Statutes concerning use of AEFLA funds

AEFLA funds need to be accounted for separately from general funds (according to KSA 71-614).

Education Statute # 71-614

Chapter 71: SCHOOLS - COMMUNITY COLLEGES

Article 6: STATE AID AND FISCAL PROVISIONS

Title: General fund; transfer authorizations; operating expense; certain expenditures prohibited.

Text:

Any lawful transfer of money from the general fund of a community college to the vocational education fund, adult education fund, adult supplementary education fund or motorcycle driver safety fund shall be an operating expense in the year the transfer is made. The board of trustees of any community college may transfer moneys from its general fund to its vocational education fund, adult education fund, adult supplementary education fund or motorcycle driver safety fund. Expenditures for vocational education, adult basic education, adult supplementary education and motorcycle driver safety shall not be made from the general fund of a community college.

History: L. 1973, ch. 274, S. 19; L. 1974, ch. 311, S. 12; L. 1974, ch. 312, S. 3; L. 1979, ch. 223, S. 1; L.

1980, ch. 207, S. 42; L. 1989, ch. 39, S. 4; July 1.

6.4 Budgets and Budget Reports

All AEFLA programs must submit an annual budget on forms approved by KBOR Adult Education. The budget must detail proposed expenditures for federal and state funding awarded through the funding formula, as well as local cash match and any available mill levy (also see section 6.2 above). Programs need to send budgets with original signatures by mail. The budget must reflect adequate financial management as required in 34CFR80.20 and 34CFR80.37.

If during the course of a fiscal year a budget requires a revision (also called a modification), the budget revision must be submitted to and approved by KBOR Adult Education, but the total funds awarded in federal and state funds, as well as the total cash match, must remain the same. For a budget revision to be considered, the program needs to submit a new budget form and a letter of explanation for the revised amounts.

In addition, twice a year programs are required to submit Semiannual Budget Reports to KBOR Adult Education on approved budget report forms. Federal or state amounts not spent by June 30 of a fiscal year must either be returned to KBOR or encumbered and spent by September 30 of the following fiscal year. No carryover is permitted from one fiscal year to the next.

Programs need to observe the following maximum or minimum percentages for federal funds:

- maximum 5% of federal funds may be spent on administration (section 100)**
- maximum 8% of federal funds may be spent on services to adults in institutions (section 200)**
- minimum and maximum of 8% of federal funds must be spent on professional development (section 400)**

Maintenance of effort (see section 1.22 (b) as well as Appendix A of the Kansas Four-Year State Plan) for local cash match is required so that the level of local cash funds does not fall below the level of local

cash funds from the previous year, even if 10% of federal funds is less or if the final award amount stays the same or decreases.

Programs are required to submit a Capital Outlay Inventory for any capital outlay items (e.g. equipment or furnishings) costing \$500 or more each with federal or state adult education (AEFLA) funds during the fiscal year. Negative reports are also required. Programs will submit the capital outlay inventory form with the annual report.

Budget forms and reports are available electronically or in hard copy, either through mail or by fax, **but original and revised budgets must be submitted with original signatures**. Sample forms and instructions are included below – following instructions carefully will help prevent delays in approval. A budget revision may be submitted at any time following approval of the budget for a fiscal year. A fiscal year begins on July 1 and ends on June 30.

A budget revision is required if a program needs to move funding amounts from one section to another or if within the same section line item changes exceed 10% of the section subtotal. For example, a program has \$1000 budgeted in a section, including \$500 in each of two separate line items. Because of an unanticipated change in the program, one of the line items requires \$800 and the other requires only \$200. Because each line item needs to change by \$300, which is more than 10% of \$1000, a budget revision is necessary. Likewise, if the program needed to move the \$300 to a line item in a different section, a budget revision would be necessary.

A budget report accounts for what the program spent in either the first six months or the last six months of the fiscal year. The amounts spent in the first six months plus the amounts in the second six months should add up to the total budgeted amount, but expenditures do not need to be exactly half of the budgeted amount. For example, a program budgeted \$1000 on a certain line item and spent \$600 on the line item in the first six months and \$400 on the same line item in the next six months.

Programs are encouraged to first spend federal and state funds before spending local funds, but **all funds need to be spent as approved in the original budget or a budget revision, including local cash**. Budget reports may be mailed or submitted electronically by e-mail or fax.

Adult Education Budget for FY 200__				
Program Name				
	Federal Funds	State Funds	Local Funds	Total
ENTER TOTAL AMOUNTS APPROVED FOR FY200_:				
100 Administration (maximum 5% of federal funds)				
Administrator Salary				\$ -
Support Staff Salary/Wages				\$ -
Other Administrative Costs				\$ -
SUBTOTAL 100 ADMINISTRATION				\$ -
200 Instruction				
Instructional Salaries				\$ -
Instructional Supplies				\$ -
Other Instructional Costs				\$ -
SUBTOTAL 200 INSTRUCTION				\$ -
Amount of SUBTOTAL 200 proposed for correctional or other residential institutions (maximum 8% of federal funds)				\$-
300 Benefits				
Withholding and Required Benefits				\$ -
Fringe Benefits				\$ -
SUBTOTAL 300 BENEFITS				\$ -
400 Professional Development (min/max 8% of federal funds)				
Personnel				\$ -
Substitute Costs				\$ -
College Tuition Reimbursement				\$ -
Inservice Costs				\$ -
Professional Development Supplies				\$ -
Staff Travel				\$ -
Consultant Travel				\$ -
Other Professional Development Costs				\$ -
SUBTOTAL 400 PROFESSIONAL DEVELOPMENT				\$ -
SUBTOTAL 500 TRANSPORTATION/CHILDCARE				\$ -
600 Capital Outlay				
Instructional Equipment (each item \$500 or over)				\$ -
Furniture (each item \$500 or over)				\$ -
Other Capital Outlay (each item \$500 or over)				\$ -
SUBTOTAL 600 CAPITAL OUTLAY				\$ -
SUBTOTAL 700 BUILDING AND MAINTENANCE				\$ -
GRAND TOTAL 100 THROUGH 700	\$ -	\$ -	\$	\$ -
Signatures of Approval:				
Prepared by _____				
Program Director _____				
State Director _____				

Adult Education Budget for FY 200__ Instructions

(This form may also be used for Budget Modifications or Revisions)

Before beginning, please note the following requirements:

- A maximum of 5% of federal funds may be spent in section 100 (administrative) – programs are welcome to use available state funds for section 100 as needed.
- A maximum of 8% of federal funds may be spent for institutions (includes activities in residential correctional, medical, mental, youth, or special institutions).
- A minimum and maximum of 8% of federal funds must be spent in section 400 (professional development).
- Round all amounts to whole dollars using conventional rounding (e.g., \$.00 to \$.49 = \$0 and \$.50 to \$.99 = \$1).

1. Type the name of your adult education program next to “Program Name.”
2. Indicate in the columns the adult education funds for the current year, including federal funds, state funds, local funds, and total funds (i.e., federal funds plus state funds plus local funds). Use amounts for federal and state funds that have been allocated to your program from the funding formula. Local funds are defined as any cash matching funds from non-federal, non-state sources, such as a private grant or ABE mill levy. All mill levy funds designated by law for adult education must be reported in full. Programs must consider maintenance of effort requirements when budgeting local funds.
3. In sections 100 through 700, report actual funds allowed for the year. Any amounts not spent or encumbered by June 30, 200__, or encumbered amounts not spent by September 30, 200__, must be returned to Kansas Board of Regents.
4. In section 100, indicate federal, state, local, and total funds for administrator salaries (including director and/or coordinator as applicable) and for any support staff during the period of the budget. Also indicate any other administrative funds, such as office supplies, postage, telephone, printing, and other items individually priced under \$500. “Administrative” costs are non-instructional costs of administering the adult education program. Do NOT include any benefits here.
5. In section 200, indicate federal, state, local, and total funds for instructional salaries (any paid teaching staff, whether in an institution or a non-institutional setting, or other instructional staff, such as a counselor), instructional supplies (supplies used to provide instruction to adult education learners), and any other instructional items individually priced under \$500. Do NOT include any benefits here. **Also provide the amount of the section 200 subtotal that was proposed for institutional costs (salaries, supplies, and/or other) as defined above. Since the institutional expenditures are part of the subtotal, do NOT add the amount into the grand total for federal expenditures a second time.**
6. In section 300, indicate withholding and other required benefits, as well as fringe benefits, for any of the amounts in sections 100 or 200.
7. In section 400, indicate amounts for any line items for professional development. Registration amounts should go under “other professional development costs.”
8. In section 500, indicate any amounts for providing learners with transportation or childcare.
9. In section 600, indicate any amounts for capital outlay. All items of instructional equipment (such as VCR or computer), furniture (such as a classroom table), or other capital outlay must be individually priced at \$500 or over. If the individual cost per item is \$499 or less, the amount should be indicated in section 100 or 200 instead.
10. In section 700, indicate any amounts proposed for building rent, building maintenance, and other costs of keeping up an adult education facility.
11. Check that all 7 SUBTOTAL amounts are filled out for each section, in federal, state, local, and total columns.
12. Add up the 7 SUBTOTAL amounts and indicate them in the “GRAND TOTAL” columns. **Double check your calculations and cross check rows and columns horizontally and vertically.**
13. Sign your name at “prepared by” and have the adult education program director sign under your signature. If you are the director, sign **only** on the “program director” line. **Budgets and budget modifications** (or revisions) **need original signatures; only semi-annual budget reports** may be faxed or e-mailed with typed names.
14. Upon approval of the budget, Kansas Board Of Regents Adult Education staff will sign the last line and return the signed budget form to you.

Adult Education Semi-Annual Budget Report for FY 200__,				
1 to 31, 200__, Expenditures				
Program Name				
	Federal Funds	State Funds	Local Funds	Total
ENTER TOTAL AMOUNTS APPROVED FOR FY200_:				
100 Administration (maximum 5% of federal funds)				
Administrator Salary				\$ -
Support Staff Salary/Wages				\$ -
Other Administrative Costs				\$ -
SUBTOTAL 100 ADMINISTRATION				\$ -
200 Instruction				
Instructional Salaries				\$ -
Instructional Supplies				\$ -
Other Instructional Costs				\$ -
SUBTOTAL 200 INSTRUCTION				\$ -
Amount of SUBTOTAL 200 proposed for Institutions (maximum 8% of federal funds)				\$-
300 Benefits				
Withholding and Required Benefits				\$ -
Fringe Benefits				\$ -
SUBTOTAL 300 BENEFITS				\$ -
400 Professional Development (min/max 8% of federal funds)				
Personnel				\$ -
Substitute Costs				\$ -
College Tuition Reimbursement				\$ -
Inservice Costs				\$ -
Professional Development Supplies				\$ -
Staff Travel				\$ -
Consultant Travel				\$ -
Other Professional Development Costs				\$ -
SUBTOTAL 400 PROFESSIONAL DEVELOPMENT				\$ -
SUBTOTAL 500 TRANSPORTATION/CHILDCARE				\$ -
600 Capital Outlay				
Instructional Equipment (each item \$500 or over)				\$ -
Furniture (each item \$500 or over)				\$ -
Other Capital Outlay (each item \$500 or over)				\$ -
SUBTOTAL 600 CAPITAL OUTLAY				\$ -
SUBTOTAL 700 BUILDING AND MAINTENANCE				\$ -
GRAND TOTAL SPENT 100 THROUGH 700	\$ -	\$ -	\$	\$ -
Signatures of Approval:				
Prepared by _____				
Program Director _____				
State Director _____				

Before beginning, please note the following requirements:

- This report covers actual expenditures of FY200__ funds from ____ 1 to ____ 31, 200__. These actual expenditures may or may not total to half of the funds approved in your program’s FY200__ budget – refer to the approved budget for section totals. Programs are not permitted to spend more funds in each section than has been approved for that section. If section amounts need to be changed due to new circumstances, please submit a budget modification BEFORE submitting this report.**
- Round all amounts to whole dollars using conventional rounding (e.g., \$.00 to \$.49 = \$0 and \$.50 to \$.99 = \$1).**
- Even if you use spreadsheet formulas, please double-check all calculations across rows and down columns, especially for totals, to avoid delay in approval.**
- A maximum of 5% of federal funds may be spent in section 100 (administrative) – programs are welcome to use state funds for section 100 as needed.**
- A maximum of 8% of federal funds may be spent for institutions (includes activities in residential correctional, medical, mental, youth, or special institutions).**
- A minimum and maximum of 8% of federal funds must be spent in section 400 (professional development).**

1. Type the name of your adult education program next to “Program Name.”

2. Indicate in the columns the adult education funds spent from J ____ 1 to ____ 31 for FY200__, including federal funds, state funds, local funds, and total funds (i.e., federal funds plus state funds plus local funds). Local funds are defined as any cash matching funds from non-federal, non-state sources, such as a private grant or ABE mill levy.

3. In sections 100 through 700, report actual funds spent in the first half of the year.

4. In section 100, indicate federal, state, and total expenditures for administrator salaries (including director and/or coordinator as applicable) and for any support staff during the period of the budget. Also indicate any other administrative expenditures, such as office supplies, postage, telephone, printing, and other items individually priced under \$500. “Administrative” costs are non-instructional costs of administering the adult education program. Do NOT include any benefits here.

5. In section 200, indicate federal, state, and total expenditures for instructional salaries (any paid teaching staff, whether in an institution or a non-institutional setting, or other instructional staff, such as a counselor), instructional supplies (supplies used to provide instruction to adult education learners), and any other instructional items individually priced under \$500. Do NOT include any benefits here. **Also provide the amount of the section 200 subtotal that was spent for institutional costs (salaries, supplies, and/or other) as defined above. Since the institutional expenditures are part of the subtotal, do NOT add the amount into the grand total for federal expenditures a second time.**

6. In section 300, indicate withholding and other required benefits, as well as fringe benefits, for any of the amounts in sections 100 or 200.

7. In section 400, indicate amounts for any line items for professional development. Registration amounts should go under “other professional development costs.”

8. In section 500, indicate any amounts for providing learners with transportation or childcare.

9. In section 600, indicate any amounts for capital outlay. All items of instructional equipment (such as VCR or computer), furniture (such as a classroom table), or other capital outlay must be individually priced at \$500 or over. If the individual cost per item is \$499 or less, the amount should be indicated in section 100 or 200 instead, depending on whether it was used for the office or for instruction.

10. In section 700, indicate any amounts spent for building rent, building maintenance, and other costs of keeping up an adult education facility.

11. Check to be sure all 7 SUBTOTAL amounts are filled out for each section, in federal, state, local, and total columns.

12. Add up the 7 SUBTOTAL amounts and indicate them in the “GRAND TOTAL” columns. **Double-check your calculations and cross check rows and columns horizontally and vertically.**

13. Sign your name next to “prepared by” and have the adult education program director sign under your signature. If you are the director, sign **only** on the “program director” line. If you submit the report electronically, your typed name(s) in the signature line(s) are acceptable.

14. Submit the report to Kansas Board of Regents, either by e-mail as an attachment in Excel, or by mailed or faxed hard copy (fax number is 785-296-0983).

15. The deadline for this budget report is ____ 1, 200__. The budget report needs to be in Kansas Board of Regents Adult Education office on that date, or it will be considered late.

16. Upon approval of the budget report, Kansas Board Of Regents Adult Education staff will sign the last line and return the signed report to you.

(Page left blank)

Adult Education (AEFLA) Capital Outlay Inventory for FY _____

Name of Adult Education Program _____

Today's Date _____

Did your program purchase any capital outlay items (e.g., equipment or furnishings) costing \$500 or more **each** with federal or state adult education (AEFLA) funds during FY ___? (If you are not sure, check the most recent approved budget for the fiscal year that just ended)

If **no**, please put a in the space below and return this form to KBOR with annual reporting _____. Do not fill in the table below.

If **yes**, fill out the table below for each individual item purchased

Item Name	Cost of Item	Current Location of Item	Is Item Clearly Marked?	Local ID# of Item
**Laser Printer	\$639.00	ABE classroom	Yes	2000-1629

** Sample Item

[Code of Federal Regulations]
[Title 34, Volume 1, Parts 1 to 299]
[Revised as of July 1, 2000]
From the U.S. Government Printing Office via GPO Access
[CITE: **34CFR80.20**]

[Page 196]

TITLE 34--EDUCATION

PART 80--UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS--Table of Contents

Subpart C--Post-Award Requirements

Sec. 80.20 Standards for financial management systems.

Financial Administration

(a) A State must expand and account for grant funds in accordance with State laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures of the State, as well as its subgrantees and cost-type contractors, must be sufficient to:

(1) Permit preparation of reports required by this part and the statutes authorizing the grant, and

(2) Permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of applicable statutes.

(b) The financial management systems of other grantees and subgrantees must meet the following standards:

(1) Financial reporting. Accurate, current, and complete disclosure of the financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the grant or subgrant.

(2) Accounting records. Grantees and subgrantees must maintain records which adequately identify the source and application of funds provided for financially-assisted activities. These records must contain information pertaining to grant or subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.

(3) Internal control. Effective control and accountability must be maintained for all grant and subgrant cash, real and personal property, and other assets. Grantees and subgrantees must adequately safeguard all such property and must assure that it is used solely for authorized

purposes.

(4) Budget control. Actual expenditures or outlays must be compared with budgeted amounts for each grant or subgrant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant or subgrant agreement. If unit cost data are required, estimates based on available documentation will be accepted whenever possible.

(5) Allowable cost. Applicable OMB cost principles, agency program regulations, and the terms of grant and subgrant agreements will be followed in determining the reasonableness, allowability, and allocability of costs.

(6) Source documentation. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract and subgrant award documents, etc.

(7) Cash management. Procedures for minimizing the time elapsing between the transfer of funds from the U.S. Treasury and disbursement by grantees and subgrantees must be followed whenever advance payment procedures are used. Grantees must establish reasonable procedures to ensure the receipt of reports on subgrantees' cash balances and cash disbursements in sufficient time to enable them to prepare complete and accurate cash transactions reports to the awarding agency. When advances are made by letter-of-credit or electronic transfer of funds methods, the grantee must make drawdowns as close as possible to the time of making disbursements. Grantees must monitor cash drawdowns by their subgrantees to assure that they conform substantially to the same standards of timing and amount as apply to advances to the grantees.

(c) An awarding agency may review the adequacy of the financial management system of any applicant for financial assistance as part of a preaward review or at any time subsequent to award.

(Approved by the Office of Management and Budget under control number 1880-0517)

(Authority: 20 U.S.C. 3474; OMB Circular A-102)

[53 FR 8071 and 8087, Mar. 11, 1988, as amended at 53 FR 49143, Dec. 6, 1988]

7. Policies on Services to Individuals with Disabilities

7.1 Local policies on services to adults with disabilities must not discriminate nor violate the Americans with Disabilities Act (ADA). Programs are encouraged to establish and share local policies on minimum qualifications for learners with the ability to benefit from adult education services.

Because programs cannot be discriminatory in any manner in service to individuals, programs need to ensure that they have made a concerted effort to serve all learners effectively. This effort means the program has appropriate materials for all levels, has posted non-discrimination policies as required under the Americans with Disabilities Act (ADA), is physically accessible, does not impose "unreasonable" time limits, provides appropriate accommodations, etc. This does not mean that programs have to create "new" programs or provide special "exclusive" services for learners.

Some learners would benefit from having one-on-one instruction; however, a program cannot be expected to provide one-on-one instruction for a learner if the program uses a group-instruction model. Having a teacher provide one-on-one services would be unreasonable and cost prohibitive. However, if a program provides one-on-one tutoring for some individuals, it would be discriminatory to not provide one-on-one tutoring for any individual who requested such services and who would most likely benefit from such services.

It is also not unreasonable for a program to emphasize--from the first day of a learner's experience with the program--that adult education is an EDUCATION program and participation in the program requires a measurable education or workforce preparation-related goal.

Ideally, the program has developed a very consistent process that is used with each and every learner. This process would include the following steps: teachers/learners identify a reasonable goal(s), teachers/learners work toward the goal(s), teachers/learners measure progress toward the goal(s), teachers/learners revise goal(s), methods, materials, etc. as necessary, teachers/learners monitor progress toward the goal(s), etc. When this process is followed with EVERY learner, the program should have a record that *confirms* that the program is the appropriate placement for the learner or *confirms* that the program is not an appropriate placement for the learner.

If a learner was not making progress because of excessive absences, the program would have a record of the learner's attendance, a record of the counseling session with the learner explaining/reviewing the necessity for consistent attendance and consistent effort in order for the learner to achieve his/her goal(s). With this documentation, it is not unreasonable to "disenroll" a learner because the learner

obviously did not (could not or would not) meet the program's *reasonable* expectations leading to goal attainment.

Similarly, a learner with limited ability must also demonstrate progress toward an "appropriate" goal. If the learner cannot/does not/will not demonstrate progress, the program should have a record of the learner's identified goal(s), plan for achieving the goal(s), monitoring of progress toward goal(s), etc. If these elements are in place, and a learner is not making measurable progress toward an appropriate educational goal, then the adult education program is obviously not the appropriate placement (program) for the learner. Even if the learner "is happy in our program," "likes to attend our program," "is developing more appropriate social skills," etc., these are not measurable education/workplace preparation goals and, while they may be appropriate goals for some programs, they are not (absent from any other measurable education/ workplace preparation-related goals) sufficient reasons for programs to continue to provide services to an individual.

This does not mean that programs have to generate excessive additional paperwork. Most programs already have a process for identifying appropriate goals, log of learner attendance/efforts, a learning plan which includes assignments, teacher's comments, learner's reviews of his/her progress, records of teacher/learner joint reviews of progress, etc. Of course, learner handbooks and other orientation materials should state very clearly the expectations of the program--that all learners will identify and work toward an appropriate education/workforce-readiness goal and that learners will demonstrate ongoing measurable progress toward the goal(s).

For special needs learners--to ensure programs are not being discriminatory--there would not be the same expectation/time frame/etc. as for a learner that did not have special needs. For example, if a learner had a mobility problem and had to depend on public transportation, he/she may not be able to attend the program during inclement weather, so an attendance policy would have to allow for these special circumstances. A learner who has a developmental disability (e.g. mental retardation, Down's syndrome, autism, cerebral palsy) may be able to document a learning gain of five points on the CASAS only after 150 or more hours of instruction instead of the more typical 80-100 hours of instruction. However, if the learner is showing no learning gains--even on teacher-constructed tests, end-of-chapter tests, etc.--and different methods have been tried and proven unsuccessful, then the learner (and perhaps an advocate/aide/parent) needs to be informed that unless measurable progress toward a goal is met by a definite future date, then the learner will no longer be a participant in the program because *obviously* the program is not an appropriate placement for this learner.

When this process is followed, learners have been given due process, programs have not been discriminatory (except to the degree that we cannot be all things to all people), and the program has followed a consistent process that documents

that concerted efforts were made to help the learner meet his/her educational/workplace readiness goal(s).

Programs need to emphasize that while learners may have "other" goals, the federal/state monies are tied to very specific goals, and expenditure of these monies to serve learners whose primary reason for attending the program is not aligned with these federal/state goals is an inappropriate expenditure of funds.

How long does the learner need to stay out? If a program is not an appropriate placement for the learner now, then it most likely will not be an appropriate placement six months from now. Of course, for learners who are "disenrolled" because they violated an attendance policy, conduct policy, etc., the program will most likely be an appropriate placement when the learner decides that he/she can adhere to the program's policies. Programs should also have a clearly defined **written** policy about how long a person must be disenrolled before he/she can apply for readmission and the process for readmission. This does not mean a program "has to" readmit every learner after a certain waiting period. Adult education programs might never readmit a learner that has been a threat to a teacher, another learner, or even to the equipment and materials in a program.

It short, it is extremely important that an adult education program has ample **supporting documentation** to negate any claim of discriminatory actions in its services to adult learners. A "paper trail" of the program's honest, well-planned, diligently-executed efforts to serve all learners will support the program's **written** policy to disenroll learners when the program determines (based on the documented evidence) that this is not an appropriate placement for the learner and continued service to the learner would be a *misuse* of federal and state funding.

7.2 Adults needing accommodations for disabilities should be identified as early in the learning process as possible. Program staff should refer to *The Comprehensive Adult Education Planner and Accommodating Adults with Disabilities* manuals for further information and procedures. Counseling of adult learners should include referral to the most appropriate placement for the learners needs, regardless of disability status.

In order to "document" a disability, adult education programs should use the Americans with Disabilities Act (ADA) guidelines. Under the ADA broad definitions, program staff can accept several types of documentation of a disability. One of the most common forms of documentation in an educational environment is a self-report from an individual that he/she was identified as having a special need and served under the Individual with Disabilities Education Act (IDEA), frequently known as "Special Education". Other appropriate

evidence includes an individual having an obvious physical disability and/or providing the adult education program with written confirmation of a disability from an appropriate doctor. Program staff should note in the learner's file the type of documentation that was provided.

However, not everyone who says he/she will need accommodations in the learning or testing environment has a disability. Programs should follow up the group enrollment process with one-on-one interviews, especially with the learners who self identify as needing accommodations. This private discussion may provide an environment that is more conducive to soliciting information about why the individual believes he/she will need accommodations to be successful in testing situations. For example, if a learner reports that he received Special Education services in school and that his IEP stated that he should be allowed additional time during testing, this person has a "history of a disability" which is one of the qualifying elements for identification of a disability under ADA. Therefore, this individual would be considered as having a disability for the reporting system.

However, in the private interview setting another learner may report that she will need accommodations because she has dyslexia. When the interviewer questions the learner about her diagnosis, the learner reports that her friend read an article about dyslexia. When the learner and her friend discussed the information provided in the article, they decided that the reason the learner was having trouble reading was because she was dyslexic. The learner also reports she never received Special Education services and that she has never been diagnosed by a professional. While this learner *may* have a specific learning disability, this self-diagnosis and self-reporting of a need for accommodations is not sufficient to identify this person as having a disability.

8. Policies on Environment

8.1 Local policy on behavior and dress code should be posted, and programs should get signatures of adults confirming that they have been appropriately informed about the policies. ADA signs explaining non-discrimination policies should be posted on a wall or bulletin board in plain sight. Discrimination on the basis of age or other demographic purpose, such as requiring learners of a certain age group to participate in services for that age group, is not permitted.

According to KSA 72-4526, “(c) Any board may adopt regulations governing the operation of adult education programs. Any board may authorize persons not residents of the district to participate in adult education programs. The teachers and administrators in such adult education programs shall have the same authority over students as is exercised in regular school instruction.”

A sample policy for conduct and dress might include the elements below. Each local program should have its agency’s legal staff review proposed conduct and dress codes to ensure that the codes are legally defensible and are aligned with the policies of the sponsoring institution.

LEARNING CENTER CODE OF CONDUCT

For everyone to be able to learn well, the Learning Center asks you to please follow these rules:

1. Be aware of the needs of fellow students.
2. Do not disturb others with unnecessary noise, movement, swearing, or other disruptions.
3. Do not abuse physically or verbally, threaten, hit or mistreat any person.
4. Be courteous to and respectful of staff, students and their property.
5. Do not use, sell, possess, distribute or be under the influence of narcotics, drugs, or alcohol.
6. Do not be in possession of any item that could be considered to be a weapon.

7. Do not smoke or chew tobacco while in the building.
8. Do not bring children or other persons into the study rooms.
9. No fund raising, buying, or selling is permitted (such as Avon, Amway, or candy from your child's school).
10. Taking plants or animals into the school requires prior permission from the director.

<< PROGRAM >> DRESS CODE

In <<Program>> learners will always:

- Be clean and odor free.
- Wear shoes.

In <<Program>>, learners will not:

- dress in such a way that others are distracted from studying.
- dress in such a way as to be a danger to themselves or others.
- display immoral, obscene, or indecent messages or pictures.
- display messages or pictures promoting violence, gang activity or drugs (including alcohol and tobacco).

Failure to follow the Learning Center Code of Conduct or Dress Code may result in dismissal.

I have read, or had read to me, and understand this page.

Student Signature _____ Date _____

8.2 Local policy on emergency procedures and treatment should be posted, and programs should get signatures of adults confirming that they have been informed about the policies.
Programs should offer regular fire and tornado drills and share

procedures in case of bomb threats, life-threatening emergencies, or other disasters in a language that learners can read.

8.3 Outreach sites, including those that are in close physical proximity to another outreach site, must meet the same requirements of the main program site in reference to performance on measures in the *Indicators of A Quality Adult Education Program*.

9. Policies on Basic Skills Certification

According to KSA72-4526, “(b) The board shall issue a certificate of accomplishment to every student completing an adult basic education course, which certifies the subjects studied and the accomplishments made therein. Such certificates shall be issued in accordance with the state plan.”

Although local boards have legal authority to issue “certificates of accomplishments” as stated above, adult education programs must clearly specify what the certificate of accomplishment certifies and distinguish it from certificates awarded through the Kansas Basic Skills Certification Process.

For adult learners who would benefit from documentation of basic skills acquisition below the high school level, the Kansas Basic Skills Certification Process combines both performance-based assessment with CASAS Diagnostic Tests to *certify* that an adult learner has basic reading and math skills at CASAS levels A, B, or C. Four programs in the state are currently working to expand the certification process to include certificates documenting writing skills, Hutchinson Community College's Adult Education Center, Johnson County Community College's Project Finish, Let's Help in Topeka, and Kaw Area Technical School's Adult Education Center.

Kansas' Basic Skills Certification Process

OVERVIEW

The Kansas Basic Skills Certification Process was designed to recognize adult learners' achievement of basic skills at three levels of competency. Federally- and state-funded Adult Basic Education (ABE) programs in Kansas implement the process. Each program that awards the certificates has been extensively trained in the process. In addition, each program adheres to the certification protocol to ensure that the certificates have continued value to both the adult learner and to other stakeholders who recognize the certificates as documentation of basic skills.

CERTIFICATION PROCESS

The certificates are awarded based on mastery of basic skills in the areas of reading and math, at three levels of competency. The mastery of skills is demonstrated in two ways: (1) performance-based demonstration of skills and observation by a trained observer and (2) minimum score attainment on CASAS Reading and Math Diagnostic Tests administered by a CASAS-trained and certified user.

The benchmarks developed and included in the CASAS Curriculum Notebook are the performance-based measures that document the demonstration of basic skills. The performance-based demonstration must be at the 100% accuracy (mastery level). The materials and realia used in the performance-based assessment must be at the high end of the level for which the learner is seeking certification.

The assessment instruments for the certification documentation are the diagnostic test at the level of certification level being sought. For example, A level certification is documented using an A level diagnostic test B Level certification is documented using a B level diagnostic test; and C level certification is documented using a C level diagnostic test.

Certificates are awarded in both reading and math. A learner can earn a reading or math certificate without earning both. A learner can also earn a certificate in one area at a different level than a certificate earned in another area. For example, a learner can earn a B level certificate in reading and an A level certificate in math.

TESTING PROTOCOL

Certification testing must be administered following CASAS testing protocol. Because of the high-stakes condition surrounding certification testing, test security and test scoring is of special concern. The following testing guidelines must be followed consistently:

- The tests used for diagnostic testing and used answer sheets must be kept in a locked file at all times, except when removed for testing.
- The test is never scored in the presence of the person being tested.
- Individual test items are never discussed with a person being tested. **Do not** use the certification test as a teaching tool.
- The **overall score** on the test and the implications of that score should always be discussed with the person being tested.
- Re-testing at the same level of a test must not take place sooner than 21 calendar days after the initial unsuccessful attempt. After 21 calendar days, an individual may re-test at the same level of test, using an alternative version of the test. For example, a person who takes level C, Form 15 Reading (to be certified at level C), and does not attain the necessary score, may re-test no sooner than 21 calendar days. On retesting the individual would be tested using level C, Form 16 reading. If the individual fails to reach the required score on the second test, the individual may not retest in that area at that level for 90 calendar days.

Every effort must be made to guarantee that the individual is ready for testing before the test is administered. The consequences of unsuccessful attainment of a certification score, results in the individual not being able to retest for 21 calendar days. If a learner is unsuccessful twice on any level, he/she may not retest for 90 calendar days.

CERTIFICATION STANDARDS

The credibility of the Basic Skills Certificates is dependent on those who use the system. In order for the system to be recognized as a credible system for documenting basic skills attainment, everyone who uses the system must practice stringent test security precautions, follow appropriate testing guidelines, and ensure that everyone who receives a certificate can demonstrate the skills that the certificate certifies.

The Basic Skills Certificates **are not** to be used as a reward for good attendance, perseverance, positive attitude, etc. While these are admirable habits and characteristics, **these are not the skills documented by the Basic Skills Certificates.** Programs are provided with additional tools to document attainment of a high level of competency in these areas.

The Basic Skills Certificates are awarded at three levels of skills attainment in both reading and math. The minimum certification requirement and the description of each level follows:

Certification Area: Level A Reading Certificate

Certification Requirements:

- (1) Performance-based Documentation:
Benchmarking of Kansas Competency System Skills Domains 1.0-5.0, including all competencies 1.1-5.6 at A-level with 100% accuracy.

- (2) Diagnostic Testing:
A minimum score of 210 on Form 11 or Form 12 Reading.

Level Description:

Individuals at this level generally can read numbers, letters, simple words and phrases related to immediate needs. Other skills may include reading and following directions found on signs and directories. Individuals at this level may be successful in entry-level jobs that require basic oral communications skills.

Certification Level: Level B Reading Certificate

Certification Requirements:

- (1) Performance-based Documentation:
Benchmarking of Kansas Competency System Skills Domains 1.0-5.0, including all competencies 1.1-5.6 at B-level with 100% accuracy.
- (2) Diagnostic Testing:
A minimum score of 220 on Form 13 or Form 14 Reading.

Level Description:

Individuals at this level generally can handle basic reading tasks related to their life roles. Other skills may include the following: reading and interpreting simplified and real-life materials on familiar topics; interpreting simple charts, graphs, maps, labels and menus; following basic written instruction and diagrams. Individuals at this level may be successful in entry-level jobs that involve following basic oral communications or simple written instructions.

Certification level: Level C Reading Certificate

Certification Requirements:

- (1) Performance-based Documentations:
Benchmarking of Kansas Competency System Skills Domains 1.0-5.0, including all competencies 1.1-5.6 at C-level with 100% accuracy.
- (2) Diagnostic Testing:
A minimum score of 235 on Form 15 or Form 16 Reading.

Level Description:

Individuals at this level generally can handle most routine reading tasks related to their life roles. Other skills may include the following: interpreting routine charts, graphs, maps, labels and menus; reading and interpreting a simple employee handbook; interpreting a pay stub; following multi-step diagrams and written instructions.

Individuals at this level may be successful in jobs that involve following basic oral communications, simple written instructions and diagrams. Persons at this level generally are able to begin General Education Development (GED).

Certification Level: Level A Math Certification

Certification Requirements:

- (1) Performance-based Documentation:
Benchmarking of Kansas Competency System Skills Domains 6.0-10.0, including all competencies 6.1-10.14 at A-level with 100% accuracy.
- (2) Diagnostic Testing:
A minimum score of 210 on Form 11 or Form 12 Math

Level Description:

Individuals at this level generally can add and subtract whole numbers. Other skills may include the following: interpreting clock time, counting, and converting money. Individuals at this level may be successful in entry-level jobs that involve tasks such as counting items.

Certification Level: Level B Math Certificate

Certification Requirements:

- (1) Performance-based Documentation:
Benchmarking of Kansas Competency System Skills Domains 6.0-10.0, including all competencies 6.1-10.14 at B-level with 100% accuracy.
- (2) Diagnostic Testing:
A minimum score of 220 on Form 13 or Form 14 Math.

Level Description:

Individuals at this level generally can add, subtract, multiply and divide whole numbers. Other skills may include the following: interpreting simple charts, graphs, and labels; interpreting a basic payroll stub; interpreting clock time; counting, converting, and using money; interpreting restaurant menus and computing related costs.

Individuals at this level generally can handle jobs that involve following basic oral communications or simple written instructions and diagrams if they can be clarified orally. Individuals at this level may be successful in entry-level jobs.

Certification Level: Level C Math Certificate

Certification Requirements:

- (1) Performance-based Documentations:
Benchmarking of Kansas Competency system skills domains 6.0-10.0, including all competencies 6.1-10.14 at C-level with 100% accuracy.
- (2) Diagnostic Testing:
A minimum score of 235 on Form 15 or Form 16 Math

Level Description:

Individuals at this level generally can handle most computational tasks related to their life roles. Other skills may include the following: adding, subtracting, multiplying and dividing whole numbers; interpreting routine charts, graphs, and labels; interpreting a payroll stub; reconciling a bank statement and completing calculations on a simple order form.

Individuals at this level may be successful in entry-level jobs that involve following basic oral communication and simple written instructions and diagrams. Persons at this level generally are able to begin General Educational Development (GED) preparation.

AWARDING OF CERTIFICATES AND SECURITY ISSUES

To ensure the credibility of the awarded certificates, security measures must be employed. The following procedures must be followed by every program awarding the certificates:

- Certificates and embossed seals should be kept in separate areas.
- Embossed seals should never be applied to a blank certificate.
- Certificates should be inscribed with the successful completer's legal name, date of issuances, program director's signature, and instructor's signature.
- Program's name may be inscribed at the time of awarding or preprinted. All other information may only be filled in after the certification process has been successfully completed.
- Centers will use their CASAS identification code as the first three digits on the certificate, followed by a dash (-), followed by consecutive numbers as issued.

Example: Neosho County Community College (816) will use their CASAS code followed by -1 (816-1) for the first certificate awarded, -2 (816-2) for the second certificate awarded, etc., regardless of area or level of the certificate.

- Centers will keep a secured log of every credential awarded with the number of the certificate, area and level of the certificate, and the name, address, phone number, and social security number of the individual receiving the number certificate. (See **Log of Awarded Certificates.**)
- Copies of the log will be forwarded to KBOR quarterly. A database of awarded certificates will be maintained at the state level.

10. Policies on Program Evaluation and Record-keeping

10.1 Monitoring and program evaluation procedures

34CFR80.40 requires KBOR to monitor and report on program performance.

[Code of Federal Regulations]
[Title 34, Volume 1, Parts 1 to 299]
[Revised as of July 1, 2000]
From the U.S. Government Printing Office via GPO Access
[CITE: 34CFR80.40]

[Federal Register Page 212-213]

TITLE 34--EDUCATION

PART 80--UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND
COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS--Table
of Contents

Subpart C--Post-Award Requirements

Sec. 80.40 Monitoring and reporting program performance.

(a) Monitoring by grantees. Grantees are responsible for managing the day-to-day operations of grant and subgrant supported activities. Grantees must monitor grant and subgrant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program, function or activity.

(b) Nonconstruction performance reports. The Federal agency may, if it decides that performance information available from subsequent applications contains sufficient information to meet its programmatic needs, require the grantee to submit a performance report only upon expiration or termination of grant support. Unless waived by the Federal agency this report will be due on the same date as the final Financial Status Report.

(1) Grantees shall submit annual performance reports unless the awarding agency requires quarterly or semi-annual reports. However, performance reports will not be required more frequently than quarterly. Annual reports shall be due 90 days after the grant year, quarterly or

semi-annual reports shall be due 30 days after the reporting period. The final performance report will be due 90 days after the expiration or termination of grant support. If a justified request is submitted by a grantee, the Federal agency may extend the due date for any performance report. Additionally, requirements for unnecessary performance reports may be waived by the Federal agency.

(2) Performance reports will contain, for each grant, brief information on the following:

(i) A comparison of actual accomplishments to the objectives established for the period. Where the output of the project can be quantified, a computation of the cost per unit of output may be required if that information will be useful.

(ii) The reasons for slippage if established objectives were not met.

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(iii) Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(3) Grantees will not be required to submit more than the original and two copies of performance reports.

(4) Grantees will adhere to the standards in this section in prescribing performance reporting requirements for subgrantees.

(c) Construction performance reports. For the most part, on-site technical inspections and certified percentage-of-completion data are relied on heavily by Federal agencies to monitor progress under construction grants and subgrants. The Federal agency will require additional formal performance reports only when considered necessary, and never more frequently than quarterly.

(d) Significant developments. Events may occur between the scheduled performance reporting dates which have significant impact upon the grant or subgrant supported activity. In such cases, the grantee must inform the Federal agency as soon as the following types of conditions become known:

(1) Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.

(2) Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more beneficial results than originally planned.

(e) Federal agencies may make site visits as warranted by program needs.

(f) Waivers, extensions. (1) Federal agencies may waive any performance report required by this part if not needed.

(2) The grantee may waive any performance report from a subgrantee

when not needed. The grantee may extend the due date for any performance report from a subgrantee if the grantee will still be able to meet its performance reporting obligations to the Federal agency.

(Approved by the Office of Management and Budget under control number 1880-0517)

(Authority: 20 U.S.C. 3474; OMB Circular A-102)

[53 FR 8071 and 8087, Mar. 11, 1988, as amended at 53 FR 49143, Dec. 6, 1988]

As stated in the Kansas Four-Year State Plan, “Kansas Board of Regents Adult Education will annually evaluate all adult education and literacy programs receiving funds under the Adult Education and Family Literacy Act, including programs receiving English Literacy and Civics Education funds.

Three major methods of evaluation will be employed. The first method of evaluation will be a quarterly review of local program data to determine if local programs have met core performance levels as approved in grant applications. This information will be gathered on ABE2000... Participant-level data will be kept on file for a minimum of five years.

ABE2000 data will be compiled and analyzed on the state level to determine if KBOR has met its core performance levels approved by the U. S. Department of Education. ABE2000 data will be verified at the state level through data matching with other state agencies or through use of telephone follow-up surveys following National Reporting System protocols.

A second form of evaluation will be the annual statistical report, the annual self-evaluation before or in conjunction with the annual monitoring visit, and the annual Program Improvement Plan report. The statistical report will furnish the information on the local level that is aggregated for the state’s annual report to the U.S. Dept. of Education. English Literacy and Civics Education programs will also report the number of outcomes achieved by participants in educational/workplace readiness/technology gain, U.S. citizenship skills, and employment.

The self-evaluation will be based on ... *Indicators of A Quality Adult Education Program* ... All adult education programs will be expected to file an annual Program Improvement Plan report, including the program’s progress on the improvement plan and the effect of professional development on staff members, the program, and learners in the program ... These reports, along with information from the core performance indicators, will enable local programs to target professional development activities to areas of program improvement, and to determine areas of program strength that could be shared with other local programs.

The third method of evaluation will be onsite monitoring of adult education programs. Data collected from ABE2000 and self-evaluation will be used as starting points for monitoring visits. Beginning in spring 2000, KBOR Adult Education will contract with individual(s) with knowledge of WIA and expertise in conducting state monitoring visits for adult education programs. All programs will be monitored before the end of the first year of the two-year grant cycle beginning July 1, 2000, and before the end of the first year of every two-year grant cycle thereafter. Programs receiving English Literacy and Civics Education funds will be monitored annually.

Kansas *Indicators of A Quality Adult Education Program* will be reviewed with program staff to determine the program's success in meeting these *Indicators*. Monitoring contractors will look at each measure of the *Indicators* in great detail and will expect adult education program staff to present documentation of evidence as to how they have worked toward and met the standards for each measure. Programs will be expected to provide documentation and other evidence of performance as required by AEFLA and the KBOR grant application. Monitoring results will be reported to KBOR Adult Education following visits.

KBOR Adult Education staff will use monitoring results to support program enhancement visits to low-performing programs. These program enhancement visits will provide technical assistance for individual programs to help them meet performance expectations and enhance quality. If a program cannot meet indicators successfully, KBOR Adult Education will follow up to determine if the program should continue to be funded and what changes may be necessary...

As time permits, KBOR Adult Education staff will also visit centers that meet and/or exceed performance levels. These visits will gather information on how programs assess and record learner data. KBOR Adult Education staff also will look for best practices to disseminate across the state."

Copies of blank monitoring instruments have been sent to all AEFLA-funded programs and will continue to be sent in advance of all monitoring visits. Since minor revisions in the evaluation process may be necessary from year to year, programs should contact KBOR Adult Education if they do not have the most current instrument.

10.2 Local programs must keep program and learner records for five (5) years, according to the Kansas Four-Year State Plan and 34CFR80.37.

[Code of Federal Regulations]

[Title 34, Volume 1, Parts 1 to 299]

[Revised as of July 1, 2000]

From the U.S. Government Printing Office via GPO Access

[CITE: 34CFR80.42]

[Federal Register, Page 215-216]

TITLE 34--EDUCATION

PART 80--UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS--Table of Contents

Subpart C--Post-Award Requirements

Sec. 80.42 Retention and access requirements for records.

(a) Applicability. (1) This section applies to all financial and programmatic records, supporting documents, statistical records, and other records of grantees or subgrantees which are:

- (i) Required to be maintained by the terms of this part, program regulations or the grant agreement, or
- (ii) Otherwise reasonably considered as pertinent to program regulations or the grant agreement.

(2) This section does not apply to records maintained by contractors or subcontractors. For a requirement to place a provision concerning records in certain kinds of contracts, see Sec. 80.36(i)(10).

(b) Length of retention period. (1) Except as otherwise provided, records must be retained for three years from the starting date specified in paragraph (c) of this section.

(2) If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

(3) To avoid duplicate recordkeeping, awarding agencies may make special arrangements with grantees and subgrantees to retain any records which are continuously needed for joint use. The awarding agency will request transfer of records to its custody when it determines that the records possess long-term retention value. When the records are transferred to or maintained by the Federal agency, the 3-year retention requirement is not applicable to the grantee or subgrantee.

(4) A recipient that receives funds under a program subject to 20 U.S.C. 1232f (section 437 of the General Education Provisions Act) shall retain records for a minimum of three years after the starting date specified in paragraph (c) of this section.

(c) Starting date of retention period--(1) General. When grant support is continued or renewed at annual or other intervals, the retention period for the records of each funding period starts on the

day the grantee or subgrantee submits to the awarding agency its single or last expenditure report for that period. However, if grant support is continued or renewed quarterly, the retention period for each year's records starts on the day the grantee submits its expenditure report for the last quarter of the Federal fiscal year. In all other cases, the retention period starts on the day the grantee submits its final expenditure report. If an expenditure report has been waived, the retention period starts on the day the report would have been due.

(2) Real property and equipment records. The retention period for real property and equipment records starts

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from the date of the disposition or replacement or transfer at the direction of the awarding agency.

(3) Records for income transactions after grant or subgrant support. In some cases grantees must report income after the period of grant support. Where there is such a requirement, the retention period for the records pertaining to the earning of the income starts from the end of the grantee's fiscal year in which the income is earned.

(4) Indirect cost rate proposals, cost allocations plans, etc. This paragraph applies to the following types of documents, and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

(i) If submitted for negotiation. If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the grantee) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.

(ii) If not submitted for negotiation. If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the grantee) for negotiation purposes, then the 3-year retention period for the proposal plan, or computation and its supporting records starts from end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

(d) Substitution of microfilm. Copies made by microfilming, photocopying, or similar methods may be substituted for the original records.

(e) Access to records--(1) Records of grantees and subgrantees. The awarding agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees and subgrantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts.

(2) Expiration of right of access. The rights of access in this section must not be limited to the required retention period but shall last as long as the records are retained.

(f) Restrictions on public access. The Federal Freedom of Information Act (5 U.S.C. 552) does not apply to records Unless required by Federal, State, or local law, grantees and subgrantees are not required to permit public access to their records.

(Approved by the Office of Management and Budget under control number 1880-0517)

(Authority: 20 U.S.C. 3474; OMB Circular A-102)

[53 FR 8071 and 8087, Mar. 11, 1988, as amended at 53 FR 8072, Mar. 11, 1988; 53 FR 49143, Dec. 6, 1988; 64 FR 50392, Sept. 16, 1999]

Programs should keep administrative (or office) records for each adult learner separately from any classroom records. All educational records must be stored and released in compliance with The Family Educational Rights and Privacy Act (FERPA). Administrative records include:

- **enrollment forms,**
- **evidence of testing and answer sheets,**
- **FERPA and other releases,**
- **attendance records,**
- **disclaimers (if any),**
- **requests for release of information to another agency (if any),**
- **and information on disability status and appropriate accommodations recommended and provided (if applicable).**

Administrative records should not include homework, incomplete learner projects, or other items not associated with assessment.

Original documentation of disabilities should be kept separately from the classroom record or returned to the learner after noting the diagnosis and recommended accommodations in the classroom record. In case of a valid reason to take a copy of the documentation of disabilities, the documentation needs to be kept separately from other learner records or returned to the learner when no longer needed.

No part of a learner's educational record may be released to any outside agency without the written consent of the learner. The consent must state the reason for the release of information and its purpose.

[January 18, 2001]

PROGRAM MEMORANDUM - OVAE - FY 2001 - 2

TO: Chief State School Officers
State Directors of Vocational - Technical Education
State Directors of Adult Education
State Directors of Community, Technical and Junior Colleges

FROM: Patricia W. McNeil

SUBJECT: The Family Educational Rights and Privacy Act and the Use of State

Unemployment Insurance Wage Records to
Report on Performance under the Carl D. Perkins Vocational and Technical
Education Act and
the Adult Education and Family Literacy Act

The Carl D. Perkins Vocational and Technical Education Act (P.L.105-332) (20 U.S.C. § 2301 et seq.) (Perkins III) and the Adult Education and Family Literacy Act (Title II of the Workforce Investment Act of 1998, P.L. 105-220) (20 U.S.C. § 2901 et seq.) (AEFLA) hold States accountable for reporting on, and achieving, annual performance goals for the placement and retention of students in employment, as well as a number of other student outcomes. In addition, some States have established comparable accountability requirements for State community college systems. There is growing interest among States in using State unemployment insurance (UI) wage records to determine the employment status of former students in order to fulfill these requirements. Generally, State UI wage records can provide

more accurate information than mail or telephone surveys of former students. Moreover, using State UI records is less expensive than mail or telephone surveys.

The Department supports your efforts to improve the accuracy of the information that your State collects concerning student outcomes and to reduce the burden of obtaining this information. However, preserving student privacy is also required by law. As you investigate using State UI wage records to determine the employment status of students, please note that this approach requires the use of personally identifiable information from student education records. Such personally identifiable information is protected by the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g). The purpose of this memorandum is to assist you in understanding FERPA's privacy protections and how to use State UI wage records to determine the employment status of former students in accordance with FERPA. This guidance applies solely to Perkins III and AEFLA. It was developed in consultation with the Undersecretary and the Family Policy Compliance Office, which administers FERPA.

Accountability Requirements Established by Perkins III and AEFLA

Perkins III creates a State performance accountability system for vocational and technical education through which the Secretary and each eligible agency reach agreement on annual levels of performance for a number of "core indicators" specified in the law. Student "placement in, retention, and completion of, postsecondary education or advanced training, placement in military service, or placement or retention in employment" is one of these core indicators (section 113(b)(2)(iii)). Each eligible agency must use the State adjusted levels of performance to evaluate annually the activities of eligible recipients (section 123(b)). Section 113(c) of Perkins III also requires each eligible agency to submit annually a report to the Secretary regarding "the progress of the State in achieving the State adjusted levels of performance on the core indicators of performance."

AEFLA establishes a similar performance accountability system for adult education and literacy activities. The Secretary and each eligible agency reach agreement on annual levels of performance for a number of "core indicators" specified in the law, including "placement in, retention in, or completion of postsecondary education, training, unsubsidized employment or career advancement" (section 212(b)(2)(ii) of WIA). Each eligible agency must evaluate annually the effectiveness of local adult education and literacy activities using the core indicators of performance (section 224(b)(3)). States must report annually to the Secretary on "the progress of the eligible agency in achieving eligible agency performance measures, including information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance" (section 212(c)).

To fulfill these evaluation and reporting requirements, a number of States have expressed interest in using State UI wage records to determine the employment status of former students. Maintained by State labor or employment security agencies, these records consist of quarterly reports of employee earnings that are submitted by employers who are required to comply with the State's unemployment compensation law. In most cases, a wage record includes at least three data elements: (1) an employee's social security number (SSN); (2) the total amount of reportable earnings paid to the employee during the quarter; and (3) the employer's unique identifier. Although Federal and State law protects the confidentiality of this information, most States have established procedures to enable other public agencies to access the information for evaluation purposes.

The employment status of a former student can only be determined from UI wage records by using the student's SSN. A student's SSN, however, is personally identifiable information that is protected by FERPA.

Family Educational and Privacy Rights Act

As you know, FERPA is a Federal law that protects an eligible student's privacy interest in his or her "education records." In particular, FERPA affords eligible students the right to inspect and review their education records, the right to seek to have the records amended, and the right to have some control over the disclosure of information from the records. The term "education records" is broadly defined as:

"[T]hose records, files, documents, and other materials, which (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution." (20 U.S.C. § 1232g(a)(4). See also 34 CFR § 99.3 "Education records.")

FERPA provides that education records, or personally identifiable information from such records, may be disclosed by educational agencies and institutions only after an eligible student provides prior written consent, except in statutorily specified circumstances. (20 U.S.C. § 1232g(b)(1) and (d). See also 34 CFR § 99.30.) "Personally identifiable information" is defined by 34 CFR § 99.3 as information that "includes but is not limited to:

- (a) the student's name;
- (b) the name of the student's parent or other family member;
- (c) the address of the student or the student's family;
- (d) a personal identifier, such as the student's social

security number or student number;

(e) a list of personal characteristics that would make the student's identity easily traceable; or

(f) other information that would make the student's identity easily traceable."

Because the vocational and adult education laws include identical provisions stipulating that "[n]othing in this Act shall be construed to supersede the privacy protections afforded students and parents under" FERPA (section 5 of Perkins III, section 504(a) of WIA), States must comply with FERPA in using State UI wage records.

Generally, there are three options available to State educational authorities for using State UI wage records consistent with the requirements of FERPA:

- * "Importing" State UI wage records and using them internally to determine the employment status of former students;

- * Obtaining the prior consent of eligible students to disclose their SSNs to the State UI agency (or other agency that has access to State UI wage records) in order to determine whether they secured or retained employment after they exited the program; and

- * Authorizing the State UI agency (or other State agency that has access to UI records) to obtain student SSNs directly from local education agencies and educational institutions, determine the employment status of these students, and report the aggregate results, after which students' personally-identifiable information would be destroyed by the agency authorized to match the UI data.

"Importing" State UI Wage Records to Determine Employment Outcomes

A State educational authority may obtain State UI wage record data from the State UI agency and then use this information internally to determine the employment status of students. This approach meets the requirements of FERPA because the State educational authority has not disclosed personally identifiable information from an education record to others. State law, however, may restrict the extent to which you may share personally identifiable information derived from wage records with local education agencies and educational institutions. Providing local education agencies and educational institutions with information about the earnings of individual students, for example, may be prohibited by Federal or State law.

Obtaining Student Consent for Disclosures to the State UI Agency

FERPA permits the disclosure of protected student information if a student has consented in advance to this disclosure in writing. Thus, a State educational authority may disclose student SSNs to the State UI agency (or other agency that has access to State UI wage records) for the purpose of determining their employment status if it has secured the consent of these students for the disclosure. Requesting student consent for this disclosure, for example, may be made a regular part of the intake or admission process for vocational and adult education programs.

This written consent must be signed and dated by the eligible student and:

"(1) specify the records that may disclosed;
(2) State the purpose of the disclosure; and
(3) Identify the party or class of parties to whom the disclosure may be made." (34 CFR § 99.30(b))

In addition, the State educational authority or local educational agency or institution must provide the student, upon his or her request, a copy of the records that are disclosed. (34 CFR § 99.30(c)(1)). A sample consent form that you may adapt is included in Appendix A.

Authorizing a State UI Agency to Evaluate Employment Outcomes under Perkins III and AEFLA

FERPA permits the disclosure of protected student information without the prior consent of students in certain, limited circumstances. (20 U.S.C. § 1232g(b); 34 CFR § 99.31). One exception permits the disclosure of information derived from education records without prior consent to "authorized representatives of" the Comptroller General of the United States, the Secretary, the Attorney General or "State or local educational authorities." The disclosure must be "in connection with the audit and evaluation of Federally-supported education programs, or in connection with the enforcement of the Federal legal requirements which relate to such programs."

Thus, a State educational authority may authorize the State UI agency (or other agency that has access to State UI wage records) to be its representative for the purpose of evaluating whether local vocational and adult education programs have achieved the student employment goals established by the State under Perkins III or AEFLA. Typically, this authorization will be executed by a Memorandum of Agreement (MOA) between the two agencies. The MOA must contain, at a minimum, the following provisions required by FERPA:

- 1.) Information disclosed by a school to an authorized representative

must not be redisclosed to a third party in personally identifiable form. The information only may be redisclosed in aggregate, non-personally identifiable form.

2.) The information should be destroyed when no longer needed for the purpose of the disclosure.

3.) The authorized representative may have access to the records in connection only with -

- * an audit or evaluation of a Federally supported education program;

or

- * for the enforcement of or compliance with Federal legal requirements that relate to those programs.

See 20 U.S.C. § 1232g(b)(3); 34 CFR § 99.35. Sample Memoranda of Agreement are included as Appendix B.

Pursuant to the MOA, the State UI or other agency may then obtain student SSNs directly from local educational agencies or educational institutions and determine the employment status of these students. It may also report the aggregate results of its evaluation to the State educational authority, but no personally identifiable information may be redisclosed in this report. FERPA also requires that each eligible recipient that discloses a student's SSN or other personally identifiable information must maintain a record of this disclosure with the education records of the student. (34 CFR § 99.32)

FERPA also allows a State UI agency to obtain a student's SSN directly from the State educational authority in order to determine the student's employment status. For the purposes of complying with the reporting requirements of Perkins III and AEFLA, a State educational authority may disclose a student SSN to the State UI agency if the UI agency has been made an "agent" of the State educational authority through a written MOA. This MOA should contain the same provisions discussed above.

We hope this memorandum is helpful to you in identifying how State UI wage records may be used to determine the employment status of students in a way that complies with FERPA. State laws concerning the privacy of student records and UI wage information also should be reviewed carefully as you consider the options available to you. If you have further questions regarding the requirements of Perkins III and AEFLA, you may contact Mr. Braden Goetz at (202) 205-3373 or Mr. Jon Weintraub at (202) 205-5602. Please direct any further questions you may have concerning FERPA to:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605
(202) 260-3887 (Telephone)
(202) 260 -9001 (Fax)

[Code of Federal Regulations]
[Title 34, Volume 1, Parts 1 to 299]
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[Federal Register, Page 293]

TITLE 34--EDUCATION

PART 99--FAMILY EDUCATIONAL RIGHTS AND PRIVACY--Table of Contents

Subpart A--General

Sec. 99.5 What are the rights of students?

(a) When a student becomes an eligible student, the rights accorded to, and consent required of, parents under this part transfer from the parents to the student.

(b) The Act and this part do not prevent educational agencies or institutions from giving students rights in addition to those given to parents.

(c) If an individual is or has been in attendance at one component of an educational agency or institution, that attendance does not give the individual rights as a student in other components of the agency or institution to which the individual has applied for admission, but has never been in attendance.

(Authority: 20 U.S.C. 1232g(d))

[53 FR 11943, Apr. 11, 1988, as amended at 58 FR 3188, Jan. 7, 1993]

[Code of Federal Regulations]
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[Federal Register, Page 293]

TITLE 34--EDUCATION

PART 99--FAMILY EDUCATIONAL RIGHTS AND PRIVACY--Table of Contents

Subpart A--General

Sec. 99.7 What must an educational agency or institution include in its annual notification?

(a)(1) Each educational agency or institution shall annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under the Act and this part.

(2) The notice must inform parents or eligible students that they have the right to--

(i) Inspect and review the student's education records;

(ii) Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;

(iii) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and Sec. 99.31 authorize disclosure without consent; and

(iv) File with the Department a complaint under Secs. 99.63 and 99.64 concerning alleged failures by the educational agency or institution to comply with the requirements of the Act and this part.

(3) The notice must include all of the following:

(i) The procedure for exercising the right to inspect and review education records.

(ii) The procedure for requesting amendment of records under Sec. 99.20.

(iii) If the educational agency or institution has a policy of disclosing education records under Sec. 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

(b) An educational agency or institution may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

(1) An educational agency or institution shall effectively notify parents or eligible students who are disabled.

(2) An agency or institution of elementary or secondary education shall effectively notify parents who have a primary or home language other than English.

(Approved by the Office of Management and Budget under control number 1880-0508)

(Authority: 20 U.S.C. 1232g (e) and (f))

[61 FR 59295, Nov. 21, 1996]

[Code of Federal Regulations]

[Title 34, Volume 1, Parts 1 to 299]

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[Federal Register, Page 297]

TITLE 34--EDUCATION

PART 99--FAMILY EDUCATIONAL RIGHTS AND PRIVACY--Table of Contents

Subpart D--May an Educational Agency or Institution Disclose Personally Identifiable Information From Education Records?

Sec. 99.30 Under what conditions is prior consent required to disclose information?

(a) The parent or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records, except as provided in Sec. 99.31.

(b) The written consent must:

(1) Specify the records that may be disclosed;

(2) State the purpose of the disclosure; and

(3) Identify the party or class of parties to whom the disclosure may be made.

(c) When a disclosure is made under paragraph (a) of this section:

(1) If a parent or eligible student so requests, the educational agency or institution shall provide him or her with a copy of the records disclosed; and

(2) If the parent of a student who is not an eligible student so

requests, the agency or institution shall provide the student with a copy of the records disclosed.

(Authority: 20 U.S.C. 1232g (b)(1) and (b)(2)(A))

[53 FR 11943, Apr. 11, 1988, as amended at 58 FR 3189, Jan. 7, 1993]

[Code of Federal Regulations]

[Title 34, Volume 1, Parts 1 to 299]

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[Federal Register, Page 298-299]

TITLE 34--EDUCATION

PART 99--FAMILY EDUCATIONAL RIGHTS AND PRIVACY--Table of Contents

Subpart D--May an Educational Agency or Institution Disclose Personally Identifiable Information From Education Records?

Sec. 99.32 What recordkeeping requirements exist concerning requests and disclosures?

(a)(1) An educational agency or institution shall maintain a record of each

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request for access to and each disclosure of personally identifiable information from the education records of each student.

(2) The agency or institution shall maintain the record with the education records of the student as long as the records are maintained.

(3) For each request or disclosure the record must include:

(i) The parties who have requested or received personally identifiable information from the education records; and

(ii) The legitimate interests the parties had in requesting or obtaining the information.

(b) If an educational agency or institution discloses personally identifiable information from an education record with the understanding authorized under Sec. 99.33(b), the record of the disclosure required under this section must include:

(1) The names of the additional parties to which the receiving party may disclose the information on behalf of the educational agency or

institution; and

(2) The legitimate interests under Sec. 99.31 which each of the additional parties has in requesting or obtaining the information.

(c) The following parties may inspect the record relating to each student:

(1) The parent or eligible student.

(2) The school official or his or her assistants who are responsible for the custody of the records.

(3) Those parties authorized in Sec. 99.31(a) (1) and (3) for the purposes of auditing the recordkeeping procedures of the educational agency or institution.

(d) Paragraph (a) of this section does not apply if the request was from, or the disclosure was to:

(1) The parent or eligible student;

(2) A school official under Sec. 99.31(a)(1);

(3) A party with written consent from the parent or eligible student;

(4) A party seeking directory information; or

(5) A party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

(Approved by the Office of Management and Budget under control number 1880-0508)

(Authority: 20 U.S.C. 1232g(b)(1) and (b)(4)(A))

[53 FR 11943, Apr. 11, 1988, as amended at 61 FR 59297, Nov. 21, 1996]

[Code of Federal Regulations]

[Title 34, Volume 1, Parts 1 to 299]

[Revised as of July 1, 2000]

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[CITE: 34CFR99.35]

[Federal Register, Page 300]

TITLE 34--EDUCATION

PART 99--FAMILY EDUCATIONAL RIGHTS AND PRIVACY--Table of Contents

Subpart D--May an Educational Agency or Institution Disclose Personally

Identifiable Information From Education Records?

Sec. 99.35 What conditions apply to disclosure of information for Federal or State program purposes?

(a) The officials listed in Sec. 99.31(a)(3) may have access to education records in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements which relate to those programs.

(b) Information that is collected under paragraph (a) of this section must:

(1) Be protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to in paragraph (a) of this section; and

(2) Be destroyed when no longer needed for the purposes listed in paragraph (a) of this section.

(c) Paragraph (b) of this section does not apply if:

(1) The parent or eligible student has given written consent for the disclosure under Sec. 99.30; or

(2) The collection of personally identifiable information is specifically authorized by Federal law.

(Authority: 20 U.S.C. 1232g(b)(3))

Sample FERPA Consent Form

The following consent forms are examples that you should adapt to reflect the specific circumstances in your State.

Adult Education and Family Literacy Act

I, a student at a postsecondary educational institution or a student age 18 years or older, _____, consent to the release of personally identifiable information from my education records or I, parent or guardian of a student at a secondary educational institution under the age of 18, _____ consent to the release of personally identifiable information from the education records of my son/daughter.

I understand that the records to be disclosed include my social security number and other personally identifiable information from my education records. I acknowledge that the purpose of the disclosure is to assist the _____ Kansas Board of Regents in obtaining and reporting information concerning the placement and retention of students in employment as required by section 212 of the Adult Education and Family Literacy Act. I understand that the personally identifiable information will be disclosed by the educational institution only to _____ Kansas Department of Human Resources / _____ Unemployment Insurance Agency. This information may not be redisclosed to others and will be destroyed as soon as all statistical analysis has been performed, or when the information is no longer needed, whichever date comes first.

Signature of Parent or Student

Date

(Note: this consent form is in the planning stages to be translated into the following languages – Spanish, Vietnamese, Mandarin, Cantonese, French, Korean, Thai, Lao Cambodian, and Japanese. Programs with staff fluent in these languages [or learners who are highly literate in both English and the target language] are invited to contact Kansas Board of Regents Adult Education – assistance in translating this page would be greatly appreciated.)

FORMA DE CONSENTIMIENTO

Yo, _____, autorizo dar información de identificación personal, la cual puede incluir mi número de seguro social de mis expedientes educativos con el propósito de asistir a los miembros del Consejo Regente de Kansas, para obtener y reportar información acerca de la colocación y retención de estudiantes en empleos, como es requerido de acuerdo a la sección 212 de la Ley de Educación de Adultos y Alfabetización de Familias. Yo entiendo que la información personal de identificación será revelada por el Centro, solamente al Departamento de Recursos Humanos de Kansas (KDHR) y al Departamento de Servicios Sociales y de Rehabilitación de Kansas (SRS). Esta información no puede ser de nuevo revelada a otros y será destruida en cuanto se hayan hecho todos los análisis estadísticos o cuando ya no se necesite más la información, cualquiera que ocurra primero.

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11. Kansas Adult Education Assessment Policies

The Workforce Investment Act (WIA), enacted by Congress in 1998, requires states to establish a comprehensive accountability system for adult education programs. The WIA mandates that states must gather data on several core measures, including the educational gain of adult learners. The assessment policies are designed to ensure that adult education programs in Kansas meet the following requirement of the Workforce Investment Act:

- Use of state-wide standardized assessments to determine educational gain of participants;
- Use of consistent testing protocols to ensure a standardized testing format and to ensure quality data; and
- Use of data to promote continuous improvement of local programs.

GENERAL ASSESSMENT GUIDELINES

Because CASAS is a competency-based educational system—not just a test—programs are responsible for ensuring that all staff members understand “the system.” A successful competency-based system requires that the instructors recognize the competencies that comprise the curriculum for the Employability Competency System (ECS), the Life Skills series, the Secondary Diploma Completion series, etc. A successful competency-based system requires that the instructors teach the competencies that will be measured on the assessments. A successful competency-based system requires that test administrators know the different test forms, understand how to determine the appropriate test to administer, follow testing protocol, etc. Finally, a successful competency-based system requires that the program has a carefully designed delivery system that incorporates learner commitment, quality instruction, appropriate learning environment, and supportive services. When all staff members understand the critical role that “the system” plays and understand their roles in “the system,” the more likely learners are to achieve their goals.

Programs must ensure that the following assessment policies and standard operating procedures are in place:

- The primary focus of assessment is to inform the learner and the program about the progress, or lack of progress, being made by the learner.
- Learners have valid CASAS (Comprehensive Adult Student Assessment System) diagnostic test score(s) for determining Educational Functioning Level (EFL) prior to completion of twelve hours of participation in an adult education program. If a learner is continuing from the previous fiscal year, CASAS diagnostic test scores from tests administered within 90 days from the first date of instruction in the current fiscal year may be used to determine EFL. If the diagnostic test(s) were administered more than 90 days prior to the learner’s first date of instruction in the current fiscal year, an alternative version of the latest

diagnostic test(s) on which a valid score was achieved should be administered to determine EFL.

- CASAS pre- and posttesting is the only vehicle used to demonstrate learners' educational gains. CASAS diagnostic tests are the assessment instruments used to determine reading, math, and listening skill levels. The CASAS Functional Writing Assessment is a standardized performance-based assessment used to determine writing skill levels. The CASAS Pre-employment/Work Maturity checklists (pre- and posttests) are performance-based measures that confirm learning gains in the areas of *Functional and Workplace Skills* (NRS Outcome Measures Definitions). While the CASAS Pre-employment/Work Maturity checklists B, C, D, and E may be used to confirm learning gains, the primary focus of instruction for ABE learners should be in the areas of reading, writing, and/or math, and the primary focus for ESL learners should be in the areas of speaking/listening, reading, and/or writing.
- Learners are pre-tested in multiple skill areas (i.e., reading, math, writing, listening) in order to provide them with extensive information about their basic skills competency levels. This information will assist learners in making decisions about their participation in the program, goals, etc. Multiple pre-test diagnostic scores also provide more opportunities for learners to complete an Educational Functioning Level.
- Learners are leveled in ABE2003 based on the lowest diagnostic pre-test score in the area in which *the student identifies a desire to study*. All diagnostic scores should be entered into ABE2003, *but if a learner wishes to study only in a skill area where a higher diagnostic pre-test score was achieved*, the recommended Educational Functioning Level may be overridden. Information must be provided in the "Notes" section that explains that *the learner has indicated a desire to study exclusively in a skill area where a higher score was achieved*. **A program must never manipulate test scores to achieve learning gains that do not accurately reflect each learner's educational functioning level, the learner's educational goal, the learner's progress in all areas in which he/she was working, etc.**
- Learners are initially posttested between forty (40) and fifty (50) hours of instruction and then at every 40 to 50 hours of instruction thereafter. While every learner is not expected to demonstrate significant learning gains within 40 to 50 hours of instruction, learners **and** programs need to monitor progress. There are two exceptions to this policy. The first exception is the administration of appropriate posttests to learners who have indicated they are leaving the program although they have not participated in 40 hours of instruction. While these learners are not expected to demonstrate a significant learning gain, no posttesting will **guarantee** no evidence of learning gains. The second exception is when posttesting between 40 to 50 hours of instruction would interfere with the scheduled design of a class session. For example, if a class session is scheduled for six weeks with 12 hours of instruction per week, posttesting should occur at

the end of the class session (approximately 72 hours) not between 40 to 50 hours of instruction.

- Programs should not administer posttests to learners who have fewer than thirty (30) hours of instruction since the pre-test. The exception to this policy is the administration of appropriate posttests to learners who have indicated they are leaving the program although they have not participated in 30 hours of instruction.
- Test security is recognized as an essential component of standardized testing. Test booklets, performance-based checklists, self-scoring answer sheets, answer keys, etc. must be maintained in a secured area, and test items should never be discussed with participants.
- Every standardized assessment has a standardized testing protocol that must be followed to ensure that test results accurately reflect learners' educational levels and educational gains. Programs must ensure that test administrators have access to **and use** the CASAS test administration manuals for every test that is administered.
- Programs must have testing policy and procedures in place to ensure the following:
 - * the appropriate amount of instruction has been provided between pretesting and posttesting;
 - * the appropriate pretest and posttest is administered, checking previous testing records to determine that the correct level and form of the test has been selected;
 - * the test is administered following the standardized testing protocol designed for the test and in an appropriate testing environment;
 - * the test is accurately scored;
 - * the score is checked for validity; and
 - * and test results are shared with and explained to the learner.

PHASES OF ASSESSMENT

Assessing the progress and skills of learners is a continuous process, starting from the moment they arrive in the office or classroom and continuing until they leave the program. Programs or classes should consider the following phases of assessment:

Orientation

The registration form completed during the orientation process will assist programs in assessing some of the needs and skills of new learners. Staff should review the completed form to gain a better understanding of a new learner. Perhaps the learner had difficulty writing the correct information on the form – does this fact indicate low literacy skills or nervousness? How many

years of education has the learner completed? What was/is the learner's job? Think about how this information will assist in determining how best to meet the needs of this learner.

Initial Assessment/Program Placement

As a part of the orientation process, programs will administer the CASAS ECS (Employability Competency System) or CASAS ESL appraisal and diagnostic tests. These tests assess an individual's ability to apply basic reading, math, listening, and/or writing skills in a functional context. The ABE/ASE appraisal test has two components, reading and math. The reading section (25 items) and the math section (25 items) are composed of multiple-choice questions.

The ESL appraisal test has four components: listening, reading, writing, and speaking/listening. The listening section (23 items) and the reading section (20 items) are composed of multiple-choice questions. The writing test involves writing two sentences from an audiotape, and the speaking/listening section consists of a six-item one-on-one interview. Ideally, the initial appraisal assessment would involve each of the four skill areas (e.g. listening, speaking, reading, writing) to provide the program and the participant with a broad perspective on the learner's abilities.

Instructors' interactions and conversations with learners during the intake process will also assist the program in making an early informal assessment of the learner's abilities in these skill areas. Keep in mind the following purposes of the initial tests: to determine what skills and abilities the learner already possesses, to develop a plan of action for meeting his or her needs, and to begin the process for determining the most appropriate class placement.

Determination of Educational Functioning Levels (EFL)

CASAS diagnostic testing is used to determine the learner's Educational Functioning Level for federal/state reporting requirements. In order to meet the USDOE's requirement for statewide standardized assessments, the following guidelines must be adhered to:

Reading: When leveling a learner based on a reading score, a valid CASAS Reading Diagnostic Test score must be entered. If the learner's diagnostic test score is not in the valid range, an additional reading diagnostic test must be administered (either at a lower or higher level, depending on whether the invalid test score was at the upper or lower end of the scale score) in order for the learner to achieve a valid diagnostic test score. Exceptions: a score of 246 or above on the CASAS Reading Appraisal Test may be entered as a CASAS Reading Diagnostic score also. However, even learners who score 246 or above on the appraisal reading test may be administered a reading diagnostic test.

Math: When leveling a learner based on a math score, a valid CASAS Math Test score must be entered. If the learner's diagnostic test score is not in the valid range, an additional math diagnostic test must be administered (either at a lower or higher level, depending on whether the invalid test score was at the upper or lower end of the scale score) in order for the learner to achieve a valid diagnostic test score. Exceptions: a score of 246 or above on the CASAS Math Appraisal Test may be entered as a CASAS Math Diagnostic score also. However, even learners who score 246 or above on the appraisal reading test may be administered a reading diagnostic test.

Listening: When leveling a learner based on a listening score, a valid CASAS Listening Diagnostic Test score must be entered. If the learner’s diagnostic test score is not in the valid range, an additional listening diagnostic test must be administered (either at a lower or higher level, depending on whether the invalid test score was at the upper or lower end of the scale score) in order for the learner to achieve a valid diagnostic test score. Exceptions: when a learner’s listening skills are so limited that he/she cannot achieve a valid diagnostic test score on the lowest level diagnostic listening test (Level A, Form 51), a score of 0 may be entered as the diagnostic listening score. A score of 0 may only be entered after the lowest level diagnostic test was administered and a valid score could not be achieved.

Writing: When leveling a learner based on a writing score, a valid **narrative** writing score derived from the Picture Task section of the CASAS Functional Writing Assessment must be entered. The individual administering and scoring the CASAS Picture Task writing sample must be certified to administer the CASAS Functional Writing Assessment. All writing scores (pretest and posttest) entered on ABE2003 must be determined by **two individuals** certified to use the CASAS Functional Writing Assessment and who have reached agreement on the overall narrative writing score. The Form Task section of the CASAS Functional Writing Assessment is **not** used to level a learner in writing.

On-Going Assessment

Once learners are assessed and placed in appropriate classes, *on-going assessment is* critical to ensure that they know in what areas and to what extent they are making progress and in what areas they still need improvement. On-going assessment may be formal (e.g. a written test) or informal (e.g. teacher observation, checklists, etc.). In addition, it is important to ensure that the assessment tools and techniques that are used are aligned with instruction—and that instruction is aligned with the assessment tools. The most effective assessment systems will also include a way for learners to self-assess their progress.

The CASAS Pre-employment/Work Maturity Checklists, Checklists B, C, D, and E, are not used to determine Educational Functioning Levels, but they may be used to demonstrate educational gain. In order to ensure that the checklists meet the requirement of “statewide standardized” and because all performance-based assessments require more diligence to maintain intra- and inter-rated reliability, programs using these checklists, must use the aligned PBS LiteracyLink © *Workplace Essential Skills* multimedia curriculum and follow the performance-based assessment protocol outlined in the *CASAS Pre-Employment/Work Maturity Checklists* manual.

The *Kansas Technology Competency Checklists* cannot be used to document educational gain because they do not meet the rigorous “gold standard” required by the USDOE. However, because of the importance of teaching technology skills to adult learners, the Kansas Board of Regents staff and the Adult Education Technology Task Force contributed hundreds of hours of work to develop standardized assessment procedures for using the checklists and curriculum for teaching the competencies. Programs using the checklists to document learners’ technology skills attainment for Quality Indicator Measure 5.2 must follow the performance-based assessment protocol outlined in the *Technology Competency Assessment* manual.

Posttesting/Completion Assessment

Every program should have clearly defined procedures for administering diagnostic posttests. There is very little likelihood of significant educational gains if the learner has attended the program for less than 40 hours. However, a diagnostic posttest should be administered to an individual if the learner discloses that he/she is exiting the program and to all participants, even if some have not completed 40 hours, before the program closes for an extended period (i.e. summer and winter holiday breaks).

Ideally, the learner will be administered a diagnostic test between 40 and 50 hours of instruction in every area in which he/she needed to improve. **However, the National Reporting System (NRS) does not require that learners be post tested in areas in which they have had little or no intensive instruction.**

Learners must be administered a posttest that corresponds to the pretest. All CASAS diagnostic tests in a series (ECS, Life Skills, Secondary Education, Writing) are related and may be used for pretesting and posttesting. However, use of the same form of a test for both pretesting and posttesting results in an invalid posttest score. Similarly, use of the same form of a test within **six months** of a previous administration results in an invalid test score.