

Title 6. Education

Chapter XII. Division of Workforce Services, Department of Commerce

Subchapter A. Generally

Part 462. Adult Education Program Policies

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Effective Date:

December 31, 2017"

Subpart 1. Generally

6 CAR § 462-101. Effective and efficient evaluation calculations.

(a) According to Acts 2007, No. 1280, § 30:

"All funds that become available for adult education shall first be distributed to those administrative units determined to be operating effective and efficient adult education programs, under criteria established by the Career Education and Workforce Development Board. The criteria shall include the relative efficiency of administration of the program in the counties served and achievement of the federal performance indicators."

(b)(1) To be considered effective and efficient, local adult education programs and literacy councils receiving adult education funds will be required to meet or exceed the percentage of the federal negotiated core indicators as determined by the Director of the Adult Education Section of the Division of Workforce Services.

(2)(A) Programs not meeting percentage requirement in the first year will be required to submit an improvement plan.

(B) The improvement plan will:

- (i) Address each core indicator of performance that was not met; and
- (ii) Include measurable objectives for correcting deficiencies during

the following year.

(C) State program advisors will provide technical assistance to each program submitting an improvement plan and closely monitor programs during the year.

(3)(A) Core indicators of performance are defined in the federal Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-128, Title II, the Adult Education and Family Literacy Act, 29 U.S.C. §§ 3271–3275, 3291, 3292, 3301–3305, 3321–3323, and 3331–3333.

(B) However, using the core indicators as criteria for effective and efficient evaluations and imposing a minimum score is a state decision.

(c)(1) Programs that do not meet the percentage requirement of their negotiated core indicators of performance for a second consecutive year will be assigned a state technical assistance team to assist the program in addressing its deficiencies.

(2) The team members may include, but not be limited to:

- (A) State and local staff;
- (B) Administrators;
- (C) Teachers; and
- (D) Students.

(3) Quarterly progress reports will be submitted by the program being monitored to the Adult Education Section describing the progress being made to bring the program into compliance with core indicators.

(4) Programs not achieving percentage requirement of their negotiated core indicators of performance for three (3) consecutive years will be submitted to the Career Education and Workforce Development Board for appropriate action prior to continuation of funding.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: Relevant sections of law and regulation: Arkansas Act 1280 of 2007, Section 30; and federal Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128), Title II, The Adult Education and Family Literacy Act (AEFLA), Sections 116 and 212."

"EFFECTIVE DATE: JULY 1, 1991

REVISED DATE: SEPTEMBER 13, 1993

REVISED DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015"

6 CAR § 462-102. Service delivery area.

(a) Adult education programs receiving state or federal funding for a designated service area or county are not to cross into counties or other designated service areas where there is an established adult education program without a written memorandum of understanding between the programs.

(b) The Adult Education Section of the Division of Workforce Services must approve this agreement annually.

(c) If a program is unwilling or unable to provide needed services in its designated service area, the Adult Education Section may assign or approve another program to do so.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: Funding for local adult education programs is based on census data intended for a designated area or county. Funds must be spent in the designated area or county for which the funds were provided. To ensure that each service area or county receives adequate adult education services and to avoid duplication, it is essential that each local program stay within its designated area."

"EFFECTIVE DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015

REVISED DATE: SEPTEMBER 1, 2018"

6 CAR § 462-103. Distribution of state funds.

According to Acts 2007, No. 1280, § 30:

"All funds that become available for adult education shall first be distributed to those administrative units determined to be operating effective and efficient adult education programs under criteria established by the Career Education and Workforce Development Board. The criteria shall include the relative efficiency of administration of the program in the counties served and achievement of the federal performance indicators. The Career Education and Workforce Development Board shall promulgate rules and regulations for the distribution of funds in accordance with criteria to be determined by the Board. In distribution of funds to local units the board shall consider the literacy rate in each county and performance in meeting state and federal performance indicators. For the purposes of this section, the term "literacy rate" shall be determined by the number of adults completing less than the twelfth grade as reported by the most recent decennial federal census. Unallocated funds will be redistributed based upon need as determined by the Career Education and

Workforce Development Board.”

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: Procedures set forth in Arkansas Act 1280 of 2007, Section 30, govern distribution of all state adult education funds."

"EFFECTIVE DATE: JULY 1, 1991

REVISED DATE: SEPTEMBER 13, 1993

REVISED DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015"

6 CAR § 462-104. Termination of an award to a local grantee

— Voluntary.

(a) According to the Education Department General Administrative Regulations (EDGAR), 2 C.F.R. § 200.340:

“(a) The Federal award may be terminated in whole or in part as follows:

(1) By the Federal awarding agency or pass-through entity, if a non-Federal entity fails to comply with the terms and conditions of a Federal award;

(2) By the Federal awarding agency or pass-through entity for cause;

(3) By the Federal awarding agency or pass-through entity with the consent of the non-Federal entity, in which case the two parties must

agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated; or

(4) By the non-Federal entity upon sending to the Federal awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated.”

(b)(1) A grantee that chooses to relinquish responsibility as the local education agency (LEA) for an adult education or literacy council program must provide written notification to the Adult Education Section of the Division of Workforce Services at least ninety (90) days prior to termination.

(2) The Adult Education Section, with notice to the Career Education and Workforce Development Board, will be responsible for selecting a new provider for the local adult education program.

(3) A statewide competition may be used to bid out the new eligible area or areas.

(c) Upon termination, inventory purchased with adult education funds must be returned to the Adult Education Section, which reserves the right to transfer equipment to the new local education agency or other current providers.

(d)(1) Employees are not included in an administrative transfer of grant funds.

(2) The hiring of staff, from a previous LEA, will be at the discretion of the new grantee, but must follow the Salaries for Adult Education Personnel policy, 6 CAR § 462-115.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: Provide guidance on the termination of local grants and to ensure state and federal guidelines for grants are followed."

"EFFECTIVE DATE: DECEMBER 31, 2017"

**6 CAR § 462-105. Termination of an award to a local grantee —
Involuntary.**

(a)(1) Monitoring is action taken by the Adult Education Section of the Division of Workforce Services to ensure that the grantees or subgrantees are using federal and state awards for authorized purposes in compliance with the laws, regulations, and provision of contracts or grant agreements and that performance goals are achieved.

(2) Subgrantees are subject to all applicable federal laws and regulations that the grantee must follow.

(b) According to the Education Department General Administrative Regulations, 2 C.F.R. § 200.339, if a grantee fails to comply with any term of an award, whether stated in a federal statute, regulation, assurance, state plan or application, notice of award, or elsewhere, the state or awarding agency may impose additional conditions, as described below:

(1) Temporarily withhold cash payments pending correction of the deficiency by the non-federal entity or more severe enforcement action by the federal awarding agency or pass-through entity;

(2) Disallow, that is, deny both use of funds and any applicable matching credit for, all or part of the cost of the activity or action not in compliance;

(3) Wholly or partially suspend or terminate the federal award;

(4) Initiate suspension or debarment proceedings as authorized under 2 C.F.R. pt. 180 and federal awarding agency regulations, or, in the case of a pass-through entity, recommend such a proceeding be initiated by a federal awarding agency;

(5) Withhold further federal awards for the project or program; and

(6) Take other remedies that may be legally available.

(c) State requirements will follow federal guidelines.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE:

In order to maintain effective adult education and literacy council programs, the Department of Career Education, Adult Education Division is responsible for program monitoring and corrective action for noncompliance with identified program requirements, program accountability standards, and financial propriety."

"EFFECTIVE DATE: DECEMBER 31, 2017"

6 CAR § 462-106. Direct and equitable.

(a) Direct and equitable access to all federal funds will be provided to:

- (1) Local educational agencies;
- (2) Community-based organizations of demonstrated effectiveness;
- (3) Volunteer literacy organizations of demonstrated effectiveness;
- (4) Institutions of higher education;
- (5) Public or private nonprofit agencies;
- (6) Libraries;
- (7) Public housing authorities;
- (8) Nonprofit institutions that have the ability to provide literacy services to

adults and families; or

(9) Consortia of the agencies, organizations, institutions, libraries, or authorities described according to Section 203(5) of Title II of the Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-128, Adult Education and Family Literacy Act.

(b) In order to provide direct and equitable access to all adult education federal funds provided under Title II of the Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-128, the Adult Education Section of the Division of Workforce Services shall award funds on the basis of competitive applications submitted by eligible recipients.

(c) Direct and equitable access includes:

(1) All eligible providers have direct and equitable access to apply for grants or contracts under this section; and

(2) The same grant or contract announcement process and application process is used for all eligible providers in the state.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: Relevant sections of federal law and regulation: Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128), Title II, The Adult Education and Family Literacy Act (AEFLA), Sections 231(C) and 203(5)."

"EFFECTIVE DATE: SEPTEMBER 13, 1993

REVISED DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015"

6 CAR § 462-107. Correctional/institutional federal funding.

(a)(1) Grants for correctional/institutional education shall be awarded and used according to the guidelines as stated in the Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-128.

(2) Not more than twenty percent (20%) of federal funds allotted to a state for adult education activities shall be used for:

- (A) Corrections education; and
- (B) Education for other institutionalized adults.

(b)(1) Local program operators will be charged with the responsibility of designing, developing, and implementing instructional programs.

(2) Various activities will be undertaken that will be designed to include, but not be limited to:

- (A) Basic education;
- (B) Special correctional and institutional education programs; and
- (C) English literacy programs.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: Relevant sections of federal law and regulation: Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128), Title II, The Adult Education and Family Literacy Act (AEFLA), Sections 222 (a) and 225."

"EFFECTIVE DATE: JULY 1, 1991

REVISED DATE: SEPTEMBER 13, 1993

REVISED DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015

REVISED DATE: DECEMBER 31, 2017"

6 CAR § 462-108. Tuition, fees, and other charges.

(a) Adults enrolled in Arkansas adult education programs will not be charged tuition or fees.

(b) Adults enrolled in adult basic education will not be required to purchase any books or any other materials needed for participation in the program.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: The Arkansas State Unified Plan states the strategy to serve those populations most in need will focus on populations as listed in the federal Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128), Title II, The Adult Education and Family Literacy Act (AEFLA), Section and 116 and 224."

"EFFECTIVE DATE: SEPTEMBER 13, 1993

REVISED DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015"

6 CAR § 462-109. Purchase/disposal of equipment.

(a)(1) Equipment can be purchased by local adult education programs with adult education funds disbursed by the Adult Education Section of the Division of Workforce Services.

(2) Prior to purchasing any equipment with adult education funds, written approval must be secured from the Adult Education Section.

(3) The local education agency (LEA) will only use the equipment for:

(A) The purpose or purposes for which it is acquired; or

(B) Other allowable adult education use.

(b)(1) Once equipment is purchased, inventory procedures as stated in the most current revision of the Adult Education Inventory Control Form are to be followed by local programs.

(2) Since the inventory record is of a permanent nature, numbering should continue consecutively, year after year, rather than starting a new series each year.

(3) All equipment that is purchased with adult education funds will remain the property of the Adult Education Section.

(c)(1) Equipment inventories should be updated as equipment is purchased.

(2) Current program inventories will be submitted annually to the Adult Education Section.

(d)(1) Inventory must be disposed of using the Adult Education Inventory Transfer/Disposal Form.

(2) Procedures for inventory transfer/disposal should be in line with the LEA transfer/disposal institutional policies and noted on the form.

(e) Termination of funding to an LEA requires an immediate submission of a final inventory list and equipment purchased with Adult Education Section funds must be transferred back to the Adult Education Section.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: Programs must have authorization to purchase equipment as needed. In order to track location and use of equipment purchased with adult education funds, proper inventory procedures must be followed."

"EFFECTIVE DATE: JULY 1, 1991

REVISED DATE: SEPTEMBER 13, 1993

REVISED DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015

REVISED DATE: DECEMBER 31, 2017"

6 CAR § 462-110. Recruitment and retention plans.

(a) Programs receiving state and federal adult education funds will develop and implement recruitment and retention activity plans annually.

(b) A special effort will be made to recruit and serve those most in need as defined by the Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-128, as:

- (1) Low-income students;
- (2) Individuals with disabilities;
- (3) Single parents;
- (4) Displaced homemakers; and
- (5) Individuals with multiple barriers to educational enhancement including those with limited English proficiency.

(c) Recruitment/retention activities will include, but not be limited to:

- (1) A close working relationship with other agencies serving persons eligible for adult education services; and
- (2) Efficient utilization of local media.

(d) Student retention can be enhanced by follow-up on absenteeism.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: Programs receiving state and federal adult education funds must develop and implement recruitment activities so students are aware of available services. In order to ensure that students make substantial learning gains and meet their goals, they must remain in programs long enough to accomplish these gains

and goals. While this is a state-imposed requirement, it relates to various definitions and activities under the Workforce Innovation and Opportunity Act of 2014 (P.L. 113128), Title II, the Adult Education and Family Literacy Act (AEFLA), Section 203 and Section 224."

"EFFECTIVE DATE: JULY 1, 1991

REVISED DATE: SEPTEMBER 13, 1993

REVISED DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015"

6 CAR § 462-111. Enrollment policy — Minimum age adult education.

(a) Arkansas Code § 6-18-201(a), concerning the age for compulsory attendance for school enrollment, is that:

“Under the penalty for noncompliance as shall be set by law, every parent, guardian, or other person residing within the State of Arkansas having custody or charge of any child age five (5) through seventeen (17) ... shall enroll and send the child to a public, private, or parochial school or provide a home school for the child ...”

(b) Under special circumstances, persons sixteen (16) or seventeen (17) years of age may be enrolled in adult education programs.

(c)(1) Public schools shall not release a student making application to the school district for a waiver until the adult education program agrees in writing to serve that student.

(2) A local school district may grant a waiver of attendance requirement to any student age sixteen (16) or seventeen (17) to enroll in an adult education program only after all of the following requirements have been met:

(A) The student makes formal application to the school district for a waiver to enroll in an adult education program;

(B) After formal application and prior to any further action on the application, the student shall be administered either a current National Reporting System (NRS) and state-approved assessment test under standardized testing conditions by a designated K-12 public school official or adult education personnel;

(C)(i)(a) If administered the TABE test (Level A, current form, Survey, or Complete Battery), the student shall score eight and five-tenths (8.5) or above on all sections.

(b) If administered the official GED® practice test, the student must score a minimum of one hundred forty-five (145) on each section.

(c) If administered another NRS-approved assessment, the student must meet the minimum score for that assessment as outlined in the test publisher's guidelines.

(ii) **Note.**

(a) An exception to the minimum test score is allowable when a sixteen-year-old or seventeen-year-old has been court ordered to enroll in adult education.

(b) These individuals must adhere to all other requirements set forth in this policy.

(iii) **Note.** Such minimum test scores shall not be required of any student who is subject to the attendance requirement of this policy but was not enrolled in any school district during the previous school year;

(D) The student and the student's parents, guardians, or persons in loco parentis meet with the school counselor to discuss academic options open to the student;

(E) The school district determines that the student is a proper candidate for enrollment in adult education, contingent upon approval by the appropriate adult education program;

(F) The adult education program reviews the student's school and testing records and agrees to admit the student into the program;

(G) The adult education program shall report attendance of all sixteen-year-old and seventeen-year-old enrollees to the sending school district on at least a monthly basis;

(H)(i) The adult education program shall require for continued enrollment a minimum of twenty (20) hours per week of class attendance and instruction.

(ii) A minimum of ten (10) hours of attendance per week shall be required for any student who is employed for thirty (30) hours or more each week;

(I) The student, the student's parents, guardians, or persons in loco parentis, and the administrative head of the adult education program agree in writing that the student will:

(i) Attend the requisite number of hours per week; and

(ii) Maintain appropriate conduct as outlined in the local adult education program student handbook;

(J) In the event that a more appropriate assessment test or testing and assessment mechanism shall be developed to determine a reasonable level of competency for success at the adult education level, that test or mechanism shall be substituted, with the approval of the Adult Education Section of the Division of Workforce Services, for the tests required in this policy; and

(K) If the student does not attend class as mandated in this policy or make reasonable progress toward the completion of the adult education curriculum, the student shall reenroll in the public schools within five (5) days from the date the student is released from the adult education program.

(d) **Note.** Any variation in the required documentation must be approved by the Adult Education Section.

(e) **Note.** The above requirements shall not apply to students enrolled in a private, parochial, or home school in the state.

(f) **Note.** Under Arkansas Code § 6-18-201, any person age sixteen (16) or seventeen (17) who has received a high school diploma or its equivalent as determined

by the State Board of Education is not subject to the compulsory attendance requirement.

Authority. Arkansas Code § 25-30-102.

Codification Notes. "GED" means General Educational Development test.

This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: The ages established for compulsory school attendance by Arkansas Act 292 of 1991 are ages five through seventeen, both inclusive. This Act allows, after certain provisions have been met, for persons age 16 or 17 to enroll in adult education programs. Arkansas Acts 1659 of 2001 and Act 604 of 2003 detail the process that must be followed and requirements that must be met to allow persons age sixteen or seventeen to enroll in adult education programs.

Relevant sections of federal law and regulation: Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128), Title II, The Adult Education and Family Literacy Act (AEFLA), Section 203(1)(4). "Adult Education means services or instruction below the post-secondary level for individuals who have attained sixteen years of age; (and) who are not enrolled or required to be enrolled in secondary school under State law.""

"EFFECTIVE DATE: MAY 18, 1992

REVISED DATE: SEPTEMBER 13, 1993

REVISED DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015

REVISED DATE: DECEMBER 31, 2017"

6 CAR § 462-112. Enrollment policy — Private, parochial, or home school minimum age.

(a) Arkansas Code § 6-18-201(a), concerning the age for compulsory attendance for school enrollment, is that:

“Under the penalty for noncompliance as shall be set by law, every parent, guardian, or other person residing within the State of Arkansas having custody or charge of any child age five (5) through seventeen (17) ... shall enroll and send the child to a public, private, or parochial school or provide a home school for the child ...”

(b) Under special circumstances, persons sixteen (16) or seventeen (17) years of age may be enrolled in adult education programs in accordance with Acts 2001, No. 1659, and Acts 2003, No. 604.

(c) Students age sixteen (16) or seventeen (17), enrolled in a private, parochial, or home school, who desire to enroll in an adult education program shall meet the following requirements:

(1) Students shall apply for enrollment to the adult education program;
(2)(A) If administered the TABE test (Level A, current form, Survey or Complete Battery), the student shall score eight and five-tenths (8.5) or above on all sections.

(B) If administered the official GED® practice test, the student must score a minimum of one hundred forty-five (145) on each section.

(C) If administered another NRS-approved assessment, the student must meet the minimum score for that assessment as outlined in the Arkansas Adult Education Assessment Policy and Distance Education Guidelines;

(3) A student who is home schooled shall provide a notarized copy of the notice of intent to home school that was provided to the superintendent of the local school district as required by Arkansas Code § 6-15-503;

(4) The student and the student's parents, guardians, or persons in loco parentis shall meet with the appropriate staff of the adult education program to discuss academic options open to the student;

(5) The adult education program administrators shall review the student's school and testing records prior to allowing admission to an adult education program;

(6)(A) The adult education program shall require, for continued enrollment, a minimum of twenty (20) hours per week of class attendance and instruction.

(B) A minimum of ten (10) hours of attendance per week shall be required for any student who is employed for thirty (30) hours or more each week;

(7) The student, the student's parents, guardians, or persons in loco parentis, and the administrative head of the adult education program agree in writing that the student will:

(A) Attend the requisite number of hours per week; and

(B) Maintain appropriate conduct as outlined in the local adult education program student handbook;

(8) In the event a student does not attend class as mandated in this policy or make reasonable progress toward the completion of the adult education curriculum, the student shall reenroll in either a public, private, parochial, or home school within five (5) days from the date the student is released from the adult education program; and

(9) If a home school student is accepted into an adult education program, the student's parent, guardian, or person standing in loco parentis shall send written notification to the local public school superintendent of their intent to participate in the adult education program.

(d) Students sixteen (16) years of age or older, enrolled in a private, parochial, or home school, who desire to take the General Educational Development test or other high school equivalency exam shall meet the following requirements:

(1) Students shall not be required to obtain permission or approval from any official in a public school district before being allowed to take the test;

(2) A student enrolled in a private or parochial school shall provide a letter from the principal or administrator of the private or parochial school to verify enrollment;

(3) A student enrolled in a home school shall provide a notarized copy of the notice of intent to home school provided to the superintendent of the local school district as required by Arkansas Code § 6-15-503; and

(4) A student enrolled in a private, parochial, or home school must achieve at least the minimum official General Educational Development practice test scores, or other approved high school equivalency assessment.

(e) **Note.** Any variation in the required documentation must be approved by the Adult Education Section of the Division of Workforce Services.

(f) **Note.** Under Arkansas Code § 6-18-201, any person sixteen (16) or seventeen (17) years of age who has received a high school diploma or its equivalent as determined by the State Board of Education is not subject to the compulsory attendance requirement.

Authority. Arkansas Code § 25-30-102.

Codification Notes. "GED" means General Educational Development test.

This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: The ages established for compulsory school attendance by Arkansas Act 292 of 1991 are ages five through seventeen, both inclusive. This Act allows, after certain provisions have been met, for persons age 16 or 17 to enroll in adult education programs. Arkansas Acts 1659 of 2001 and Act 604 of 2003 detail the process that must be followed and requirements that must be met to allow persons age sixteen or seventeen to enroll in adult education programs."

"Relevant sections of federal law and regulation: Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128), Title II, The Adult Education and Family Literacy Act (AEFLA), Section 203(1). "Adult Education means services or instruction below the post-secondary level for individuals who have attained sixteen years of age; (and) who are not enrolled or required to be enrolled in secondary school under State law.""

"EFFECTIVE DATE: JULY 1, 1991

REVISED DATE: SEPTEMBER 13, 1993

REVISED DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015

REVISED DATE: DECEMBER 31, 2017"

6 CAR § 462-113. Standardized testing instruments.

(a)(1) Only the following state, National Reporting System for Adult Education (NRS), and Division of Adult Education and Literacy of the Office of Career, Technical, and Adult Education of the United States Department of Education-approved standardized tests will be utilized for pretest, post-test, and continued student assessment for adult education students:

(A) Test of Adult Basic Education;

(B) Basic English Skills Test*; and

(C) Comprehensive Adult Student Assessment System (Life Skills Assessment for ESL only).

(2) Other NRS/Division of Adult Education and Literacy of the United States Department of Education-approved standardized testing instruments, forms, and versions may be used with the written approval of the Director of the Adult Education Section of the Division of Workforce Services.

(3) Different forms of the same test must be used for the pretest and the post-test.

(4) Local programs will pretest and place all students into an educational functioning level (EFL) at intake or shortly after intake, within the first twelve (12) hours of instruction.

(b)(1) Post-testing of adult learners is to measure performance and completion of an educational functioning level.

(2) Within the fiscal year, students should be post-tested after completing the minimum hours of instruction, as outlined by the Arkansas Assessment Policy and Distance Education Guidelines, located on the Adult Education Section of the Division of Workforce Services website.

(3) Students should be assessed within one hundred eighty (180) calendar days (defined as weekdays, weekends, and holidays) after the previous assessment to reflect a more current measurement of performance.

(c) A complete description of the adult education assessment procedures can be found in the Arkansas National Reporting System Guidelines.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: The levels of performance will be expressed in an objective, quantifiable, and measurable form and will show the progress of the state toward continuously improving in performance. According to the National Reporting System for Adult Education Implementation Guidelines, states must require local programs to measure educational gain with standardized assessments that are appropriate for measuring educational gain within the NRS framework and conform to accepted psychometric standards for validity and reliability."

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REVISED DATE: SEPTEMBER 13, 1993

REVISED DATE: APRIL 18, 2003

REVISED DATE: DECEMBER 7, 2006

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015"

6 CAR § 462-114. Reporting of student data.

(a) Any person meeting the minimum age and educational functioning level restrictions as mandated by the Adult Education Section of the Division of Workforce Services and the state compulsory attendance age requirements, Acts 2001, No. 1659, and Acts 2003, No. 604, may be reported as a participant in an adult education program provided that either federal or state adult education funds are used to support that individual's participation in the program.

(b) Enrolled students.

(1) An individual is considered enrolled in adult education upon completion of twelve (12) hours of contact.

(2) According to the National Reporting System for Adult Education, contact hours may include:

(A) Hours of instruction; or

(B) Instructional activity the learner receives from the program.

(3) Instructional activity includes any program-sponsored activity designed to promote student learning in the program curriculum such as:

(A) Classroom instruction;

(B) Assessment;

(C) Tutoring; or

(D) Participation in a learning lab.

(c) Served students. For state reporting purposes, an individual is considered served by adult education when the individual has:

(1) Registered to participate in adult education activities; and

(2) Received at least one (1) contact hour of instruction as defined above.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: The National Reporting System for Adult Education Implementation Guidelines requires that the Adult Education Division collect and report accurate data which reflects the number of persons whose basic skills education is supported by either federal or state education funds. Local programs must report as a participant any eligible individual whose educational training is supported by adult education."

"EFFECTIVE DATE: JULY 1, 1991

REVISED DATE: SEPTEMBER 13, 1993

REVISED DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015"

6 CAR § 462-115. Salaries for adult education personnel.

(a)(1) Effective January 1, 2016, all full-time adult education personnel hired, or rehired after a separation of service, shall be paid a starting salary equivalent to the local education agency's (LEA) salary scale, not to exceed thirty-one dollars (\$31.00) per hour using adult education funds.

(2) In extenuating circumstances, the LEA has the discretion to exceed this amount by applying for a waiver with the Adult Education Section of the Division of Workforce Services, though approval is not guaranteed.

(3) This does not preclude LEAs from using adult education funds to provide future cost of living increases, merit pay, bonuses, etc.

(b)(1) The salary for a part-time administrator is to be determined by the LEA, but will not exceed thirty-one dollars (\$31.00) per hour with adult education funds.

(2) The salary for a part-time instructor or one serving as a substitute instructor is to be determined by the LEA, but will not exceed twenty-eight dollars (\$28.00) per hour with adult education funds.

(c) Salary for part-time paraprofessionals with adult education funds will not exceed the following:

(1) Paraprofessionals with a high school diploma or equivalent, maximum of twelve dollars (\$12.00) per hour;

(2) Paraprofessionals with an associate's degree, maximum of fourteen dollars (\$14.00) per hour;

(3) Paraprofessionals with a bachelor's degree, maximum of eighteen dollars (\$18.00) per hour;

(4) Paraprofessionals with a master's degree, maximum of twenty dollars (\$20.00) per hour; and

(5) Paraprofessionals with a doctorate degree, maximum of twenty-four dollars (\$24.00) per hour.

(d) Program directors will have the flexibility of setting beginning hourly wage and a system of increasing increments.

(e)(1) Copies of licenses, diplomas, and other credentials must be submitted to the Adult Education Section for approval prior to beginning of employment or expenditure of adult education funds.

(2) Local adult education administrators and licensed personnel are responsible for maintaining current credentials.

(3) Adult education funds may not be expended for personnel once a license expires.

(4) There will be no retroactive pay with adult education funds once the license is renewed.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: The Arkansas Adult Education Division requires those employed on a full-time basis be paid a salary equivalent to the LEA salary scale.* In order to attract and retain quality part-time education personnel, it is necessary to pay hourly salaries competitive with those paid to other part-time instructors and paraprofessionals in the LEAs based on education and experience. Additionally, the minimum salary scale for adult education administrators was set using the midpoint of the Fair Labor Standards Act exemption status for School Principal as outlined by the Department of Finance and Administration, Personnel Management job details.

*state requirement"

"EFFECTIVE DATE: JULY 1, 1991

REVISED DATE: SEPTEMBER 13, 1993

REVISED DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015"

6 CAR § 462-116. Termination of employment.

(a) Upon voluntary or involuntary termination of employment, which includes retirement, an employee paid with adult education funds is eligible for benefits as determined by policies of the local education agency (LEA).

(b) If the LEA policy provides for former employees being paid for unused leave time, leave accrued within the fiscal year of retirement may be reimbursed using adult education funds.

(c) Any payment of additional accrued leave must have prior approval by the Director of the Adult Education Section of the Division of Workforce Services.

(d) Additionally, adult education funds may not be used to pay any benefits beyond the year of retirement.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION RATIONALE: To ensure that funds will be available for the services of the program, Adult Education funds are provided for program operation during the fiscal year of award."

"EFFECTIVE DATE: DECEMBER 31, 2017"

6 CAR § 462-117. Adult education program operations.

(a) Local education agencies receiving state or federal funding from the Adult Education Section of the Division of Workforce Services must offer educational services year-round.

(b) Programs must be of sufficient intensity and duration for students to achieve substantial learning gains.

(c) Programs should meet year-round and make every effort to minimize breaks to no longer than three (3) weeks, where possible, to maximize student attendance.

(d) When programs have scheduled breaks, students should be offered distance learning through online software or homework packets in order to persist in making gains.

(e) Any deviation from this policy must have written approval from the Director of the Adult Education Section of the Division of Workforce Services.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: In order to ensure continuous academic progress and meet the needs of students with barriers to employment and one-stops, as defined in the Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128), Title II, The Adult Education and Family Literacy Act (AEFLA), Sections 116 and 224, programs must provide access to educational services year-round."

"EFFECTIVE DATE: DECEMBER 31, 2017"

6 CAR § 462-118. Full-time and part-time paraprofessional qualifications.

(a) Part-time and full-time paraprofessionals must have a high school diploma, GED®, or the equivalent.

(b) Paraprofessionals may not teach a class unless they meet the qualifications of a full-time or part-time adult education teacher.

Authority. Arkansas Code § 25-30-102.

Codification Notes. "GED" means General Educational Development test.

This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: To ensure that adult education students receive instruction by qualified personnel, the Adult Education Division requires students to be provided instruction by licensed personnel*. Paraprofessionals who do not have the qualifications of full-time or part-time teachers must not assume the role and responsibilities of a licensed teacher.

*state requirement"

"EFFECTIVE DATE: SEPTEMBER 13, 1993

REVISED DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015"

6 CAR § 462-119. Adult education director/coordinator qualifications.

(a)(1) All adult education directors/coordinators paid with adult education funds must have a minimum of a master's degree in:

- (A) Education;
- (B) Administration; or
- (C) A related field.

(2) If not already licensed in adult education, administrators must become licensed in adult education by the Office of Professional Licensure of the Department of Education within four (4) years of the date of initial employment as an adult education administrator.

(3) It is preferable that the applicant have five (5) years of experience as a teacher and/or administrator in adult education or a related field.

(b)(1) Adult education directors/coordinators not paid with adult education funds must meet the qualifications of the local education agencies' personnel policies.

(2) Newly hired adult education directors/coordinators must show academic progression towards adult education licensure annually.

(3) It is preferable that the applicant has five (5) years of experience as a teacher and/or administrator in adult education or a related field.

(c) Adult education directors/coordinators not paid with adult education funds must meet the qualifications of the local education agencies' personnel policies.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: In order for adult education programs to be operated effectively, the Arkansas Adult Education Division requires that administrators have the relevant experience and credentials.*

*state requirement"

"EFFECTIVE DATE: JULY 1, 1990

REVISED DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015"

6 CAR § 462-120. Nonprofit/community-based organization director/coordinator qualifications.

(a) All directors of nonprofit community-based organizations, such as literacy councils, must meet the qualifications set forth by the local board of directors.

(b) Directors paid with funds from the Adult Education Section of the Division of Workforce Services must complete all state required trainings.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: Directors of community-based organizations must be in compliance with the qualifications set forth by local boards and adult education policies and guidelines."

"EFFECTIVE DATE: DECEMBER 31, 2017"

6 CAR § 462-121. Full-time adult education teacher qualifications.

(a) Full-time adult education teachers must hold a current Arkansas Department of Education teacher's license.

(b) If teachers do not already have a license in adult education, they must obtain an adult education additional license within four (4) years of the date of their initial employment as full-time adult education teachers.

(c) Newly hired adult education teachers must show academic progression towards adult education licensure annually.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: In order for students to be provided instruction by qualified personnel, the Arkansas Adult Education Division requires that full-time teachers have the appropriate professional teacher training and hold valid Arkansas Department of Education teaching licenses and credentials.*

*state requirement

EFFECTIVE DATE: JULY 1, 1990

REVISED DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008 REVISED DATE: AUGUST 4, 2015"

6 CAR § 462-122. Part-time adult education teacher qualifications.

Part-time adult education teachers must hold a current Department of Education teacher's license.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: In order for students to be provided instruction by qualified personnel, the Arkansas Adult Education Division requires that part-time teachers have the appropriate professional teacher training and hold a current Arkansas Department of Education teaching license.*

*state requirement

EFFECTIVE DATE: JULY 1, 1990

REVISED DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015"

6 CAR § 462-123. Waivers for adult education teachers without an educator's license.

(a) The Adult Education Section of the Division of Workforce Services requirement that full-time, part-time, and substitute adult education teachers hold an Arkansas current teacher's license may be waived for instructors who:

(1) Hold a master's degree in the subject area of:

- (A) Mathematics;
- (B) Reading and language arts;
- (C) English;
- (D) Social studies;
- (E) Science;
- (F) English as a second language; or

(G) Closely related field; and

(2) Have four (4) years of teaching experience at an accredited institution.

(b) If the adult education program director is unable to find a licensed teacher for such classes, he or she may submit a written request to the Director of the Adult Education Section of the Division of Workforce Services for a waiver for a nonlicensed instructor to teach the class or classes.

(c) Although a full-time teacher may be waived upon initial hire, he or she must obtain an adult education license within four (4) years of the date of their initial employment as a full-time adult education teacher.

(d) Newly hired adult education teachers must show academic progression towards adult education licensure annually.

(e) In addition, students should show educational gains at a rate equal or above the program's or state's average, whichever is greater, within a year of hire.

(f) **Note.** Only twenty-five percent (25%) of an adult education center's overall instructional staff can be composed of nonlicensed teachers who hold a master's degree in the aforementioned subject areas.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: In order to provide a greater applicant pool to hire qualified teachers, adult education programs may request a waiver for non-licensed instructors, with Master's degrees and teaching experience in the relevant subject area, to meet the needs of students."

"EFFECTIVE DATE: DECEMBER 31, 2017"

6 CAR § 462-124. Substitute adult education teacher qualifications.

(a) Substitute adult education teachers must hold a current Department of Education teacher's license.

(b) Employment of substitute teachers may not exceed ninety (90) days per fiscal year without written permission from the Director of the Adult Education Section of the Division of Workforce Services.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: In order for students to be provided instruction by qualified personnel, the Arkansas Adult Education Division requires that substitute teachers have the appropriate professional teacher training and hold a current Arkansas Department of Education teaching license.*

*state requirement"

"EFFECTIVE DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015"

6 CAR § 462-125. Travel policy.

(a) Local programs funded with state or federal adult education funds must adhere to Department of Finance and Administration guidelines when requesting travel reimbursement.

(b) This includes reimbursement for mileage, lodging, meals, etc.

(c) Late registration fees for conferences or workshops are not allowable.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: The travel policy for state agencies is mandated by the Arkansas Department of Finance and Administration, and the Adult Education Division has adopted these guidelines for local grantees."

"EFFECTIVE DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015"

6 CAR § 462-126. Workplace waivers for adult education teachers.

(a) The Adult Education Section of the Division of Workforce Services requirement that full-time, part-time, and substitute adult education teachers hold a current teacher's license may be waived for adult education classes taught at a business or industry, when such classes are asked to be created for the employees of that business or industry.

(b) If the adult education program director is unable to find a licensed teacher for such classes, he or she may submit a written request for a workplace waiver for a nonlicensed instructor to teach the classes.

(c) The nonlicensed instructor should have sufficient qualifications and experience to teach the workplace classes successfully.

(d) The classes should be conducted at the work site, but if there is no space at the work site for such classes, then the classes may be held at an adult education site.

(e) If the classes end, or if the instructor with the workplace waiver is reassigned to another workplace class, the Adult Education Section should be informed of any changes in the teaching assignment.

(f) Waivers will be issued only for the current program year, and new waivers must be applied for each program year.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: Since there is a shortage of licensed teachers in the state, and because of logistical difficulties finding licensed teachers to work in business and industry, the Adult Education Division may issue waivers for non-licensed instructors to teach workplace adult education classes requested by business and industry."

"EFFECTIVE DATE: APRIL 18, 2003

REVISED DATE: NOVEMBER 15, 2008

REVISED DATE: AUGUST 4, 2015"

6 CAR § 462-127. High school equivalency test.

(a) The Adult Education Section of the Division of Workforce Services with the approval of the Career Education and Workforce Development Board will determine the high school equivalency test and scores to be utilized in approved adult education programs.

(b) Passing the approved high school equivalency test will result in earning the Arkansas High School Diploma.

(c) In addition, all applicants intending to take the approved high school equivalency test are required to take and pass the official high school equivalency practice test with minimum scores:

(1) Established by the Adult Education Section; and

(2) Based on the recommendation of the test publisher's guidelines.

(d) This test must be administered through an approved adult education program or testing center.

Authority. Arkansas Code § 25-30-102.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: To ensure that Arkansas Adult Education programs are uniform in testing, it is essential that Arkansas Adult Education utilize the test that is considered most relevant based on research and acceptance by employers, postsecondary educational institutions, and the military."

"EFFECTIVE DATE: DECEMBER 31, 2017"

6 CAR § 462-128. Student confidentiality.

(a)(1) According to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, enacted as Section 438 of the General Education Provisions Act, 20 U.S.C. § 1221 et seq., student information that is considered "private" cannot be shared with anyone who is not designated on a release of confidential information form that has been signed by the student.

(2) Examples of confidential information disclosures include:

- (A) Disabilities;
- (B) Recovering substance abuse condition;
- (C) AIDS/HIV; or
- (D) Other medical information.

(3) If the student discloses any condition or disability that falls under the Privacy Act, the disclosed information cannot be shared with anyone without a release of confidential information form, including all appropriate signatures.

(b)(1) Adult education and literacy council providers are responsible for keeping confidential student information secure.

(2) The personal confidentiality statement should be completed and signed by all persons designated as having access to student records for legitimate educational and/or reporting purposes.

(3) Care must be taken to ensure that student data is safe from access by unauthorized persons.

(c)(1) All confidential student data should be aggressively protected, especially a student's Social Security number.

(2) The Adult Education Section of the Division of Workforce Services collects Social Security numbers to allow for authorized use in data match with other state agencies.

(3) Students must give permission for programs to use their information for data match.

Authority. Arkansas Code § 25-30-102.

Codification Notes. "AIDS" means acquired immunodeficiency syndrome.

"HIV" means human immunodeficiency virus.

This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: The purpose is to follow the Family Educational Rights and Privacy Act (FERPA) policy and ensure that learners' rights to confidentiality of personal information are protected and that all staff and volunteers understand their respective roles in relation to confidentiality and data protection."

"EFFECTIVE DATE: DECEMBER 31, 2017"

6 CAR § 462-129. Adult education/postsecondary co-enrollment policy.

(a) According to the Adult Education Family Literacy Act, 29 U.S.C. §§ 3271–3275, 3291, 3292, 3301–3305, 3321–3323, and 3331–3333, individuals who are eligible to receive services include those who:

- (1) Have attained sixteen (16) years of age;
- (2) Are not enrolled, or required to be enrolled, in secondary school under state law;
- (3) Have basic skills deficiency;
- (4) Do not have secondary school diploma or its recognized equivalent and have not achieved an equivalent level of education; and/or
- (5) Are English language learners.

(b)(1) Under certain conditions, learners can participate or co-enroll in adult education and technical education simultaneously or sequentially.

(2) Co-enrollment in postsecondary education is allowable under the following conditions:

(A)(i) Students who have a high school credential and are enrolled in a postsecondary institution, but are receiving adult education services based on Test of Adult Basic Education scores, may not be enrolled in the same subject area or areas that duplicate ABE/ASE services.

(ii) For example, an individual cannot be served in adult education if they are taking a general math or English composition at the postsecondary level because these subjects are taught as part of ABE/ASE or GED® preparation.

(iii) Enrollment in both would be duplication of services.

(iv) However, an individual who is being served in adult education program may be enrolled in a postsecondary career and technical education, or general education class such as history, study skills, or psychology because instruction in these classes would not duplicate the instructional services provided by the adult education program.

(B) Students who do not have a high school credential may be enrolled in a postsecondary education course, according to the institution's eligibility and enrollment policy, in the same subject area or areas in which they qualified for adult education services (reading, math, and/or writing); and

(C)(i) Students who are participating in a career pathways program such as Accelerating Opportunity, Integrated Education Training, apprenticeships, or other

vocational training program are allowed to co-enroll in adult education while being enrolled in a career technical education class.

(ii) Career pathways programs must follow the guideline definition established by Section 3(7) of the Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-128.

Authority. Arkansas Code § 25-30-102.

Codification Notes. "ABE" means adult basic education.

"ASE" means adult secondary education.

"GED" means General Educational Development test.

This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"INFORMATION/RATIONALE: While co-enrollment in adult education and postsecondary education is an allowable activity under the Workforce Innovation and Opportunity Act of 2014, guidelines are established to avoid duplication of services."

"EFFECTIVE DATE: DECEMBER 31, 2017"