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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- ADULT EDUCATION

Introduced By: Representatives Kislak, Lyle, Cortvriend, and Blazejewski

Date Introduced: May 10, 2019

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-5-22 of the General Laws in Chapter 16-5 entitled "State Aid
2 [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby repealed.

3 ~~**16-5-22. Appropriations to aid evening schools.**~~

4 ~~The general assembly shall annually appropriate any sum as it may deem necessary for
5 the support and maintenance of public evening schools in the several cities or towns of the state,
6 to be apportioned by the board of regents for elementary and secondary education for the support
7 of the schools as may be approved by the board; and the state controller is authorized and directed
8 to draw his or her orders for the payment of the sum, or so much of the sum as shall be required,
9 on vouchers approved by the department of elementary and secondary education.~~

10 SECTION 2. Chapter 16-63 of the General Laws entitled "Adult Education [See Title 16
11 Chapter 97 - The Rhode Island Board of Education Act]" is hereby repealed in its entirety.

12 ~~CHAPTER 16-63~~

13 ~~Adult Education [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]~~

14 ~~**16-63-1. Short title.**~~

15 ~~This chapter shall be known and may be cited as the "Adult Education Act".~~

16 ~~**16-63-2. Legislative findings and policy.**~~

17 ~~(a) The general assembly, in accordance with the constitution of the state, R.I. Const.,
18 Art. XII, § 1, which obligates the state "to secure to the people the advantages and opportunities
19 of education," and also pursuant to R.I. Const., Art. XII, § 4, which requires it to "make all~~

1 ~~necessary provisions by law for carrying this article into effect," finds:~~

2 ~~(1) That all citizens, regardless of age, have the right to education;~~

3 ~~(2) That education is a lifelong pursuit;~~

4 ~~(3) That basic education and general personal development are necessary to enjoy a~~
5 ~~wholesome life; and~~

6 ~~(4) That vocational training is useful in acquiring a marketable skill and achieving~~
7 ~~economic self-sufficiency.~~

8 ~~(b) The general assembly declares:~~

9 ~~(1) That the public laws shall address the education needs of adults and young people;~~

10 ~~(2) That an integrated and coordinated adult education delivery system shall be provided~~
11 ~~and maintained on a statewide basis; and~~

12 ~~(3) That public funds shall be appropriated to support that delivery system and fulfill the~~
13 ~~constitutional mandate.~~

14 ~~(c) All adult education programs and services provided by any department or agency of~~
15 ~~the state of Rhode Island or local government, or funded in whole or in part by state funds, shall~~
16 ~~be offered in the least restrictive environment, be designed to enhance the quality of life for adult~~
17 ~~learners, and be consistent with and inclusive of the following values that reflect the preferences~~
18 ~~and needs of adult learners;~~

19 ~~(1) Adult learners shall be treated with dignity and respect;~~

20 ~~(2) Adult learners shall be included in policy development affecting adult education;~~

21 ~~(3) Adult learners shall be offered services that are cost effective and meet the learners'~~
22 ~~needs;~~

23 ~~(4) Adult learners shall have access to testing, evaluation and requisite accommodation~~
24 ~~for learning and/or other disabilities;~~

25 ~~(5) Adult learners shall be fully informed about the educational choices available to them;~~

26 ~~(6) Adult learners shall participate in decisions about their educational process, including~~
27 ~~information exchange and goal setting;~~

28 ~~(7) Adult learners shall be provided with educational programming commensurate with~~
29 ~~their abilities, including but not limited to basic skills, vocational education, and/or secondary~~
30 ~~education or its recognized equivalent;~~

31 ~~(8) Adult learners shall receive consistent, sustained quality in their education.~~

32 **16-63-3. Definitions.**

33 For the purposes of this chapter the following terms have the following meanings:

34 ~~(1) "Adult education" means all the concerns and activities within the definition in § 16-~~

1 ~~58-2;~~

2 ~~(2) "Board" means the board of regents for elementary and secondary education created~~
3 ~~pursuant to § 16-60-1;~~

4 ~~(3) "Bureau" means the bureau of adult and vocational education within the department;~~

5 ~~(4) "Commission" means the Rhode Island adult education commission established~~
6 ~~pursuant to § 16-58-1;~~

7 ~~(5) "Commissioner" means the commissioner of the department of elementary and~~
8 ~~secondary education;~~

9 ~~(6) "Coordinator" means the state coordinator of adult education;~~

10 ~~(7) "Department" means the department of elementary and secondary education;~~

11 ~~(8) "Office" means the office of adult education within the bureau.~~

12 **16-63-4. Rights of adults.**

13 ~~The applicable provisions of the laws of the state or local governments, and of any~~
14 ~~regulations or policies arising from these, shall be construed to include adults and young persons~~
15 ~~as the recipients and beneficiaries of education; adults shall not be subject to compulsory~~
16 ~~attendance pursuant to chapter 19 of this title. Provided, nothing in this chapter shall be construed~~
17 ~~as a mandate to any city or town to provide any compulsory educational program nor shall~~
18 ~~requirements contained in this chapter supplant requirements for the education of individuals with~~
19 ~~disabilities between the ages of eighteen (18) and twenty one (21) years pursuant to §§ 16-24-1~~
20 ~~and 16-24-2.~~

21 **16-63-5. Categories of adult education programs and service.**

22 ~~Programs and services constituting adult education, as defined in § 16-58-2, shall be~~
23 ~~categorized and defined as follows:~~

24 ~~(1) Category 1. Basic education, which shall consist of efforts to alleviate illiteracy and~~
25 ~~provide opportunities for academic achievement up to grade twelve (12) and which shall include~~
26 ~~instruction in reading, writing, arithmetic, literature, social studies, science, pre-vocational~~
27 ~~subjects, and other knowledge and skills necessary to cope in contemporary life; courses in~~
28 ~~Americanization and citizenship for immigrants; teaching English to persons with no or limited~~
29 ~~ability with the language; and preparation for the demonstration of competencies to qualify for~~
30 ~~the adult high school diploma or for examinations to earn the general educational development or~~
31 ~~high school equivalency diploma.~~

32 ~~(2) Category 2. Vocational training, which shall consist of the imparting of knowledge~~
33 ~~and skills necessary to become gainfully employed, at least at entry level, in a recognized~~
34 ~~occupation, and thus attain economic self-sufficiency, and which shall be conveyed by classroom~~

1 ~~instruction, on the job training, apprenticeships, and other appropriate methods.~~

2 ~~(3) Category 3. Higher education, consisting of opportunities for adults to enter or re-~~
3 ~~enter universities and colleges, whether matriculating or nonmatriculating, at undergraduate and~~
4 ~~graduate levels, and whether part time or full time.~~

5 ~~(4) Category 4. Continuing education in professional and technological occupations,~~
6 ~~which shall consist of efforts to insure that minimum competencies are maintained by persons~~
7 ~~who are employed in occupations which bear on the public health, safety, or general welfare, and~~
8 ~~for which there are licensing, certification, or other credentialing provisions in the general laws,~~
9 ~~and in which those persons shall participate, individually or in groups, by periodic reviews of~~
10 ~~fundamental and up to date knowledge and skills, in service experience, performance assessment,~~
11 ~~or other systematic and ongoing methods, and which may involve earning continuing education~~
12 ~~units.~~

13 ~~(5) Category 5. General personal development, which shall consist of any formal or~~
14 ~~informal activity in the pursuit and development of avocational, social, cultural, artistic,~~
15 ~~enrichment, recreational, or other interests.~~

16 ~~(6) Category 6. Public service education, consisting of efforts, through mass media and~~
17 ~~by other methods, to inform, educate, and motivate residents of the state on vital and timely~~
18 ~~subjects, such as health, safety, civic affairs, and social concerns and behavior.~~

19 ~~(7) Category 7. Supportive services, which shall consist of various accommodations~~
20 ~~intended to facilitate the pursuit of adult education in any of these specified categories, and which~~
21 ~~shall include information, counseling, and other guidance services, financial aid, care of children~~
22 ~~and other dependent persons, transportation, and other services.~~

23 ~~**16-63-6. Office of adult education -- Coordinator.**~~

24 ~~The board of regents, at its discretion, may assign the advocacy, coordinating, and~~
25 ~~communicative functions of adult education, as defined in § 16-58-2 and in this chapter, to an~~
26 ~~office of adult education within the bureau. The office may be headed by a coordinator of adult~~
27 ~~education.~~

28 ~~**16-63-7. Functions of office.**~~

29 ~~The functions of the office may include, but may not necessarily be limited to, the~~
30 ~~following:~~

31 ~~(1) The development of recommendations to the commissioner and the implementation of~~
32 ~~any approved recommendations, including:~~

33 ~~(i) The utilization of federal and state funds for any purpose prescribed or allowed by the~~
34 ~~laws and/or regulations authorizing and/or appropriating those funds;~~

- 1 ~~(ii) The sub-granting of those federal and state funds to selected deliverers of programs~~
2 ~~and services, including those contemplated in subdivisions (2) and (3);~~
- 3 ~~(iii) The operation and networking of statewide adult level guidance services;~~
- 4 ~~(iv) The operation of a high school equivalency or general educational development,~~
5 ~~testing, and certification program;~~
- 6 ~~(v) Administration of the provisions for the approval and regulation of private career,~~
7 ~~trade, and technical schools, pursuant to chapter 40 of this title, and of any other nonpublic~~
8 ~~entities, whether non-business or proprietary, which provide or purport to provide adult education~~
9 ~~programs and services to residents of the state;~~
- 10 ~~(vi) Professional development of administrators, teachers, counselors, paraprofessionals,~~
11 ~~and other personnel employed or engaged in delivering adult education programs and services~~
12 ~~within the state; and~~
- 13 ~~(vii) Continuous research and planning in adult education, including assistance to the~~
14 ~~commission in conducting the comprehensive study of adult education prescribed in § 16-58-6~~
15 ~~[repealed], needs assessments in conjunction with local planning and assessment processes, and~~
16 ~~the development and utilization of relevant data.~~
- 17 ~~(2) Coordination with programs and services administered and/or operated by other~~
18 ~~agencies and institutions, including:~~
- 19 ~~(i) All programs in categories 1, 2, 3, and 5 as defined by this chapter;~~
- 20 ~~(ii) Outreach, recruitment, and intake for program components throughout the delivery~~
21 ~~system defined in this chapter;~~
- 22 ~~(iii) Dissemination of information on financial aid for adult learners, including loans,~~
23 ~~grants, scholarships, and other forms of financial aid, in cooperation with the Rhode Island~~
24 ~~division of higher education assistance, pursuant to chapters 56 and 57 of this title;~~
- 25 ~~(iv) Psychological testing in relation to education and training, basic skills diagnostic and~~
26 ~~evaluation services, and multi-phasic vocational testing;~~
- 27 ~~(v) Competency based adult high school diploma assessment and certification, as~~
28 ~~conducted by local education agencies in accordance with this chapter; and~~
- 29 ~~(vi) The college level examination program and other mechanisms for establishing and~~
30 ~~recording postsecondary achievement and competencies in terms of academic credit.~~
- 31 ~~(3) General advocacy and communicative relationships with other agencies, institutions,~~
32 ~~and organizations engaged in or interested in adult education or related activities in the state,~~
33 ~~including:~~
- 34 ~~(i) Programs and services for adult learners in public and private colleges, schools, and~~

1 other settings, at elementary, secondary, and postsecondary levels;

2 ~~(ii) Adult education programs and services, in any of the categories defined in this~~
3 ~~chapter, conducted in libraries and other community-based settings;~~

4 ~~(iii) Pre-service, in-service, and upgrading education and training programs, generally in~~
5 ~~category 2 as defined by this chapter, conducted in employment settings;~~

6 ~~(iv) Activities, generally in category 2 as defined by this chapter, conducted in the state~~
7 ~~pursuant to the Job Training Partnership Act, 29 U.S.C. § 1501 et seq., and any amendments to it,~~
8 ~~extensions of it, or successor legislation;~~

9 ~~(v) All activities in categories 4 and 6, as defined by this chapter;~~

10 ~~(vi) Programs and services, generally in categories 1, 2, 3, 5, and 7, as defined by this~~
11 ~~chapter, conducted in custodial, correctional, and curative institutions in the state;~~

12 ~~(vii) Programs and services for adults with special needs, such as people with disabilities,~~
13 ~~immigrants and refugees, women and displaced homemakers, senior citizens, persons of~~
14 ~~multilingual or multicultural backgrounds, and persons being discharged from the care of~~
15 ~~institutions referenced in subdivision (3)(vi);~~

16 ~~(viii) Programs of family and homelife education and parent effectiveness training;~~

17 ~~(ix) Educational and public service programming on radio and television, including that~~
18 ~~transmitted electronically and through cable systems; and~~

19 ~~(x) Automobile and motorcycle driver safety education; and~~

20 ~~(4) Staff support services for the commission.~~

21 **16-63-8. State plan for adult education.**

22 The department shall develop a state plan for adult education, which shall be a document
23 containing: (1) current needs assessment data, (2) statements of the policies, procedures,
24 regulations, and program activities contemplated for carrying out the intent of this chapter, and
25 (3) prevailing or anticipated budgetary and fiscal conditions applicable to it. The state plan also
26 shall contain all the elements prescribed by the federal Adult Education Act, 20 U.S.C. § 1201 et
27 seq., the federal Vocational Education Act, 20 U.S.C. § 2301 et seq., and other applicable federal
28 laws, and any amendments to it, extensions of it, or successor legislation. The state plan shall be
29 renewed every three (3) years, and may be amended or updated annually. The plan and any
30 renewals, amendments, or updates of it shall be subject to approval by the commission,
31 commissioner, and the board.

32 **16-63-9. Delivery system.**

33 ~~(a) Adult education throughout the state shall be delivered through the appropriate~~
34 ~~utilization of a combination of agencies, institutions, organizations, and other mechanisms and~~

1 ~~settings, including but not necessarily limited to the following:~~

2 ~~(1) The schools and other facilities maintained by local education authorities, pursuant to~~
3 ~~chapter 2 of this title, or area combinations of it, in accordance with chapter 3 of this title and this~~
4 ~~chapter;~~

5 ~~(2) The area vocational technical schools, maintained and conducted in accordance with~~
6 ~~chapter 45 of this title;~~

7 ~~(3) The state operated institutions of higher education, including the University of Rhode~~
8 ~~Island, Rhode Island College, and the community college system, maintained in accordance with~~
9 ~~chapters 31 through 33.1 and chapter 44 of this title;~~

10 ~~(4) Private and proprietary academies, colleges, universities, and other institutions of~~
11 ~~secondary and higher education operated in accordance with chapter 40 of this title;~~

12 ~~(5) Correspondence schools, home study, and related courses available to residents of the~~
13 ~~state in accordance with chapter 50 of this title;~~

14 ~~(6) The custodial, correctional, and curative institutions referenced in this chapter;~~

15 ~~(7) The state's interrelated library system;~~

16 ~~(8) Community based private, nonprofit, and proprietary agencies and facilities~~
17 ~~maintained and operated fully or partially for the purpose of providing adult education programs~~
18 ~~and services;~~

19 ~~(9) Employment settings in business and industry; and~~

20 ~~(10) The broadcast and cable system media referenced in this chapter.~~

21 ~~(b) The listing in subsection (a) of an agency, institution, organization, or other entity~~
22 ~~shall not, in itself, constitute it as being under the administrative control of the board, department,~~
23 ~~or office.~~

24 **16-63-10. Community education.**

25 ~~(a) Adult education programs and services, to the extent feasible, shall be designed and~~
26 ~~implemented in accordance with a local control model, commonly known as "community~~
27 ~~education," as set forth in the former federal Community Schools and Comprehensive~~
28 ~~Community Education Act, title VIII of the Elementary and Secondary Education Act, formerly~~
29 ~~codified at 20 U.S.C. § 3281 et seq., and any amendments to it, extensions of it, or successor~~
30 ~~legislation.~~

31 ~~(b) There shall be citizen participation in determining needs and interests and in planning,~~
32 ~~organizing, overseeing, and evaluating adult education programs and services. This participation~~
33 ~~shall be effected through advisory councils which shall be established to serve particular cities~~
34 ~~and towns, or combinations of these, or service districts pursuant to the provisions of this chapter.~~

1 ~~(c) Local education authorities shall be involved directly and substantially, but not~~
2 ~~necessarily solely or primarily, in the administration and operation of local or area adult~~
3 ~~education programs and services. Adult education activities shall be conducted in coordination~~
4 ~~with other human services at the state, area, and community levels. There shall be maximum~~
5 ~~utilization of all appropriate public buildings, facilities, and resources.~~

6 **16-63-11. Cooperative agreements.**

7 ~~The office shall encourage cooperative agreements among agencies, within and outside~~
8 ~~the department, and among appropriate institutions, organizations, and other entities, in the public~~
9 ~~and private sectors, in order to foster and bring about a coordinated adult education delivery~~
10 ~~system throughout the state, as prescribed in this chapter.~~

11 **16-63-12. Study of adult basic education entitlement.**

12 ~~The commission, as part of the comprehensive study prescribed in § 16-58-6(3), shall~~
13 ~~study the legal, financial, societal, personal, and other implications of the possible future~~
14 ~~enactment of an adult basic education entitlement.~~

15 **16-63-13. Adult education financing.**

16 ~~The cost of providing adult education programs and services shall be met by federal,~~
17 ~~state, and local government resources, and by tuition and fees to be paid by participants according~~
18 ~~to the categories of programs and services, as further set forth in this chapter.~~

19 **16-63-14. Appropriations of state funds.**

20 ~~(a) The general assembly shall make certain annual appropriations of state funds, for the~~
21 ~~purposes of adult education, as part of the total appropriations to the department, as prescribed in~~
22 ~~§ 16-5-22.~~

23 ~~(b) The state controller is authorized to draw his or her orders upon the general treasurer~~
24 ~~for the payment of the state's obligations arising from this chapter, or so much of the sum as may~~
25 ~~be required upon receipt by him or her of vouchers properly authenticated by the commission.~~

26 **16-63-15. Local support.**

27 ~~(a) The school committee of each district established pursuant to § 16-7-16(5), in order to~~
28 ~~insure that adults receive their adequate share of education programs and services, shall be~~
29 ~~encouraged to allocate local funds within its annual budgets to support appropriate activities~~
30 ~~within categories 1, 2, 5, and 7, as defined in this chapter.~~

31 ~~(b) These allocations for adult education shall not necessarily constitute funds which~~
32 ~~would not be appropriated by or for the district, and shall be fully included in the calculation and~~
33 ~~payment of foundation level school support, also known as state aid to education, in accordance~~
34 ~~with chapter 7 of this title, but shall not be subject to the provisions of §§ 45-13-7 through 45-13-~~

1 ~~10.~~

2 ~~**16-63-16. Severability.**~~

3 ~~If any provision of this chapter, or of any regulation issued under it, or the application of~~
4 ~~it to any person or circumstance, is held invalid by a court of competent jurisdiction, the~~
5 ~~remainder of this chapter or of any regulation or application to other persons or circumstances~~
6 ~~shall not be affected thereby. The invalidity of any section or sections or parts of any section or~~
7 ~~sections of this chapter shall not affect the validity of the remainder of the chapter.~~

8 ~~**16-63-17. Liberal construction of chapter required.**~~

9 ~~This chapter shall be construed liberally in aid of its declared purpose.~~

10 ~~**16-63-18. High school equivalency testing.**~~

11 ~~(a) In selecting which tests shall be utilized and recognized by the state in the granting of~~
12 ~~high school equivalency diplomas, the board shall consider all available high school equivalency~~
13 ~~tests that meet and adhere to Rhode Island academic standards and shall give priority to those~~
14 ~~tests that are provided at the lowest cost for test takers. In selecting said tests, the board shall~~
15 ~~consider:~~

16 ~~(1) The recognition of the test, or lack thereof, by other states;~~

17 ~~(2) The portability of the test; and~~

18 ~~(3) Such other criteria that meet the needs of the test takers.~~

19 ~~(b) The board shall adopt, and provide funding for, a rule or regulation granting a waiver~~
20 ~~of fees associated with the high school equivalency test for individuals with limited income and~~
21 ~~who can prove a financial hardship; provided, however, that to be eligible for a fee waiver, an~~
22 ~~individual must have received at least a minimum passing score on the high school equivalency~~
23 ~~practice test, or pertinent section of the test. The waiver may be based on a sliding scale based on~~
24 ~~the individual's income.~~

25 SECTION 3. Section 16-97-1.1 of the General Laws in Chapter 16-97 entitled "The
26 Rhode Island Board of Education Act" is hereby amended to read as follows:

27 ~~**16-97-1.1. Purposes of the board of education.**~~

28 The Rhode Island Board of Education shall be responsible for long-range planning and
29 for coordinating and evaluating policies and programs for the public educational systems of the
30 state. The general assembly finds and declares that the board of education shall have the
31 following purposes:

32 (a) To develop and adopt educational, financial, and operational goals for the education
33 systems of the state that represent achievable benchmarks for a ten-year (10) and twenty-year (20)
34 ~~year~~ time frame and that can be implemented by the council on elementary and secondary

1 education, the council on postsecondary education, and the commissioners for elementary and
2 secondary education and postsecondary education;

3 (b) To ensure that the education systems of the state are aligned with the projected
4 opportunities in workforce development and economic development and that the education
5 systems are preparing students to participate in the future workforce of Rhode Island;

6 (c) To coordinate programs and courses of study and promote collaboration between and
7 among pre-kindergarten through higher education institutions and agencies, including, but not
8 limited to:

9 (1) Improving career and college readiness;

10 (2) Reducing the need for remedial instruction;

11 (3) Implementing and coordinating common core and other system wide standards; and

12 (4) ~~Ensuring~~ Collaborating with appropriate state agencies to ensure a quality system for
13 adult education and certification programs in secondary school and college.

14 (d) To present strategic budget and finance recommendations to the council on
15 elementary and secondary education and council on postsecondary education that are aligned with
16 the long-range goals adopted by the board.

17 SECTION 4. Section 42-102-6 of the General Laws in Chapter 42-102 entitled
18 "Governor's Workforce Board Rhode Island" is hereby amended to read as follows:

19 **42-102-6. Powers and duties.**

20 (a) Strategic statewide employment-and-training plan.

21 (1) The board shall meet with other entities involved with career and technical education,
22 workforce development, and career training and shall be responsible for the development of a
23 comprehensive and cohesive, statewide employment-and-training plan. The strategic, statewide
24 employment-and-training plan shall include goals and objectives for serving the state's existing
25 and emerging workforce utilizing all state and federal workforce-development programs. The
26 board shall take into consideration the needs of all segments of the state's citizenry in establishing
27 goals and training objectives, including the workforce needs of the state's employers.

28 (2) The strategic, statewide employment-and-training plan shall be developed biennially
29 and shall cover the subsequent two (2) fiscal years. Said biennial plans shall be submitted on
30 November 15. The biennial plan shall outline goals and objectives of the coordinated programs
31 system, major priorities needed for the next two-year (2) period, and policies and requirements
32 necessary to meet those priorities. The board shall provide a funding plan necessary to achieve
33 system priorities and serve the anticipated number of participants and shall identify the general
34 revenue funds necessary to meet program needs, taking into account anticipated federal, private,

1 and other sources of funds. The biennial plan shall incorporate the annual, unified-workforce-
2 development-system report required pursuant to subsection (f) in those years in which both
3 reports are due.

4 (3) The board shall develop and maintain a comprehensive inventory and analysis of
5 workforce-development activities in the state to support the biennial, statewide employment-and-
6 training plan. The analysis shall include, but not be limited to, an examination of the populations
7 being served across the different employment and training and adult education programs across
8 the state; the number of participants being served by these programs; the type of services
9 provided; and the eligibility requirements of each of these programs. The analysis shall also
10 identify the funding sources (all sources) used in these programs; the service providers within the
11 state; as well as the range of services provided. The analysis shall also examine the employer role
12 in workforce-development activities, including, but not limited to, how employer needs are
13 assessed; benefits employers receive for partnering with workforce-development organizations;
14 and the role employers play in developing programs and providing training.

15 (4) The board shall establish and convene an advisory group to assist in the development
16 of this comprehensive inventory and analysis that consists of stakeholders and organizations with
17 specific knowledge and expertise in the area of workforce development.

18 (5) All departments and agencies of the state shall furnish advice and information,
19 documentary or otherwise, to the board and its agents as is deemed necessary or desirable by the
20 board to facilitate the purposes of the board, including the development of the statewide,
21 employment-and-training plan.

22 (6) Elements of the statewide employment and training plan established pursuant to
23 subsection (a) of this section may inform the development of the state workforce investment plan
24 required pursuant to § 42-102-6(d)(2)(i).

25 (b) Performance management and coordination of employment-and-training programs.

26 (1) The board shall establish statewide policies, definitions, objectives, goals, and
27 guidelines for the coordination of all employment-and-training programs and related services and
28 programs within the state, including:

29 (i) The state department of labor and training programs, sponsored under the ~~Workforce~~
30 ~~Investment Act of 1998~~ Workforce Investment Opportunity Act, Wagner-Peyser Act, 29 U.S.C. §
31 49 et seq., the Trade Act of 2002, and any other employment-related educational program
32 administered by the state department of labor and training;

33 (ii) The state department of human services training programs, sponsored under the
34 Temporary Assistance to Needy Families, Title IV of the Social Security Act; the Supplemental

1 Nutrition Assistance Program (SNAP) Employment and Training Program; Vocational
2 Rehabilitation Act of 1973; and any other employment-and-training and related services and
3 employment-related educational programs administered by the state's department of human
4 services;

5 (iii) Employment and training programs sponsored under the Carl D. Perkins Vocational
6 Education Act, 20 U.S.C. § 2301 et seq., the Federal Adult Education Act, Title II of the
7 ~~Workforce Investment Act of 1998~~ [Workforce Investment Opportunity Act](#) and any other
8 employment-related educational programs administered by the board of education;

9 (iv) The state department of corrections training programs for ~~ex-offenders~~ [formerly](#)
10 [incarcerated individuals](#) to help them reintegrate into the community and re-enter employment;

11 (v) Projects and services funded through the job-development fund pursuant to § 42-102-
12 6(e)(1);

13 (vi) All other employment-and-training and related services and employment-related
14 educational programs, either presently existing or hereinafter established, that are administered by
15 any state agencies, departments, or councils; and

16 (vii) Programs included within subsections (b)(1)(i) through (b)(1)(vi) shall be referred [to](#)
17 herein collectively as "the coordinated programs system". "

18 (2) With respect to plans for employment-and-training programs sponsored under the
19 federal Carl D. Perkins Vocational Education Act, 20 U.S.C. § 2301 et seq., and any other
20 employment-related educational programs administered by the board of education, the workforce
21 board and board of education shall establish a process for the development and preparation of all
22 these plans and the board of education shall approve the plan subject to review and comment by
23 the workforce board; provided, however, that the responsibilities and duties of the board of
24 education, as set forth in the general laws, shall not be abridged.

25 (3) With respect to plans for the Temporary Assistance to Needy Families Program,
26 SNAP Employment and Training Program, Vocational Rehabilitation Services, and any other
27 employment-and-training and related programs administered by the state's department of human
28 services, the authority and responsibilities of the department as the single state agency under
29 Titles IV-A, 42 U.S.C. §§ 601 through 617, and IV-F, 42 U.S.C. §§ 681 through 687 [repealed],
30 of the Federal Social Security Act shall not be abridged.

31 (4) With respect to plans for training ~~ex-offenders~~ [formerly incarcerated individuals](#) to
32 help them reintegrate into the community and re-enter employment, and any other employment-
33 and-training programs administered by the state's department of corrections, the responsibilities
34 and duties of the department, as set forth in the general laws, shall not be abridged.

1 (5) The board shall review, comment on, or approve as appropriate all plans for
2 employment and training within the coordinated-programs system. The board shall establish
3 policies and performance goals for the coordinated-programs system. These policies and goals
4 shall include, but not be limited to:

5 (i) Establishing and communicating uniform policies and consistent terms and
6 definitions;

7 (ii) Gathering and distributing information from, and to, all agencies, departments, and
8 councils within the coordinated-programs system;

9 (iii) Standardizing and coordinating program planning, evaluation, budgeting, and
10 funding processes;

11 (iv) Recommending structural and procedural changes;

12 (v) Establishing performance goals and measurements for monitoring the effectiveness of
13 the programs provided through the coordinated-programs system; and

14 (vi) Reconciling diverse agency, departmental, or council goals and developing priorities
15 among those goals.

16 (c) Comprehensive system-improvement plan.

17 (1) The 2015 unified workforce-development-system report required pursuant to § 42-
18 102-6(f) and due on November 15, 2015, shall include an additional, comprehensive system-
19 improvement plan to facilitate the seamless and coordinated delivery of workforce services in this
20 state, consistent with the goals and objectives of the board's statewide employment-and-training
21 plan. In developing the comprehensive, system-improvement plan, the board shall review the
22 roles, responsibilities, and functions of all state employment-and-training programs. The study
23 shall identify any gaps in the services provided by those programs; any barriers to integration and
24 cooperation of these programs; and any other matters that adversely affect the seamless delivery
25 of workforce-development systems in the state.

26 (2) The board shall include in the comprehensive, system-improvement plan:

27 (i) A list of specific barriers, whether structural, regulatory, or statutory, that adversely
28 affect the seamless and coordinated delivery of workforce-development programs and services in
29 this state, as well as recommendations to overcome or eliminate these barriers; and

30 (ii) Recommendations for providing, at a minimum, board comment and review of all
31 state employment-and-training programs, to ensure such programs are consistent with the board's
32 statewide employment-and-training plan, and meet the current and projected workforce demands
33 of this state, including programs that, pursuant to state or federal law or regulation, must remain
34 autonomous.

1 (3) The recommendations developed by the board under subsection (c)(1) must identify
2 the state agency or department that is responsible for implementing each recommendation and
3 include a time frame for the implementation of each recommendation. The governor may include
4 such recommendations in his or her proposed budget the following fiscal year.

5 (d) ~~Workforce investment act~~ Workforce Investment Opportunity Act (WIOA)
6 responsibilities.

7 (1) The board shall assume the duties and responsibilities of the state workforce-
8 investment board established pursuant to Executive Order 05-18 dated September 22, 2005, as
9 outlined in subsection (c)(2).

10 (2) The board shall assist the governor and the general assembly in:

11 (i) Developing a state workforce-investment plan for the purposes of the ~~Workforce~~
12 ~~Investment Act of 1998 (WIA)~~ Workforce Investment Opportunity Act (WIOA) and the Wagner-
13 Peysen Act;

14 (ii) Actively promoting and coordinating private-sector involvement in the workforce-
15 investment system through the development of partnerships among state agencies, the business
16 community, and the board;

17 (iii) Ensuring that the current and projected workforce needs of Rhode Island employers
18 inform and advise Rhode Island's education and workforce-development system;

19 (iv) Providing oversight of local workforce-investment boards, whose primary role in the
20 workforce-investment system is to deliver employment, training, and related education services in
21 their respective local area; and

22 (v) Developing a statewide system of activities that are funded under the ~~WIA~~ WIOA or
23 carried out through the one-stop delivery system, including:

24 (A) Assuring coordination and ~~non-duplication~~ non-duplication among the programs and
25 activities carried out by one-stop partners;

26 (B) Reviewing local workforce-investment plans;

27 (C) Designating local workforce-investment areas in accordance with federal law;

28 (D) Developing allocation formulas for the distribution of funds for adult employment-
29 and-training activities, youth activities to local areas, and creating and expanding job and career
30 opportunities for individuals with intellectual, developmental, or other significant disabilities;

31 (E) Developing comprehensive, state-performance measures as prescribed by federal law,
32 including state-adjusted levels of performance, to assess the effectiveness of the workforce-
33 investment activities in the state;

34 (F) Preparing the annual report to the Secretary of Labor described in ~~WIA~~ WIOA;

- 1 (G) Developing the statewide employment-statistics system;
- 2 (H) Developing an application for incentive grants;
- 3 (I) Carrying out the responsibilities of a local board as outlined in ~~WIA~~ [WIOA](#); and
- 4 (J) Addressing any other issue requiring input from the board under the provisions of
- 5 ~~WIA~~ [WIOA](#).

6 (e) Job-development fund responsibilities.

7 (1) The board shall allocate monies from the job-development fund for projects to
8 implement the recommendations of the board consistent with the statewide employment-and-
9 training plan established pursuant to § 42-102-6(a).

10 (f) Unified workforce-development system report.

11 (1) The board shall produce and submit an annual, unified, workforce-development-
12 system report to the governor, the speaker of the house, the president of the senate, and the
13 secretary of state. The report shall be submitted annually on November 15. The report shall cover
14 activity having taken place the preceding fiscal year ending June 30 and shall include:

15 (i) A fiscal and programmatic report for the governor's workforce board covering the
16 previous fiscal year, including:

17 (A) A summary of the board's activities and accomplishments during the previous fiscal
18 year;

19 (B) A summary of clerical, administrative, professional, or technical reports received by
20 the board during the previous fiscal year, if applicable;

21 (C) A briefing on anticipated activities in the upcoming fiscal year;

22 (D) A consolidated financial statement of all funds received, and expended, by the board,
23 including the source of funds, during the previous fiscal year;

24 (E) A listing of any staff supported by these funds;

25 (ii) A unified, expenditure-and-program report for statewide employment-and-training
26 programs and related services, including:

27 (A) Expenditures by agencies for programs included in § 42-102-6(b)(1), including
28 information regarding the number of individuals served by each program; demographic
29 information by gender, race, and ethnicity; outcome and program-specific performance
30 information as determined by the board; and such other information as may be determined by the
31 board, including, but not limited to, the attainment of credentials;

32 (2) Beginning November 15, 2015, program expenditures included in the unified,
33 workforce-development-system report shall be categorized as administrative, program delivery,
34 or other costs; the report shall further include information on the cost per individual served within

1 each program, through a manner determined by the board;

2 (3) All state and local agencies, departments, or council, or similar organizations within
3 the coordinated-programs system, shall be required to provide the board with the information
4 necessary to produce the unified, workforce-development-system report.

5 (g) Adult education program responsibilities. The board shall be responsible for
6 administering and supervising policy and funding for all adult education programs in the state as
7 set forth in chapter 102.2 of title 42 provided, however, that the responsibilities and duties of the
8 department of labor and training, and the board of education as set forth in the general laws, shall
9 not be abridged.

10 SECTION 5. Title 42 of the General Laws entitled "STATE AFFAIRS AND
11 GOVERNMENT" is hereby amended by adding thereto the following chapters:

12 CHAPTER 102.1

13 ADULT EDUCATION AND EMPLOYMENT ADVISORY COMMITTEE

14 **42-102.1-1. Establishment.**

15 There is established within the governor's workforce board Rhode Island (the "board") an
16 adult education and employment advisory committee. The advisory committee shall be comprised
17 of the following individuals or their designee: the director of the department of labor and training;
18 the commissioner of elementary and secondary education; the director of the department of
19 human services; the director of the department of corrections; the commissioner of postsecondary
20 education; the director of adult education professional development at the Community College of
21 Rhode Island; and such other members as the board may decide.

22 **42-102.1-2. Responsibilities.**

23 The adult education and employment advisory committee shall:

24 (1) Meet at least quarterly to address all relevant cross-departmental issues and solutions
25 relating to adult education needs and services;

26 (2) Provide guidance in the preparation of the adult education state plan in accordance
27 with § 42-102.2-6 and propose recommendations necessary to increase the efficient and strategic
28 administration of adult education in the state. In developing such guidance, the committee shall
29 seek input from adult education providers and students.

30 (3) Cooperate and collaborate with cross-department entities to facilitate the needs and
31 services of adults;

32 (4) Evaluate and propose any necessary recommendations regarding reporting and data
33 collection and analysis requirements; and

34 (5) Be responsible for adult education policy development and proposing best practices

1 and funding recommendations.

2 **42-102.1-3. Cooperation.**

3 The office of adult education and literacy in the governor's workforce board shall present
4 guidance to and seek guidance from the adult education and employment advisory committee for
5 the integrated state plan pursuant to § 42-102.2-6 and shall provide any necessary support to the
6 advisory committee.

7 CHAPTER 102.2

8 GOVERNOR'S WORKFORCE BOARD RHODE ISLAND -- RHODE ISLAND ADULT
9 EDUCATION ACT

10 **42-102.2-1. Short title.**

11 This chapter shall be known and may be cited as the "Rhode Island Adult Education
12 Act."

13 **42-102.2-2. Legislative intent and purpose.**

14 (a) The general assembly, in accordance with the constitution of the state, R.I. Const.,
15 Art. XII, § 1, which obligates the state "to secure to the people the advantages and opportunities
16 of education," and also pursuant to R.I. Const., Art. XII, § 4, which requires the state to "make all
17 necessary provisions by law for carrying this article into effect," finds:

18 (1) That all citizens, regardless of age, have the right to education;

19 (2) That education is a lifelong pursuit;

20 (3) That basic education and general personal development are necessary to enjoy a
21 wholesome life; and

22 (4) That vocational training is useful in acquiring a marketable skill and achieving
23 economic self-sufficiency.

24 (b) The general assembly declares that:

25 (1) The general laws shall address the education needs of adults and young people;

26 (2) An adult education delivery system shall integrate and coordinate adult education
27 with workforce, education, and social services to be provided and maintained on a statewide
28 basis; and

29 (3) Public funds shall be appropriated to support that delivery system and fulfill the
30 constitutional mandate.

31 (c) All adult education programs and services provided by any department or agency of
32 the state of Rhode Island or local government, or funded in whole or in part by state funds, shall
33 be efficiently and strategically administered; offered in the least restrictive environment; be
34 designed to enhance the quality of life for adult learners; and be consistent with and inclusive of

1 the following values that reflect the preferences and needs of adult learners:

2 (1) Adult learners shall be treated with dignity and respect;

3 (2) Adult learners shall be included in policy development affecting adult education;

4 (3) Adult learners shall be offered services that are cost-effective and meet the learners'
5 needs;

6 (4) Adult learners shall have access to testing, evaluation, and requisite accommodation
7 for learning and/or other disabilities;

8 (5) Adult learners shall be fully informed about the educational choices available to them;

9 (6) Adult learners shall participate in decisions about their educational process, including
10 information exchange and goal setting;

11 (7) Adult learners shall be provided with educational programming commensurate with
12 their abilities, including, but not limited to, basic skills, career and technical education, and/or
13 secondary education or its recognized equivalent; and

14 (8) Adult learners shall receive consistent, sustained quality in their education.

15 **42-102.2-3. Established.**

16 (a) There is an office of adult education and literacy in the Rhode Island governor's
17 workforce board.

18 (b) The office of adult education and literacy shall be staffed by employees of the
19 department of labor and training.

20 (c) The governor's workforce board, through the office of adult education and literacy,
21 shall have sole responsibility for administering and supervising policy and funding for adult
22 education and literacy.

23 (d) The director of the office of adult education and literacy shall be appointed by the
24 director of the department of labor and training.

25 (e) For the purposes of this chapter, "board" means the Rhode Island governor's
26 workforce board.

27 **42-102.2-4. Regulations.**

28 The department of labor and training, in consultation with the board and the office of
29 adult education and literacy, may adopt regulations to carry out this chapter.

30 **42-102.2-5. "Adult education" qualifications.**

31 (a) For the purposes of this chapter, "adult education" means academic instruction and
32 education services below the postsecondary level for individuals who:

33 (1) Are at least eighteen (18) years old;

34 (2) Are not enrolled or required to be enrolled in high school under state law; and

1 (i) Who lack basic skills;
2 (ii) Do not have a high school diploma or its recognized equivalent and have not achieved
3 an equivalent level of education; or

4 (iii) Are English language learners.

5 (b) Individuals who are sixteen (16) and seventeen (17) years of age may receive adult
6 education academic instructions and services pursuant to § 42-102.2-6(c).

7 **42-102.2-6. State plan for adult education.**

8 (a) The board shall be responsible for the development of the components of the state
9 plan required to be submitted under federal law to carry out adult education and literacy services.

10 The board shall develop a state plan for adult education, which shall be a document
11 containing:

12 (1) Current needs assessment data;

13 (2) Statements of the policies, procedures, regulations, and program activities
14 contemplated for carrying out the intent of this chapter; and

15 (3) Prevailing or anticipated budgetary and fiscal conditions applicable to it.

16 (b) The state plan also shall contain all the elements prescribed by the federal Adult
17 Education Act, 20 U.S.C. § 1201 et seq., the federal Vocational Education Act, 20 U.S.C. § 2301
18 et seq., as amended from time to time, and other applicable federal laws. The state plan shall be
19 renewed as consistent with applicable federal requirements or as directed by the board, and it may
20 be amended or updated annually. The plan and any renewals, amendments, or updates of it shall
21 be developed in consultation with and communicated to the adult education and employment
22 advisory committee established in chapter 102.1 of title 42.

23 (c) The state plan shall also contain a comprehensive framework developed in
24 collaboration with the department of elementary and secondary education and school districts to
25 evaluate student needs and to determine if and when individuals who are sixteen (16) or
26 seventeen (17) years old may benefit from appropriate adult education programming.

27 **42-102.2-7. Categories of adult education program and services.**

28 Programs and services constituting adult education shall be categorized and defined as
29 follows:

30 (1) Category 1. Basic education, which shall consist of efforts to improve literacy and
31 provide opportunities for academic achievement up to grade twelve (12) and which shall include
32 instruction in reading, writing, arithmetic, literature, social studies, science, digital media,
33 computer and technology, pre-vocational subjects, career pathways, and other knowledge and
34 skills necessary to thrive as community members, family members, and workers; courses in

1 American culture, civics, and citizenship for immigrants; teaching English to individuals with no
2 or limited ability with the language; preparation for the demonstration of competencies to qualify
3 for an adult high school diploma or for examinations to earn the general educational development
4 or high school equivalency diploma; and preparation for enrollment and advancement in
5 postsecondary education.

6 (2) Category 2. Career and technical education, which shall consist of the imparting of
7 knowledge and skills necessary to become gainfully employed, at least at entry level, in a
8 recognized occupation, and thus attain economic self-sufficiency, and which shall be conveyed by
9 classroom instruction, on-the-job training, apprenticeships, or other appropriate methods.

10 (3) Category 3. Higher education, consisting of opportunities for adults to enter or re-
11 enter universities and colleges, whether matriculating or nonmatriculating, at undergraduate and
12 graduate levels, and whether part-time or full-time.

13 (4) Category 4. Continuing education in professional and technological occupations,
14 which shall consist of efforts to ensure that minimum competencies are maintained by individuals
15 who are employed in occupations that bear on the public health, safety, or general welfare, and
16 for which there are licensing, certification, or other credentialing provisions in the general laws,
17 and in which those persons shall participate, individually or in groups, by periodic reviews of
18 fundamental and up-to-date knowledge and skills, in-service experience, performance assessment,
19 or other systematic and ongoing methods, and which may involve earning continuing education
20 units.

21 (5) Category 5. General personal development, which shall consist of any formal or
22 informal activity in the pursuit and development of avocational, social, cultural, artistic,
23 enrichment, recreational, or other interests.

24 (6) Category 6. Public service education, consisting of efforts, through mass media and
25 by other methods, to inform, educate, and motivate residents of the state on vital and timely
26 subjects, such as health, safety, civic affairs, and social concerns and behavior.

27 (7) Category 7. Supportive services, which shall consist of various accommodations
28 intended to facilitate the pursuit of adult education in any of these specified categories, and which
29 shall include information, counseling, and other guidance services, financial aid, care of children
30 and other dependent persons, transportation, and other services.

31 **42-102.2-8. Grants for adult education and literacy services.**

32 (a) The office of adult education and literacy shall distribute competitive grants for adult
33 education and literacy services in accordance with the state plan for services required under the
34 authorizing federal law for adult education and literacy services.

1 (b) The grants distributed under this section shall be based on need and performance.

2 (c) Grants under this section may be used for adult education and literacy services,
3 including:

4 (1) Basic skills instruction;

5 (2) Preparation and instruction for obtaining a high school diploma by examination under
6 § 42-102.2-9;

7 (3) Workplace literacy services and workforce preparation activities;

8 (4) English for speakers of other languages and integrated English literacy and civics
9 education;

10 (5) Family literacy;

11 (6) Literacy instruction;

12 (7) Integrated education and training;

13 (8) Support services; and

14 (9) Professional development.

15 (d) Funding for the competitive grants under this section shall be as provided in the state
16 budget.

17 (e) On or before August 1 of each year, the board shall:

18 (1) Compile a list by city or town of adult education and literacy services grant recipients
19 for adult education and literacy services offered to the public;

20 (2) Distribute the list to appropriate entities;

21 (3) Post the list on its public website; and

22 (4) Implement outreach strategies, including outreach to speakers of languages other than
23 English.

24 **42-102.2-9. High school equivalency testing.**

25 (a) In selecting which tests shall be utilized and recognized by the state in the granting of
26 high school equivalency diplomas, the board and the advisory committee shall consider all
27 available high school equivalency tests and assessments that meet and adhere to Rhode Island
28 academic standards and shall give priority to those tests that are provided at the lowest cost for
29 test takers. In selecting said tests, the board shall consider:

30 (1) The recognition of the test, or lack thereof, by other states;

31 (2) The portability of the test; and

32 (3) Such other criteria that meet the needs of the test takers.

33 (b) The board shall adopt, and provide funding for, a rule or regulation granting a waiver
34 of fees associated with the high school equivalency test for individuals with limited income and

1 who can prove a financial hardship; provided, however, that to be eligible for a fee waiver, an
2 individual must have received at least a minimum passing score on the high school equivalency
3 practice test, or pertinent section of the test. The waiver may be based on a sliding scale based on
4 the individual's income.

5 **42-102.2-10. Appropriations of state funds.**

6 The general assembly shall make certain annual appropriations of state funds, for the
7 purposes of adult education, as part of the total appropriations to the board.

8 **42-102.2-11. Data collection and reporting.**

9 (a) By July 1, 2021, the department of labor and training and the office of adult education
10 and literacy, with approval of the adult education and employment advisory committee, shall:

11 (1) Develop a centralized data intake system to be used by all adult education providers;

12 (2) Collect and accumulate appropriate data related to adult education providers and
13 participants;

14 (3) Analyze collected data for the purposes of assessing needs, evaluating progress, and
15 establishing policy for adult education in the state; and

16 (4) Produce a report assessing adult education in the state to be submitted to the senate
17 president, speaker of the house, governor, and the adult education and employment advisory
18 committee on or before September 30 of each year, commencing in 2021.

19 (b) In making appropriations consistent with § 42-102.2-10, the general assembly shall
20 make certain additional annual appropriations for the purposes described above.

21 SECTION 6. This act shall take effect on December 31, 2019.

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LC002596
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT -- ADULT EDUCATION

1 This act would establish the office of adult education and literacy and the adult education
2 and employment advisory committee within the governor's workforce board Rhode Island
3 (GWBRI), to carry out adult education and literacy services. The programs and services of adult
4 education consist of basic education, career and technical education, higher education, continuing
5 education in professional and technological occupations, general personal development, public
6 service education, and supportive services. Grants shall be issued for adult educational services
7 based on need and performance. This act would repeal the Adult Education Act as set forth in
8 chapter 97 of title 16 and appropriations to aid evening schools.

9 This act would take effect on December 31, 2019.

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LC002596
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