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2000 Adult Learner Legislation

This information brief summarizes adult learner programs and describes adult learner legislation enacted during the 2000 regular legislative session. The information brief includes information on funding for adult learner programs, policy changes to adult learner programs, and new programs.

Adult Learner Programs

The Department of Children, Families and Learning (CFL) is the lead agency for the administration of several adult learner programs. School districts and nonprofit organizations provide educational services for adults through the Adult Basic Education (ABE) program and other programs for adult learners. Adult learner programs offer instruction in a variety of areas including instruction necessary to earn a high school diploma, English as a second language (ESL) instruction, and programs targeted toward adults with disabilities. Most of these programs are available for any adult in need of services. However, the Intensive ESL program is targeted toward participants of Minnesota's welfare program, the Minnesota Family Investment Program (MFIP). The primary source of funding for these programs is the state's general fund, but federal Temporary Assistance for Needy Families (TANF) monies may be used as well if program participants meet income eligibility. Federal money may also be used for the ABE program.

ABE is the primary program for adult learners. ABE is a day or evening program offered by a school district or consortium for people over 16 years of age who do not attend elementary or secondary school. The program offers academic instruction necessary to earn a high school diploma or equivalency certificate, ESL instruction, and other basic skills instruction. The 2000 Legislature made substantial changes to the ABE program and funding formula.

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Adults with disabilities instruction is part of community education programs offered by school districts. Adults with disabilities programs include classes for adults with disabilities, outreach activities to identify adults needing service, and activities to enhance the role of people with disabilities in the community.

Adult High School Graduation Aid is aid paid to school districts for eligible pupils age 21 and over.

Legislature approves two new grant programs for adult learners.

Two new grant programs for adult learners were approved during the 2000 legislative session, Cooperative Language Instruction and Intensive ESL. Cooperative Language Instruction is a grant program to teach ESL to adults and their children. Instruction is provided through prekindergarten programs, elementary and secondary schools, and the ABE program. At least two grants in the seven-county metro area and one grant outside of the metro area will be made. The Intensive ESL program is a reimbursement grant program to fund intensive ESL programs for TANF-eligible adults who participate in the MFIP program. Instruction must be focused on participants' gaining sufficient literacy to achieve self-sufficiency through employment. This program expires on June 30, 2003.

Changes made to the adult learner programs during the 2000 legislative session are described below. Funding for these programs is described in Appendix 1.

2000 Legislative Actions

ABE Program Requirements & Approval

The 2000 Legislature added requirements for ABE programs. Programs must now develop a memorandum of understanding with local workforce development centers describing the coordination of services to clients. The legislature also specified that ABE aid must be spent for ABE purposes.

Ch. 489, art. 1, § 11, amending Minn. Stat. § 124D.52, subd. 1, effective July 1, 2000

The legislature made changes in the application and approval process for ABE programs. Programs must demonstrate the ability to provide outcome data and provide a copy of the workforce memorandum of understanding. The commissioner's authority to fund supplemental services on the same basis as ABE programs is eliminated. (A statutory grant process is established for funding supplemental services.) ABE programs are required to provide accurate and timely reports on outcomes, spend state ABE funds for state ABE purposes, and provide timely notification to the commissioner of their intent to apply for funds or of any changes in consortium membership.

Ch. 489, art. 1, § 12, amending Minn. Stat. § 124D.52, subd. 2, effective July 1, 2000

The legislature established minimum requirements for consortiums that deliver ABE service including two meetings per year, a written agreement, contributions by members, and reporting requirements for the fiscal agent.

Ch. 489, art. 1, § 16, adding Minn. Stat. § 124D.521, effective July 1, 2000

Private Data & Accountability

The data privacy act was amended to allow the Social Security numbers of students in the adult basic education system to be disclosed, as is permitted by federal and state law, to Minnesota State Colleges and Universities (MnSCU) and the Department of Economic Security (DES) to establish an ABE performance tracking system.

Ch. 489, art. 1, § 1, amending Minn. Stat. § 13.32, subd. 3, effective July 1, 2000

Under the new law, all ABE programs are required to develop and implement a performance tracking system by July 1, 2000, based on the following core indicators:

- improvements in literacy skill levels;
- participation in post-secondary education, training, subsidized employment or career advancement; and
- receipt of a secondary diploma or equivalent.

ABE programs may meet this requirement by conducting a reliable follow-up survey or requesting the Social Security number of participating students to track student employment through DES, subject to the limitations in this section. The program must notify the student of the use of Social Security numbers for tracking. DES must only provide summary data for tracking that does not identify individual students. State ABE funding for programs must not be based on learners who decline to provide their Social Security number.

Ch. 489, art. 1, § 15, adding Minn. Stat. § 124D.52, subd. 7, effective July 1, 2000

ABE Supplemental Service Grants

The legislature authorized the commissioner of CFL, in consultation with the policy review task force, to make grants to nonprofit organizations for supplemental services that are not provided by the ABE programs. Grants may be made for staff development, volunteer training, services and materials for serving disabled students, promotion of ABE, technology for ABE, distance learning projects, and other supplemental services to support ABE and innovation in the delivery of ABE services. Grants must support services throughout the state, focus on educational results, and promote educational outcomes. Grants are limited to one year and cannot exceed \$100,000 per grantee. ABE programs are also authorized to purchase these supplemental services with their state and federal ABE aid. One-third of the funding for supplemental services must be used for grants to ABE programs to encourage and support innovation.

Ch. 489, art. 1, § 17, adding Minn. Stat. § 124D.522, effective July 1, 2000

ABE Policy Task Force

A nine-member task force was established to advise the commissioner of CFL and make recommendations to the legislature on the implementation and policies for ABE programs. Members are appointed by the commissioner and the task force must have geographic balance and balance between learners, instructors, and administrators. Four members are appointed by the commissioner from a slate of candidates proposed by the Minnesota Community Education Association and Literacy Minnesota. Other members must include students and former students. The board must hold a minimum of two meetings per year until it expires on December 1, 2002. The task force has the following duties:

- 1) recommend an ABE mission statement;

- 2) advise on standard policies and procedures;
- 3) advise on curriculum and course offerings;
- 4) recommend minimum size requirements for program viability;
- 5) recommend adequate rates for small programs;
- 6) recommend reasonable limits on access to ABE services;
- 7) recommend an outcome-based funding system for ABE;
- 8) recommend an appropriate contact hour weight for nondistrict programs; and
- 9) review grants for statewide supplemental services.

Ch. 489, art. 1, § 42, effective July 1, 2000

ABE Aid

“Adult basic education consortium,” “contact hours,” “first prior program year,” and “unreimbursed expenses” were defined for the ABE program and state aid.

Ch. 489, art. 1, § 10, adding Minn. Stat. § 124D.515, effective July 1, 2000

The legislature made changes to clarify that state ABE aid is based on unreimbursed expenses that exclude in-kind costs.

Ch. 489, art. 1, § 13, amending Minn. Stat. § 124D.52, subd. 3, effective July 1, 2000

Total State Aid

The state ABE aid formula was changed. Under the new law, \$30 million in state aid is provided for fiscal year 2001 and growth in state ABE aid is capped in future years. State aid cannot increase more than 8 percent, or the actual statewide growth in contact hours if it is less than 8 percent.

Ch. 489, art. 1, § 19, adding Minn. Stat. § 124D.531, effective for revenue beginning in fiscal year 2001

Program Aid

A base aid for ABE programs equal to \$1.80 times the population of the district, or a minimum of \$4,000, is established. A formula to distribute state appropriations to ABE programs is established. First, the basic population aid is distributed to programs and then the remaining state aid is distributed as follows:

- (1) 84 percent is distributed based on a district's relative share of contact hours in the prior year;
- (2) 8 percent is distributed based on a district's relative share of the students with limited English proficiency enrolled in the district in the prior year; and
- (3) 8 percent is distributed based on a district's relative share of adults in the district without a high school diploma according to the last federal census.

Ch. 489, art. 1, § 19, adding Minn. Stat. § 124D.531, effective for revenue beginning in fiscal year 2001

Aid Limits

Two limits to the state ABE revenue distributed to ABE programs were established: (1) program revenue cannot exceed four times the average revenue per contact hour in the state; and (2) program revenue distributed on the basis of contact hours cannot grow by more than 17 percent per year or \$20,000, whichever is more.

Ch. 489, art. 1, § 19, adding Minn. Stat. § 124D.531, effective for revenue beginning in fiscal year 2001

Aid Payments

ABE programs are guaranteed to receive the same amount in fiscal year 2001 as the program received in fiscal year 2000. Aid is required to be paid to a fiscal agent unless a participating district requests direct payment of the basic population aid in writing. The request must certify that the aid will be deposited in a separate account and used exclusively for ABE instruction.

Ch. 489, art. 1, § 19, adding Minn. Stat. § 124D.531, effective for revenue beginning in fiscal year 2001

Accountability

ABE programs are required to maintain adequate records to document their ABE aid payments. The commissioner of CFL is authorized to audit ABE programs and to establish auditing procedures. The commissioner of CFL is required to audit one-half of all ABE programs in 2002 and the remaining programs in 2003, and beginning in 2004, audit each program at least once every five years. CFL is authorized to reconcile differences between actual aid payments and aid estimates based on program audits.

Ch. 489, art. 1, § 19, adding Minn. Stat. § 124D.531, effective for revenue beginning in fiscal year 2001

Administration

Administrative expenses of an ABE consortium or school district ABE program are capped at 5 percent of ABE aid. All ABE programs are required to submit annual reports to CFL that include revenues and expenses for each participating district and program, including sites operated cooperatively with nonprofit organizations and businesses.

Ch. 489, art. 1, § 19, adding Minn. Stat. § 124D.531, effective for revenue beginning in fiscal year 2001

ABE Appropriations

The ABE formula for fiscal year 2000 was changed to match the appropriation.

Ch. 489, art. 1, § 19, amending Minn. Stat. § 124D.53, subd. 3, effective July 1, 2000

The 2001 appropriation was increased by \$6,691,000.

Ch. 489, art. 1, § 32, amending Laws 1999, ch. 205, art. 4, § 12, subd. 5, effective July 1, 2000

The 2000 appropriation for ABE basic population aid was increased by \$14,000 due to a forecast change.

Ch. 489, art. 1, § 32, amending Laws 1999, ch. 205, art. 4, § 12, subd. 6, effective July 1, 2000

\$700,000 was appropriated in fiscal year 2001 for ABE supplemental service grants. This is a one-time appropriation and is not added to the base for fiscal years 2002 and 2003.

Ch. 489, art. 1, § 43, subd. 2, effective July 1, 2000

\$100,000 was appropriated in fiscal year 2001 for the administration of the state ABE program. This appropriation is added to the base for fiscal years 2002 and 2003 at a level of \$175,000 per year to finance ABE audits.

Ch. 489, art. 1, § 43, subd. 3, effective July 1, 2000

ABE Repealer

(a) A section of the Minnesota Statutes dealing with ABE aid was repealed effective for revenue beginning in fiscal year 2001. (b) A section of Minnesota Laws dealing with continued eligibility for individual investment accounts was repealed.

Ch. 489, art. 1, § 46, para. (a) effective for revenue for fiscal year 2001 and later, para. (b) effective July 1, 2000

English as a Second Language

The legislature provided for the delivery of ESL, citizenship, and ABE programs by nonprofit or community-based organizations and correctional facilities. An approved ABE program may cooperate with qualified organizations located in the area served by the program or may cooperate with any correctional institution to provide educational programming for adults through ABE. Administrative costs of the organization and the fiscal agent are limited—the delivery organization is limited to 6.5 percent of the total funds received from the district or consortium, not to exceed the actual unreimbursed cost of administering ABE services and the fiscal agent is limited to 6.5 percent. To be eligible to deliver ABE services, a nonprofit or community-based organization must demonstrate that it has prior experience, or:

- 1) is legally established;
- 2) can meet the ABE reporting requirements;
- 3) requires training for instructional staff; and
- 4) develops a learning plan for each participating adult learner with measurable goals.

Ch. 489, art. 1, § 14, adding Minn. Stat. § 124D.52, subd. 6, effective July 1, 2000

The commissioner of CFL is required to create a grant program for the establishment of a cooperative program to teach ESL to adults and their children. Instruction is required to be provided through prekindergarten programs, elementary and secondary schools, and ABE programs. At least two grants in the seven-county metro area and one grant outside of the seven-county metro area must be made.

Ch. 489, art. 1, § 38, effective July 1, 2000

The commissioner of CFL is required to establish a grant program to fund Intensive ESL programs for TANF-eligible adults who participate in the MFIP program. Intensive ESL instruction must be used for MFIP participants who are making inadequate literacy progress as measured by a standardized assessment test. Instruction must be focused on achieving self-sufficiency through employment. This grant program is funded with TANF funds and expires on June 30, 2003.

Ch. 489, art. 1, § 39, effective July 1, 2000

The legislature appropriated \$1,100,000 per year in fiscal years 2001, 2002, and 2003 for Intensive ESL grants under section 39.

Ch. 489, art. 1, § 44, subd. 2, effective July 1, 2000

Licensure The Board of Teaching was directed to develop a competency-based license for adult learners as an alternative to the current ABE licensing requirements. The board must develop recommendations for the legislature, in consultation with a task force, and report to the legislature by January 15, 2002.

Ch. 489, art. 1, § 35, effective July 1, 2000

Adult Graduation Aid The 2000 appropriation for adult graduation aid was decreased by \$424,000 and the 2001 appropriation for adult graduation aid was decreased by \$1,701,000 due to a forecast change.

Ch. 489, art. 1, § 34, amending Laws 1999, ch. 205, art. 4, § 12, subd. 7, effective July 1, 2000

Adults with Disabilities The legislature appropriated \$40,000 in fiscal year 2001 for adults with disabilities pilot programs established in Laws 1997, chapter 162, article 2, section 31, subdivision 4.

Ch. 489, art. 1, § 43, subd. 7, effective July 1, 2000

Appendix 1: Total State Adult Learner Appropriations*

	FY 1998	FY 1999	FY 2000	FY 2001
Adult Basic Education Aid	\$12,474,000	\$12,473,000	\$20,132,000	\$29,168,000
ABE Basic Population Aid			1,974,000	
ABE Supplemental Services				700,000
ABE Administration				100,000
Adult Graduation Aid	2,550,000	2,550,000	2,760,000	3,031,000
Adults with Disabilities	710,000	710,000	670,000	710,000
Cooperative Language				250,000
Intensive ESL Grants				1,100,000
Citizenship Promotion	1,000,000			
Hearing Impaired Adults	70,000	70,000	70,000	70,000

* Appropriations include general fund money and federal TANF transfers.