

**Proposed PERMANENT Rule**

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

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**RULES:**

780:35-1-2. Adult Education and Family Literacy [AMENDED]

**SUMMARY:**

The proposed amendment revises language to reflect the current practice of monitoring grant recipients based on federal and state requirements and the AEFL handbook.

**AUTHORITY:**

Oklahoma State Board of Career and Technology Education; 70 O.S. 2021, § 14-103, § 14-104, as amended.

**COMMENT PERIOD:**

Persons may submit written comments through January 16, 2024, to Marie Saatkamp at 1500 W. Seventh Ave., Stillwater, OK 74074, or by email to [marie.saatkamp@careertech.ok.gov](mailto:marie.saatkamp@careertech.ok.gov).

**PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m. on Thursday, January 18, 2024, at the Oliver Hodge Building, Room 1-20, 2500 N Lincoln Boulevard, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 9:05 a.m. Each person will be allowed a maximum of 5 minutes to speak.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through January 16, 2024, at the Oklahoma Department of Career and Technology Education's office 1500 W. Seventh Ave., Stillwater, OK 74074, or by email to or [marie.saatkamp@careertech.ok.gov](mailto:marie.saatkamp@careertech.ok.gov).

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at <https://oklahoma.gov/careertech.html> and copies may be obtained from the Oklahoma Department of Career and Technology Education's office located at 1500 W. Seventh Ave., Stillwater, OK 74074. Copies may also be obtained by written request mailed to the attention of Marie Saatkamp, Human Resources Specialist, Oklahoma Department of Career and Technology Education, 1500 W. Seventh Ave., Stillwater, OK 74074, or emailed to or [marie.saatkamp@careertech.ok.gov](mailto:marie.saatkamp@careertech.ok.gov).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after December 30, 2023, at the above addresses.

**CONTACT PERSON:**

Marie Saatkamp, Human Resources Specialist, Oklahoma Department of Career and Technology Education, 1500 W. Seventh Ave., Stillwater, OK 74074, 405-743-5455, [marie.saatkamp@careertech.ok.gov](mailto:marie.saatkamp@careertech.ok.gov)

**780:35-1-2. Adult Education and Family Literacy**

- (a) Programs, services and activities funded in accordance with uses specified in this Act are designed to expand or improve the quality of adult education programs, including priority programs for eligible individuals.
- (b) Adult education programs governed by the Act shall make every effort to provide free classes to students. Adult education programs may charge necessary and reasonable fees for consumable materials and work-based classes. Adult education programs that wish to implement fees must develop a fee policy that has been approved by the adult education program's local governing board. The fee policy must be reasonable and may not restrict access to services.
- (c) The Act permits local adult education programs to generate income. The purpose of income is not to make a profit, but rather to expand services. Income and donations received must be reinvested in the adult education program. Any income must be accounted for in records and reported to the state Adult Education and Family Literacy office for National Reporting System Financial Reports.
- (d) Adult education programs governed by the Act must follow the state adult education Assessment Policy per federal guidelines.
- (e) For each year covered by the plan, the fiscal effort per student from nonfederal sources available for expenditure by the state for adult education, during the second preceding fiscal year must not be less than the fiscal effort per student from nonfederal sources during the third preceding fiscal year to meet the maintenance of effort requirement.
- (f) Teachers of adult education and family literacy activities located in the adult education programs funded by the state under the Act, shall have a valid Oklahoma Teacher's Certificate or a minimum of a Master's degree. Directors of adult education located in the adult learning centers shall have a valid Oklahoma Teacher's Certificate or a minimum of a master's degree. Prior to employing a teacher or Director who does not meet the above criteria, the Adult Education Program must seek written approval from the ODCTE.
- (g) For fiscal control, the obligation basis of accounting is used. Expenditures will be supported by copies of paid claims and invoices and will be audited following accepted auditing procedures.
- (h) Federal funds for adult education programs operating under a grant extension will be allocated according to, the funding formula described in Oklahoma's AEFLA State Plan.
- (i) State funds for adult education programs operating under a grant extension will be allocated according to the funding formula described in Oklahoma's AEFLA State Plan.
- (j) The ODCTE and the adult education programs participating in the plan shall enter into cooperative arrangements, when feasible and appropriate, with such entities as other state agencies, community-based organizations, community action agencies, career technology schools, churches, businesses, etc. in order to carry out the general purpose of the Act.
- (k) The adult education programs will expend 95% of the funding for adult education activities and 5% can be used for administrative costs. However, if the administrative cost limits would be insufficient for adequate planning and administration of the program, the ODCTE may negotiate with the local grant recipient in order to determine an adequate level of funds to be used for noninstructional purposes. Negotiated administrative cost limits are indicated in the Adult Education and Family Literacy State Plan/State Plan Amendments.
- (l) The ODCTE will provide direct and equitable access to and will review grant proposal applications during open grant competition. The adult education program will demonstrate that the thirteen

considerations outlined in Section 231 of the Act are being met in order to be considered for a grant award. The adult education program must assure that the services are coordinated with and are not duplicated services under other Federal, State and local programs. The comments of the adult education program and responses thereto shall be attached to the application when it is forwarded to the state.

(m) Federal funds for new grantees shall be allocated on the basis of an application, budget, and census data. State funds will be matched on the ratio specified by the Act's regulations in existence for the current fiscal program year.

(n) The ODCTE will ~~evaluate~~ monitor grant recipients based on ~~the and~~ federal and state requirements ~~for program evaluation~~.

(o) Adult education programs will follow all requirements set forth in the ODCTE Adult Education State Plan, State Plan Amendments, and ~~ODCTE~~ AEFL handbook.

(p) Adult education programs will meet the state performance measures of pre- and post-assessing 60% of their students and increasing the average number of student contact hours each fiscal year.

(q) Adult education programs will use the ODCTE-approved management system to document student enrollment, attendance, measurable skill gains, and other information as required by the National Reporting System (NRS). At a minimum, programs will update data monthly.