

1 **CHAPTER 805. ADULT EDUCATION AND LITERACY**

2
3 **ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS***
4 ***REGISTER*. THIS DOCUMENT WILL NOT HAVE ANY SUBSTANTIVE**
5 **CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED**
6 **BY THE *TEXAS REGISTER*.**

7
8 **ON JUNE 30, 2016, THE TEXAS WORKFORCE COMMISSION ADOPTED THE**
9 **BELOW RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS***
10 ***REGISTER*.**

11
12 Estimated date of publication in the *Texas Register*: **July 15, 2016**
13 The rules will take effect: **July 20, 2016**

14
15 The Texas Workforce Commission (Commission) adopts amendments to the following
16 section of Chapter 805, relating to Adult Education and Literacy, *with changes*, as
17 published in the April 22, 2016, issue of the Texas Register (41 TexReg 2889):

18
19 Subchapter A. General Provisions, §805.3

20
21 The Commission adopts amendments to the following sections of Chapter 805, relating to
22 Adult Education and Literacy, *without changes*, as published in the April 22, 2016, issue
23 of the Texas Register (41 TexReg 2889):

24
25 Subchapter A. General Provisions, §805.2

26 Subchapter B. Staff Qualifications, §805.21

27
28 **PART I. PURPOSE AND BACKGROUND**

29 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS**
30 **AND RESPONSES**

31
32 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

33 The purpose of the amendment to §805.21 is to address issues based on observations and
34 feedback related to finding and supporting qualified staff across an Adult Education and
35 Literacy (AEL) system built on partnerships.

36
37 Current staff qualification requirements set forth in §805.21 were carried over with some
38 modifications from the Texas Education Code (TEC). The TEC rules were developed for
39 an AEL program that largely operated as an independent, nonintegrated program.

40 Transition of the AEL program to TWC, with the implementation of new contracts, has
41 revealed a stronger need for partnerships, including partnerships with community
42 colleges and Local Workforce Development Boards (Boards).

43
44 The amendment to §805.3 aligns with new Texas Education Code (TEC) §25.085, which
45 modifies the compulsory attendance age from 18 years to 19 years.

1 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

2
3 **SUBCHAPTER A. GENERAL PROVISIONS**

4 **The Commission adopts the following amendments to Subchapter A:**

5
6 **§805.2. Definitions**

7 New §805.2(7) defines "assessment services" as the processes, administration, review,
8 and consultation provided to individuals in accordance with the AEL assessment
9 procedure and other agency guidance to direct placement, progress, and achievement in
10 AEL and other instructional services, including the identification of potential academic or
11 support service needs.

12
13 New §805.2(8) defines "clock hour," distinguishing a clock hour of 60 minutes from a
14 credit hour, which constitutes 50 minutes of instruction over a 15-week period in a
15 semester system or a 10-week period in a quarter system.

16
17 New §805.2(9) defines "college and career transitional support" as support that may
18 include, but is not limited to, recruiting and outreach, intensive individual case
19 management, career and academic counseling, enrollment and financial aid support, self-
20 advocacy skills development, academic and career support strategies, college and
21 workforce system capacity building, student data records management, and providing
22 access to other support and employment services.

23
24 New §805.2(12) defines "literacy," in alignment with the Workforce Innovation and
25 Opportunity Act (WIOA), as an individual's ability to read, write, and speak in English,
26 and to compute and solve problems at levels of proficiency necessary to function on the
27 job, in the family of the individual, and in society.

28
29 New §805.2(13) defines "principles of adult learning" as a wide variety of research-based
30 professional development topics that include instructional and advising characteristics
31 specific to adults, and support the range of knowledge, skills, and abilities adults need to
32 understand and use information, express themselves, act independently, effectively
33 manage a changing world, and meet goals and objectives related to career, family, and
34 community participation. Instructional principles include, but are not limited to,
35 engaging adults and customizing instruction on subjects that have immediate relevance to
36 their career and personal goals and objectives, building on their prior knowledge and
37 experience, and supporting them in taking responsibility for their learning.

38
39 New §805.2(14) defines "proctoring" as one type of assessment service, the
40 administration of tests or pretests by test proctors working under the guidance or
41 supervision of an individual who oversees program assessment services and/or
42 accountability assessment.

43
44 New §805.2(15) defines "professional development" as encompassing all types of
45 facilitated learning activities for instructors and staff of AEL programs and organizations
46 participating in AEL programs and services. Professional development can be face-to-

1 face or virtual and can be a workshop, lecture, presentation, poster session, roundtable
2 discussion, study circle, or demonstration that meets for a minimum of one hour and
3 upwards in increments of one half (.5) hour (i.e., the hours assigned for purposes of
4 tracking AEL staff professional development requirements in TEAMS, the Texas
5 Educating Adults Management System) to accomplish a predetermined educational or
6 learning outcome.

7
8 New §805.2(16) defines "program year" for AEL purposes. The AEL program year,
9 which aligns to the U.S. Department of Education's (ED) Adult Education and Family
10 Literacy Act (AEFLA) program year, is July 1 through June 30.

11
12 New §805.2(17) defines "substitute," specifying the distinction between a substitute and a
13 full- or part-time instructor. A substitute works on call, does not have a full-time
14 assignment, and does not assume permanent responsibilities for class instruction. An
15 individual is considered a substitute if he or she instructs a particular class for four or
16 fewer consecutive class meetings.

17
18 New §805.2(18) defines "support services," to align with the definition in WIOA §2 , as
19 services such as transportation, child care, dependent care, housing, and needs-related
20 payments, which are necessary to enable an individual to participate in activities.

21
22 New §805.2(19) defines "workforce training" to align with the definition in WIOA
23 §134(c)(3)(D), which states that workforce training services may include the following:

- 24 (A) occupational skills training, including training for nontraditional employment;
- 25 (B) on-the-job training;
- 26 (C) incumbent worker training;
- 27 (D) programs that combine workplace training with related instruction, which may
28 include cooperative education programs;
- 29 (E) training programs operated by the private sector;
- 30 (F) skill upgrading and retraining;
- 31 (G) entrepreneurial training;
- 32 (H) transitional jobs;
- 33 (I) job readiness training provided in combination with services described in any of
34 subparagraphs (A) through (H) of this paragraph;
- 35 (J) AEL activities, including activities of English language acquisition and integrated
36 education and training programs, provided concurrently or in combination with
37 services described in any of subparagraphs (A) through (G) of this paragraph; and
- 38 (K) customized training conducted with a commitment by an employer or group of
39 employers to employ an individual upon successful completion of the training.

40
41 **Comment:** One commenter requested a modification of the definition of
42 "Principles of Adult Learning" by removing "effectively manage a
43 changing world."

44
45 **Response:** The Commission maintains the definition from the proposed rules,
46 recognizing that lifelong learning is a critical element for successful

1 career development and a tenet of established adult learning theory, a
2 core philosophy of adult education.

3
4
5 **§805.3. Federal and State AEL Funds**

6 Section 805.3 is amended to replace "18 years of age" with "19 years of age" to align
7 with new TEC §25.085.

8
9 **Comment:** One commenter recommended modifying "19 years of age" to
10 "compulsory age" to better align with other language found in
11 Agency guidance and rules.

12
13 **Response:** The Commission agrees with this recommendation and has modified
14 the language accordingly.

15
16 **SUBCHAPTER B. STAFF QUALIFICATIONS**

17 **The Commission adopts the following amendments to Subchapter B:**

18
19 **§805.21. Staff Qualifications and Training**

20 Current §805.21(1) and (2) are removed.

21
22 Current §805.21(3) is renumbered as new §805.21(1), and is amended to apply
23 additionally to administrative, data entry, and proctoring staff, and staff providing support
24 or employment services to students.

25
26 Current §805.21(4) is renumbered as new §805.21(2), and is amended to remove teachers
27 and counselors and to apply additionally to staff that oversees program assessment
28 services and/or accountability and instructors in the content areas of reading, writing,
29 mathematics, and English language acquisition, including substitutes, shall possess at
30 least a bachelor's degree.

31
32 New §805.21(3) is added to specify requirements for workforce training instructors.

33
34 New §805.21(4) is added to set forth the process for submitting staff qualification
35 exemption requests

36
37 New §805.21(4)(B) specifies that exemptions must be submitted and approved prior to an
38 individual being placed in the position for which an exemption is requested.

39
40 Current §805.21(5) is amended to remove teachers and counselors and add "other staff
41 with program oversight or coordination responsibilities." The required 12 clock hours of
42 professional development annually is modified to 15 clock hours each program year. The
43 provision modifying the amount of required professional development once the described
44 individuals have completed six clock hours of AEL college credit or two years of AEL
45 experience is removed. Additionally, staff described in §805.21(5), hired on or after
46 January 1 of a program year, may have half of the required staff professional

1 development time required in that particular program year.

2
3 Current §805.21(6) is renumbered as new §805.21(9) new §805.21(6) is added to specify
4 that all AEL instructional staff, except substitutes, who are paid with AEL grant funds or
5 who acquire student contact hours, including volunteers, shall receive at least 15 clock
6 hours of professional development each program year.

7
8 New §805.21(6)(A)(i) - (iii) specify that the 15 hours shall include three clock hours of
9 principles of adult learning as defined in §805.2(13), six clock hours in relevant areas of
10 literacy instruction, with literacy defined in §805.2(12), and six hours at the discretion of
11 the program that consist of content related to the AEL program's purpose, which is to
12 provide adults with specific basic education that enables them to effectively:
13 --acquire the basic educational skills necessary for literate functioning;
14 --participate in job training and retraining programs;
15 --obtain and retain employment; and
16 --continue their education to at least the level of secondary school completion and
17 postsecondary education preparation.

18
19 New §805.21(6)(A)(iv) allows for six clock hours of content area in staff professional
20 development to be waived for individuals who have 18 or more college semester
21 undergraduate or graduate credit hours in relevant areas of literacy instruction.

22
23 New §805.21(6)(B) is added to specify that staff meeting the specifications outlined in
24 §805.21(6)(A) and hired on or after January 1 of a program year, may require half of the
25 professional development time required for that program year, and to specify that for
26 instructors in the content areas of reading, writing, mathematics, and English language
27 acquisition, the professional development time completed shall consist of three clock
28 hours of training in principles of adult learning and three clock hours in the relevant areas
29 of literacy instruction.

30
31 New §805.21(6)(C) is added to specify that staff described in §805.21(2) must receive at
32 least six clock hours of professional development as described in §805.21(b)(2)(A)(i) -
33 (iii) within 30 calendar days of providing instructional activities if new to AEL or direct
34 student service delivery; the six hours include the required three hours of principles of
35 adult learning and three hours of the relevant areas of literacy instruction. New
36 §805.21(6)(C) also specifies that any waiver of the requirement that staff members who
37 are new to AEL or to direct student service must receive staff development within 30
38 calendar days of providing instructional services shall be approved before the individual
39 provides any instructional services.

40
41 Language referring to exemptions for qualifications, which previously required
42 Commission approval when an entity submitted its application for funding, has been
43 removed from current §805.21(6).

1 New §805.21(7) is added to specify that staff providing support services or college and
2 career transitional support who are paid through an AEL grant shall receive at least three
3 clock hours of professional development each program year.

4
5 New §805.21(8) is added to specify that AEL staff assigned test proctoring or data entry
6 duties shall receive at least three clock hours of professional development related to their
7 primary job duties each program year.

8
9 Current §805.21(6) is renumbered as new §805.21(9) and modified to remove the word
10 "in-service" and replace the term "local programs" with "grant recipients." The definition
11 of "exceptional circumstances" is added to include absence from the program or work due
12 to personal health reasons or emergency familial responsibilities, including
13 maternity/paternity. Language is changed to specify that documents justifying these
14 circumstances shall be available for monitoring and as requested by AEL staff. Language
15 requiring exemptions to be submitted to the Commission for approval in cases of
16 exemptions for minimum qualifications is removed.

17
18 Current §805.21(7) is renumbered as new §805.21(10), and "fiscal agent" is replaced
19 with "grant recipient."

20
21 Current §805.21(8) is removed.

22
23 **Comment:** One commenter commended the removal of six hours of preliminary
24 professional development and reduction from 24 hours of staff
25 development requirements for new hires.

26
27 **Response:** The Commission appreciates the comment.

28
29 **Comment:** One commenter requested that volunteer instructional staff be waived
30 from the current staff development requirements.

31
32 **Response:** The Commission appreciates the comment, but in order to maintain
33 quality of AEL instruction for all participants, retains this requirement
34 for any individual who acquires contact hours with participants.
35 Local programs have the option to not count the contact hours
36 acquired by volunteer staff, which would remove these requirements,
37 or to request a staff exemption if the staff development time creates
38 an undue burden.

39
40 **Comment:** One commenter requested that the requirement for all staff to yearly
41 receive three hours of staff development in principles of adult
42 learning be waived for returning teachers, new staff, or staff with a
43 college degree in the content area.

44
45 **Response:** The Commission appreciates the comment, but retains this
46 requirement. Principles of adult learning is a general concept, not a

1 specific course, and can cover a wide array of topics necessary for
2 individuals providing adult education instruction to implement
3 meaningful andragogy to ensure success for program participants,
4 including new staff orientation, if that orientation focuses on
5 successful instruction to adults. Local programs are encouraged to
6 explore the wide array of topics that fall within this concept area in
7 order to keep material fresh and timely. Agency professional
8 development contractors are aligning training courses to identify
9 courses that address topics in principles of adult learning.

10
11 **Comment:** One commenter requested clarification for the requirements for
12 instructional staff, including the allowability to use staff development
13 for goal setting as well as staff development provided by local
14 independent school districts (ISDs) to meet staff development
15 requirements.

16
17 **Response:** The Commission clarifies that staff development should be
18 customized to meet local needs and objectives, as well as AEL
19 objectives, and if goal setting, as well as staff development provided
20 by local ISDs, meets those objectives, it can be used to meet staff
21 development requirements for staff members.

22
23 **Comment:** One commenter requested clarification for the requirements for
24 literacy instructional staff to waive content-area professional
25 development if they have earned college-level credit in their
26 instructional content area, and whether there is an expiration for these
27 requirements.

28
29 **Response:** The Commission clarifies that waivers for literacy instructional staff
30 who waive content-area professional development through college-
31 level credit in their literacy instructional content area are permanent;
32 however, the Commission encourages local programs to assess
33 individual instructors' skills and abilities and use local flexibility to
34 require skill refreshers as needed.

35
36 **COMMENTS WERE RECEIVED FROM:**

37 Angie Kaldro, Education Service Center 6

38 Jon Engel, Community Action, Inc.

39 Resa Wingfield, Literacy Council of Tyler

40
41 The Agency hereby certifies that the adoption has been reviewed by legal counsel and
42 found to be within the Agency's authority to adopt.

43
44 The rules are adopted under Texas Labor Code §301.0015 and §302.002(d), which
45 provide the Texas Workforce Commission with the authority to adopt, amend, or repeal

1 such rules as it deems necessary for the effective administration of Agency services and
2 activities.

3

4 The adopted rules affect Title 4, Texas Labor Code, particularly Chapters 301 and 302.

5

6

7

1 **CHAPTER 805. ADULT EDUCATION AND LITERACY**

2
3 **SUBCHAPTER A. GENERAL PROVISIONS**

4
5
6 **§805.2. Definitions.**

7
8 The following words and terms, when used in this chapter, shall have the
9 following meanings, unless the context clearly indicates otherwise.

- 10
11 (1) Adult education--Basic and secondary instruction and services for
12 adults.
- 13
14 (A) Adult basic education (ABE)--Instruction in reading, writing, and
15 speaking and comprehending English, and solving quantitative
16 problems, including functional context, designed for adults who:
17
18 (i) have minimal competence in reading, writing, and solving
19 quantitative problems;
20
21 (ii) are not sufficiently competent to speak, read, or write the
22 English language; or
23
24 (iii) are not sufficiently competent to meet the requirements of
25 adult life in the United States, including employment
26 commensurate with the adult's real ability.
- 27
28 (B) Adult secondary education (ASE)--Comprehensive secondary
29 instruction below the college credit level in reading, writing and
30 literature, mathematics, science, and social studies, including
31 functional context, and instruction for adults who do not have a
32 high school diploma or its equivalent.
- 33
34 (C) English literacy education (EL)--Instruction designed to help
35 adults with limited English proficiency achieve competence in
36 the English language.
- 37
38 (2) AEL consortium--A partnership of educational, workforce
39 development, social service entities, and other public and private
40 organizations that agree to partner, collaborate, plan, and apply for
41 funding to provide AEL and related support services. Consortium
42 members shall include an AEL grant recipient, AEL fiscal agent, an
43 AEL lead organization of a consortium, and AEL service provider(s).
44 Consortium members may serve in one or more of the functions in
45 accordance with state statutes and Commission rules.
- 46

- 1 (3) AEL fiscal agent--An entity that is assigned financial management
2 duties as outlined in an Agency-AEL contract or is assigned this
3 function as a member of an AEL consortium.
4
- 5 (4) AEL grant recipient--An eligible grant recipient within a local
6 workforce development area (workforce area), as defined in §800.2(11)
7 of this title, that is awarded AEL funds by the Agency.
8

9 The AEL grant recipient also may act as an AEL lead organization of a
10 consortium, AEL fiscal agent, or AEL service provider as designated in
11 an agreement with an AEL consortium.
12

- 13 (5) AEL lead organization of a consortium--An organization designated as
14 the AEL consortium manager in a written agreement between AEL
15 consortium members.
16

17 The AEL lead organization of a consortium is responsible for planning
18 and leadership responsibilities as outlined in the written agreement and
19 also may serve as an AEL grant recipient, AEL fiscal agent, or AEL
20 service provider.
21

22 If a consortium does not identify the lead organization of a consortium
23 through a written agreement, the AEL grant recipient will be presumed
24 to assume the responsibility of the lead organization of the consortium.
25

- 26 (6) AEL service provider--An entity that is eligible to provide AEL
27 services as specified in 20 USC §9202 and Texas Labor Code
28 §315.003.
29
- 30 (7) Assessment services--The processes, administration, review, and
31 consultation provided to individuals in accordance with the AEL
32 assessment procedure and other agency guidance that direct placement,
33 progress, achievement, and overall program accountability in AEL and
34 other services, including the identification of potential academic or
35 support service needs.
36
- 37 (8) Clock hour--60 minutes.
38
- 39 (9) College and career transitional support--Support that may include, but is
40 not limited to recruiting and outreach, intensive individual case
41 management, career and academic counseling, enrollment and financial
42 aid support, self-advocacy skills development, academic and career
43 support strategies, college and workforce system capacity building,
44 student data records management, and providing access to other support
45 and employment services.
46

- 1 (10) Contact time--The cumulative sum of minutes during which an eligible
2 adult student receives instructional, counseling, or assessment services
3 by a staff member supported by federal and state AEL funds as
4 documented by local attendance and reporting records.
5
6 (A) Student contact time generated by volunteers may be accrued by
7 the AEL program when volunteer services are verifiable by
8 attendance and reporting records and volunteers meet
9 requirements under §805.21 of this title (relating to Staff
10 Qualifications and Training).
11
12 (B) A student contact hour is 60 minutes.
13
14 (11) Eligible grant recipient--An entity, as specified in state and federal law,
15 that is eligible to receive AEL program funding. Eligible grant
16 recipients include:
17
18 (A) a local educational agency;
19
20 (B) a community-based organization of demonstrated effectiveness;
21
22 (C) a volunteer literacy organization of demonstrated effectiveness;
23
24 (D) an institution of higher education;
25
26 (E) a public or private nonprofit agency;
27
28 (F) a library;
29
30 (G) a public housing authority;
31
32 (H) a nonprofit institution that is not described in any of
33 subparagraphs (A) - (G) of this paragraph and has the ability to
34 provide literacy services to adults and families; and
35
36 (I) a consortium of the agencies, organizations, institutions, libraries,
37 or authorities described in any of subparagraphs (A) - (H) of this
38 paragraph.
39
40 (12) Literacy--An individual's ability to read, write, and speak in English,
41 and to compute and solve problems at levels of proficiency necessary to
42 function on the job, in the family of the individual, and in society.
43
44 (13) Principles of adult learning--A wide variety of research-based
45 professional development topics that include instructional and advising
46 characteristics specific to adults, and support the range of knowledge,

1 skills, and abilities adults need to understand and use information,
2 express themselves, act independently, effectively manage a changing
3 world, and meet goals and objectives related to career, family, and
4 community participation. Instructional principles include, but are not
5 limited to, engaging adults and customizing instruction on subjects that
6 have immediate relevance to their career and personal goals and
7 objectives, building on their prior knowledge and experience, and
8 supporting them in taking responsibility for their learning.
9

- 10 (14) Proctoring--Support in the administration of tests or pretests under the
11 guidance of a staff member who oversees program assessment services
12 and/or accountability assessment.
13
- 14 (15) Professional development--Encompasses all types of facilitated learning
15 activities for instructors and staff of AEL programs and organizations
16 participating in AEL programs and services. Professional development
17 can be face-to-face or virtual and can be a workshop, lecture,
18 presentation, poster session, roundtable discussion, study circle, or
19 demonstration that meets for a minimum of one hour and upwards in
20 increments of one half (.5) hour (i.e., the hours assigned for purposes of
21 tracking AEL staff professional development requirements in TEAMS,
22 the Texas Educating Adults Management System) to accomplish a
23 predetermined educational or learning outcome.
24
- 25
- 26 (16) Program year--The AEL program year is July 1 through June 30.
27
- 28 (17) Substitute--An instructor who works on call, does not have a full-time
29 assignment, and does not assume permanent responsibilities for class
30 instruction. An individual is considered a substitute if he or she
31 instructs a particular class for four or fewer consecutive class meetings.
32
- 33 (18) Support services--Services such as transportation, child care, dependent
34 care, housing, and needs-related payments, which are necessary to
35 enable an individual to participate in activities as defined in Workforce
36 Innovation and Opportunity Act (WIOA) §2.
37
- 38 (19) Workforce training--Services described in WIOA § 134(c)(3)(D),
39 including the following:
40
- 41 (A) occupational skills training, including training for nontraditional
42 employment;
43
- 44 (B) on-the-job training;
45
- 46 (C) incumbent worker training;

- (D) programs that combine workplace training with related instruction, which may include cooperative education programs;
- (E) training programs operated by the private sector;
- (F) skill upgrading and retraining;
- (G) entrepreneurial training;
- (H) transitional jobs;
- (I) job readiness training provided in combination with services described in any of subparagraphs (A) through (H) of this paragraph;
- (J) AEL activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described in any of subparagraphs (A) through (G) of this paragraph; and
- (K) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

§805.3. Federal and State AEL Funds.

- (a) Federal AEL funds may be used for AEL programs for out-of-school individuals who have attained 16 years of age and who are not enrolled or required to be enrolled in secondary school under state law and:
 - (1) lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society;
 - (2) do not have a secondary school diploma or its recognized equivalent, and have not achieved an equivalent level of education; or
 - (3) are unable to speak, read, or write the English language.
- (b) State AEL funds are to be used for AEL programs for out-of-school individuals who **are beyond the compulsory age of attendance have attained 19** unless specifically exempted from compulsory school attendance by Texas Education Code §25.086 and:
 - (1) lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society;

1
2 (2) do not have a secondary school diploma or its recognized equivalent,
3 and have not achieved an equivalent level of education; or

4
5 (3) are unable to speak, read, or write the English language.
6

7 (c) The proportion of students served who meet the requirements of subsection
8 (a) of this section, but do not meet the requirements of subsection (b) of this
9 section, shall not exceed the grant recipient's percentage of federal funds to
10 the total allocation.
11

12 (d) The Commission shall establish annual performance benchmarks for the use
13 of AEL funds in serving specific student populations, including the
14 population of students receiving other workforce services or coenrolled in
15 postsecondary education or training.
16

17 **SUBCHAPTER B. STAFF QUALIFICATIONS**

18 **§805.21. Staff Qualifications and Training.**

19
20
21 The requirements of this section shall apply to all AEL staff hired after July 1,
22 2013, excluding clerical and janitorial staff.
23

24
25 (1) AEL aides, administrative, data entry, proctoring staff, and staff
26 providing support or employment services to students shall have at
27 least a high school diploma or high school equivalency certificate.
28

29 (2) AEL directors, supervisors, staff that oversees program assessment
30 services and/or overall program accountability, and instructors in the
31 content areas of reading, writing, mathematics, and English language
32 acquisition, including substitutes, shall possess at least a bachelor's
33 degree.
34

35 (3) Workforce training instructors must meet the requirements of the
36 institution and/or the associated accrediting or credentialing entity, if
37 applicable.
38

39 (4) Requests for exemptions for staff qualification requirements in
40 individual cases:

41 (A) may be submitted to the Agency for approval with a justification
42 outlining extenuating circumstances; and
43

44 (B) shall be submitted and approved prior to an individual being placed
45 in the position in question.
46

1 (5) All AEL directors and supervisors, and other staff with program
2 oversight or coordination responsibilities shall receive 15 clock hours
3 of professional development each program year with the following
4 exception: Staff hired on or after January 1 of a program year may
5 require half of the professional development time required for that
6 program year.

7
8 (6) All AEL instructional staff, except substitutes, paid with AEL grant
9 funds or who acquire student contact hours, including volunteers, shall
10 receive at least 15 clock hours of professional development each
11 program year, with the following specifications:

12
13 (A) Instructors in the content areas of reading, writing, mathematics,
14 and English language acquisition shall:

15
16 (i) receive three clock hours of training in principles of adult
17 learning;

18
19 (ii) receive six clock hours in relevant areas of literacy
20 instruction; and

21
22 (iii) receive the remaining six clock hours of training in content
23 areas at the discretion of the program, but consisting of
24 content related to the AEL program's purpose, which is to
25 provide adults with sufficient basic education that enables
26 them to effectively:

27
28 I. acquire the basic educational skills necessary for literate
29 functioning;

30
31 II. participate in job training and retraining programs;

32
33 III. obtain and retain employment; and

34
35 IV. continue their education to at least the level of secondary
36 school completion and postsecondary education
37 preparation; or

38
39 (iv) waive six clock hours of content area in staff professional
40 development for individuals who have 18 or more college
41 semester undergraduate or graduate credit hours in relevant
42 areas of literacy instruction.

43
44 (B) Staff, as described in subparagraph (A) of this paragraph, hired on
45 or after January 1 of a program year, may require half of the
46 professional development time required for that program year. For

1 instructors in the content areas of reading, writing, mathematics,
2 and English language acquisition, these hours must include three
3 clock hours of training in principles of adult learning and three
4 clock hours in the relevant areas of literacy instruction.
5

6 (C) Staff described in paragraph (6) of this subsection shall receive at
7 least six clock hours of the required professional development
8 outlined in paragraph (6)(A)(i) - (iii) of this subsection within 30
9 calendar days of providing instructional activities, if new to AEL
10 or to direct student service delivery. The six hours include the
11 required three hours of principles of adult learning and three hours
12 of the relevant areas of literacy instruction. Waiving of the
13 requirements for staff new to direct student services must be
14 approved by Agency AEL staff prior to the individual providing
15 any instructional services.
16

17 (7) All staff providing support services or college and career transitional
18 support who are paid through an AEL grant shall receive at least three
19 clock hours of professional development each program year.
20

21 (8) AEL staff assigned test proctoring or data entry duties shall receive at
22 least three clock hours of professional development related to their
23 primary job duties each program year.
24

25 (9) The requirements for professional development may be reduced by grant
26 recipients in individual cases in which exceptional circumstances
27 prevent employees from completing the required hours of professional
28 development. Exceptional circumstances can include absence from the
29 program or work due to personal health reasons or emergency familial
30 responsibilities, including maternity/paternity. Documentation justifying
31 these circumstances shall be available for monitoring and as requested
32 by AEL staff.
33

34 (10) Records of staff qualifications and professional development shall be
35 maintained by each grant recipient and shall be available for monitoring.
36
37