

Employment Preparation Education

(EPE) State Aid Manual

2015-16

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SECTION 100

INTRODUCTION

In 1984, the New York State Legislature enacted the Employment Preparation Education Program (EPE) to provide State aid to public schools and Boards of Cooperative Educational Services (BOCES) to support adult education programs. The EPE program supports over 200,000 adults annually with more than \$90 million supporting adult literacy instruction for these students served by New York's public schools and BOCES. Statutory authority for EPE can be found under Sections 207 and 3602, Subsection 24 of Education Law and Sections 168.1-5 of the Regulations of the Commissioner of Education.

In 1995, the legislature amended the EPE legislation. EPE funds were capped at \$96.18 million. This manual was developed as a guide for EPE program administrators to assure compliance with the legislation.

101 – Definition of EPE

EPE is a program that provides state aid to public school districts and BOCES that offer educational programs for adults leading to a high school diploma or a high school equivalency diploma. To be eligible to generate EPE aid students must be 21 years of age or older without a US High School diploma.

Any school district or BOCES that meets the criteria for new EPE programs will receive funding. The school or BOCES must submit for approval a comprehensive plan of service detailing the programs that will be provided, the number of students to be served and the number of contact hours that are anticipated to be generated on an annual basis. The successful applicant will be given permission by the NY State Education Department (NYSED) to generate an annual allocation which may be modified at an interim point. Reimbursement for EPE educational services provided is based on the number of contact hours that have been generated. A contact hour is defined as 60 minutes of instruction provided by a District or BOCES employed certified teacher per section 168.2(c) of the regulations of the Commissioner. For example, if one teacher has ten students in a class for one hour, ten contact hours would be generated. The teacher must be an employee of the school district or BOCES claiming the funds. (ie. on the LEA payroll) Reimbursement for contact hours will be calculated using NYSED's management information system, Adult Student Information System and Technical Support (ASISTS).

Educational agencies receive reimbursement based on a state aid formula that establishes an annual contact hour rate. EPE funds must be spent on the EPE program. EPE aid is one of several funding streams available to support educational programs for adults.

EXCEPTIONS TO STUDENT ELIGIBILITY REQUIREMENTS

- Students who are 21 years of age or older who have been issued an Individualized Education Plan (IEP) credential pursuant to Section 100.9 of the Regulations of the Commissioner are eligible to generate EPE aid.
- In 2001, New York State amended EPE legislation to allow the Commissioner of

Education to set aside up to \$2.5 million to serve individuals 21 and above who have a high school diploma or a high school equivalency diploma but "fail to demonstrate basic educational competencies" (section 168.6(b) of the regulations of the Commissioner).¹ These students with a high school diploma or high school equivalency² must score below level 5 (below 9.0 Grade Equivalent) of the National Reporting system (NRS) for adult education on the approved NYSED assessments in either reading or math.

- These funds and students must be reported and tracked separately in ASISTS. Payments in excess of the amount identified in the award letter may be paid if funds are available, but in no instance will more than 10 percent of a claim be paid for students with a high school diploma or equivalency. However, successful applicants are only guaranteed the percentage of your total allocation indicated in the award letter.

SECTION 200

PROGRAMS THAT GENERATE EPE AID

Programming eligible to generate EPE state aid include:

1. Traditional adult literacy instruction
2. High school credit courses
3. Distance learning adult education programs
4. Workplace literacy
5. Career & Technical Education (CTE)
6. Work experience programs

201 - TRADITIONAL ADULT LITERACY INSTRUCTION

Traditional adult literacy instruction must occur in a classroom setting and be taught by a certified teacher (see section 406) employed by the school district or BOCES. EPE aid is generated based on student contact hours or "seat time" (see section 302). The follow is a list of programs included in this category:

Academic Programs

- **Adult Basic Education** – Instruction in reading, mathematics, oral and written communication for students reading below the ninth-grade level.
- **High School Equivalency (HSE) Test Preparation** – Instruction for students reading

¹ This exception is not allowed if the set-aside is not part of the annual State budget.

² Students who have earned an HSE within the previous fiscal year are ineligible.

at the ninth-grade level or above that is specifically designed to prepare the student for the HSE test leading to a high school equivalency diploma

- **English Language Learning (ELL)** – Instruction in listening, reading, oral and written communication for adults with limited English proficiency.
- **National Work Readiness Credential (NWRC)** – The NWRC is a national certification of an individual's readiness for entry-level work as defined by employers. It is the first assessment for entry-level workers to provide a universal, transferable, national standard for work readiness. Non-Academic Programming
- **Family Literacy Programs** –Family Literacy Programs incorporate activities that include interactive literacy activities between parents and their children. In both types of programs, to generate EPE aid, the parents must be EPE eligible. Stand-alone non-academic programs are not allowed. A minimum of 50 percent of the course content in classes in which a student is enrolled in a given week must be academic.
- **Previously Known as Computer Literacy Programs**- these programs are no longer stand-alone programs; computer instruction must either be contextualized with the academic program or agencies should seek approval for an adult Occupational program operating for less than 100 hours. Submissions for approval for new or modified adult career and technical education program should follow the directions in Section 204.

Traditional Adult Education Programs- Academic Programs - Others – Other programs will be required to undergo a pilot period, which includes data analysis.

Traditional Adult Education Programs- Academic Programs - A minimum of 50 percent of course content in classes in which a student is enrolled in a given week must be academic. This policy does not apply to adult occupational programs.

202 - DISTANCE LEARNING ADULT EDUCATION PROGRAMS

Distance learning programs are those that are not conducted in a traditional classroom format. Traditional classroom instruction should be encouraged whenever possible. Only distance learning programs approved by the NYSED in the successful applicant's comprehensive plan of service may be used to generate EPE aid. Eligible school districts and BOCES must have prior approval from NYSED to offer a distance learning program. Required information includes: intake process and format, assessments, record keeping, documenting student activities, documenting teacher time, determining progress and completion, distance learning teacher training, and program duration (see section 206).

Refer to the Distance Learning Manual for a list of approved distance learning programs at http://www.acces.nysed.gov/common/acces/files/aep/documents/Distance_Learning_Guide%20Revised%20-%207-24-2013-Ver2.pdf . The following is a list of NYSED approved distance learning programs and the student populations they are geared toward:

Distance Learning Programs

- **NEDP** (National External Diploma Program) NRS Levels 5 & 6 in both reading and math. Students also must achieve a minimum of 236 (reading) and 230 (math) on the CASAS generalized assessment
- **GRASP** (Giving Ready Adults a Study Program) NRS Levels 5 & 6 (currently also open to students with reading level of 8.0 GE until further notice)
- **GRASP Online** (Giving Ready Adults a Study Program Online) NRS Levels 5 & 6 (currently also open to students with reading level of 8.0 GE until further notice)
- **Crossroad's Café** NRS Level 4 and above

- **SMART** (Skills To Make Adults Ready To Succeed) Grade Levels 4 -7 in reading

Non-Academic Programming

- **Lifelines**
- **Madison Heights**
- **On Common Ground**
- **TV411**
- **Workplace Essential Skills**

Distance learning programs are classified as academic and non-academic. Stand-alone non-academic programs are not permitted, a minimum of 50 percent of the course content in classes in which a student is enrolled in a given week must be academic.

202.1 IN-PERSON TUTORING

Students enrolled in distance learning programs may receive up to three hours of in-person tutoring per week. (section 201). These hours are claimed at the traditional rate. These hours must be documented in ASISTS.

203 - HIGH SCHOOL CREDIT COURSES

Any high school credit-bearing course in which an adult (21years of age and over) participates can be used to generate EPE aid; the course must be taught by a teacher with K-12 certification in the area appropriate for the specific class. It is the responsibility of each school district or BOCES to comply with Commissioner's Regulations and Education Department Policy for awarding high school credit.

204 – CAREER & TECHNICAL EDUCATION (CTE) COURSES

Career & Technical Education courses may be used to generate EPE. The courses must be at least 100 hours in length and taught by a teacher with appropriate adult or K- 12 certification. These programs must provide adequate training needed for the student to obtain employment in

the designated career category. Each of these courses must be approved by NYSED. A copy of any CTE course outline/curricula must be submitted and retained by NYSED (section 409.1) Applicants desiring to offer adult career and technical education courses supported by EPE (in part or whole) which are less than 100 hours in length must request a waiver each year the program is to be offered. Curricula should only be provided when there are significant changes to the previously approved course.

205 - WORK EXPERIENCE PROGRAM

Work Experience Programs are unpaid, structured and supervised work activities/tasks for a maximum of 50 weeks in a public or private, profit or not-for-profit setting that enhance and support a written Education and Employment Plan (EEP) for the adult student. In addition to the on-site work experience, the program must include traditional classroom education comprising of at least 30 percent of the total program hours. However, to increase the likelihood of employment upon completion, a maximum of 50 percent of the classroom hours may be dedicated to job related activities. Agencies must submit the program design and curricula for the work experience program as part of the comprehensive plan of service (see section 403). There is a lifetime enrollment limit of 50 weeks per student.

206- ADDITIONAL ISSUES CONCERNING THE GENERATION OF EPE

206.1- Intake

In order to generate EPE state aid, students must go through an intake process that includes: standardized assessment (see AEPP website for NRS manual assessment practices at <http://www.acces.nysed.gov/aepp/>), the completion of an Individual Student Record Form (ISRF) used for NRS and ASISTS purposes, the development of Education and Employment Preparation Plans (EEP) for individual students and any other testing as appropriate to assist the teacher in developing an education plan for the student. This must include screening for learning disabilities. This activity generates EPE aid. It is important that each hour spent by the student in the intake process is documented. It is not sufficient to identify a block of time as a standard period (e.g. a 5-hour standard intake assessment block) and recording student's attendance in real time. In ASISTS, the word "Intake" must appear in the class code for recording all intake hours.

Students may generate EPE aid through intake only once in a given fiscal year. Students who leave the program for more than one fiscal year may be included in a new intake process.

The contact hours for developing, modifying and updating EEPs can generate EPE aid when the time is provided by a teacher working directly with a student and documented accordingly. These hours are coded in ASISTS as "Traditional".

206.2- EPE in County Correctional Facilities

EPE aid can only be generated by programs operating within eligible school districts and county and municipal correctional facilities. EPE programs may not be operated in federal prisons or in New York State Department of Correctional Services.

206.3- HSE Testing

Students who have taken the HSE test in the United States are eligible to generate EPE aid until they have been notified that they have attained a high school equivalency diploma. Programs should document efforts to obtain this information for audit purposes (e.g. record of phone calls). Contact hours cannot be generated by HSE testing. (exception in 306.3)

206.4- Co-enrollment in Traditional and Distance Learning Programs

Students may not be co-enrolled in traditional and distance learning programs. The exception to this is the three hours per week of tutoring that can be offered (see section 202.1).

206.5- Family Literacy Integrated Instruction

EPE aid cannot be generated when a teacher works with children, nor can EPE funds be spent on children. However, a key part of family literacy is integrated instruction provided by a teacher in the home. In the home setting, the teacher works with the EPE eligible parent. In this integrated approach, all of the time spent in the home can generate EPE aid at the rate of one contact hour for each hour in the home. This time must be fully documented in ASISTS.

SECTION 300

EPE AID CALCULATION AND REIMBURSEMENT

301 - STATE FORMULA

301.1 - School District Formula

The EPE aid formula is based on district wealth. A pupil wealth ratio is calculated based on the actual valuation of property in the district per pupil divided by the State average actual valuation per pupil.

EPE aid rates for individual districts are calculated based on data on file on May 15th of the base year and applied to the subsequent program year; the rates are published in August of each fiscal year. EPE aid is not subject to transition aid provisions, meaning that EPE aid is generated in addition to all other State aid received by the district. Information on current EPE rates and aid calculation for BOCES and school districts can be found at the State aid web site at <http://stateaid.nysed.gov/>.

301.2 - BOCES Formula

The pupil wealth ratio for BOCES is calculated using the aggregate actual valuation and total wealth pupil units for all component districts.

302 - TRADITIONAL FORMULA

The traditional EPE formula is used for all students attending programs described in section 201 as Traditional, Career & Technical Education, and High School Credit. Additionally, the classroom component of the Work Experience and for the tutoring portion of Distance Learning. All of these hours must be fully documented (see section 410). Reasonable breaks are allowed. However, start and end times of class must remain the same regardless of whether breaks are taken. For example, if a class is scheduled to run from 9:00 a.m. to 12:00 noon, it must run that full time even if no breaks are taken.

303 - DISTANCE LEARNING FORMULA

The basis for claiming EPE aid in distance learning programs is the instructional hours provided by the teacher. This can involve contact with students either in-person, by phone or through the mail. It can also involve correcting or preparing student work, lesson planning or bookkeeping related to operating the program. This time must be clearly documented (see section 410). All distance learning programs conform to a two-week packet model in which a teacher assigns two weeks' worth of work for a student. Packets can be paper or electronic depending on the distance learning program. Approval for each type of program rests with NYSED. (see the distance learning manual at distance learning manual

Reimbursement for the distance learning formula is based on two premises:

1. The maximum_number of instructional hours_(hours that a teacher can claim for work with an individual student) that is allowed is 30 minutes (.5 hours) per week for each actively enrolled student.
2. A two or four may be recorded in ASISTS when the packet has been completed and returned (see section 303.3). Exception: There may be two months in the program year where three packets may be completed in a month. In this case, a six may be recorded in ASISTS when the packet has been completed and returned. In this case ASISTS will automatically multiply six by six for a total of 36 contact hours per three completed packets.
3. Documentation of student work must be kept for work completed in each packet.
4. Only a two or four may be recorded in ASISTS when the packet has been completed and returned (see section 303.3).

The first two packets created for a student are exempt from this requirement. Should a student not return the first two packets and leave the program, the program may record 9999 as attendance for that student. This cue will credit the program for the two packets without including the student in the National Reporting System. (see distance learning manual at http://www.acces.nysed.gov/common/acces/files/aepp/documents/Distance_Learning_Guide%20Revised%20-%207-24-2013-Ver2.pdf)

5. See example below:

Date of Birth	Hours
03/06/1981	0
02/02/1985	0
02/15/1980	2
10/28/1982	0
09/22/1985	9999
01/06/1953	0
08/13/1957	0
08/06/1980	4
03/19/1988	0
12/22/1985	0
07/18/1982	2

6. Regardless of the record in ASISTS, programs must conform to the requirements for record keeping in distance learning programs as outlined in section 303.

303.1 - Active Enrollment

Critical to the Distance Learning formula calculation is the application of the term active enrollment. The term represents the actual number of students in a given week that fulfill the requirements for being active as described below. The number of students enrolled in the program may be higher than the active enrollment. The active enrollment may vary from week to week because not all students enrolled will complete required work every two weeks.

Work assigned by the teacher is prescribed by the curriculum design of the particular program the student is enrolled. Completion of this work is necessary for a student to be counted as actively enrolled in a given week. The 2 or 4 that is required in ASISTS may only be recorded upon receipt of the completed packet from the student.

These programs are designed so that each student completes a packet representing two weeks' work. The instructor receives, corrects and sends packets on a two-week cycle. For paper

packets, the physical packet travels from the student to the teacher via the library mail system, the postal service, or, in some cases, they are hand delivered. The preparation and sending of a new packet to a distance learning student after the previous packet has been received and corrected enables the agency to consider the student as active for two weeks. Students can never be considered active by virtue of a phone contact alone.

For any student that has been screened and deemed eligible for distance learning programming, the program staff may prepare the first two distance learning packets and record a "4" representing those two packets in ASISTS regardless of whether the student returns either of the first two packets. However, if the student does not respond after receiving the second packet and therefore is considered "inactive" in the program, the "4" that was previously entered into ASISTS should be deleted and the cue 9999 entered in its place. By doing so, the program will continue to be eligible for EPE reimbursement for the 24 contact hours that were represented by the "4" but the student will not count on any NRS reporting documents." Chapter 5 of the Program Manager's Guide for Distance Learning provides more detailed directions for this process. http://www.acces.nysed.gov/common/acces/files/aepp/documents/Distance_Learning_Guide%20Revised%20-%207-24-2013-Ver2.pdf

NOTE: Enrollment in distance learning is NOT allowed for students' pre testing in the lowest two levels of either ABE or ESL.

303.2 National External Diploma Program (NEDP)

The National External Diploma Program (NEDP), administered through Comprehensive Adult Student Assessment Systems (CASAS), is an assessment program that allows adults to demonstrate transferable skills for which a local high school equivalency diploma (as per CR. 100.8) is awarded. NEDP is a competency-based, applied performance assessment system that expects adults to demonstrate their ability in a series of simulations that parallel job and life situations. Participants are evaluated against a criterion of excellence which requires 100 percent mastery. Advisors and Assessors work with students to help direct them toward the instruction, available through existing community and on line resources, needed to complete the 70 competencies required within the Generalized Assessment. In addition, each student must fulfill an individualized competency (for a total of 71 competencies). Only programs that have received NEDP training delivered from CASAS and NYS trainers may operate the program.

As with all DL programs, NEDP candidates should be ready to take upon the self- direction of learning with enthusiasm and dedication. NEDP sets a minimal entry requirement of performing at the ASE Low instructional level. (9.0 grade equivalents in both reading and math on the TABE Assessment as well as attaining cut scores set by CASAS assessment)

Claiming EPE contact hours for NEDP is as follows:

- Hours may be claimed for an initial one-time only intake assessments (TABE and CASAS) to determine student readiness for NEDP. Reimbursement uses the traditional EPE formula and should be recorded in a traditionally coded class named as "Intake".
- Hours may be claimed once for NEDP Orientation. NEDP instructional activities must be coded as distance learning in ASISTS. Enter a 1 (one) for attendance in the week when the orientation occurs; the 1 (one) will automatically reflect 6 contact hours in ASISTS.

- Hours may be claimed for weekly Face-to-Face Generalized Assessment sessions. Enter a 1 (one) for attendance in the week when the meeting occurs; the 1 (one) will automatically reflect 6 contact hours in ASISTS.
- Hours may be claimed for First Assessor Review of the 71 Competencies. The claim is two weeks over a two week period; enter a 2 (two) in ASISTS for that two week period.
- Hours may be claimed for Portfolio Reviewer Comprehensive Evaluation of 71 Competencies. The claim is two weeks over a two week period; enter a 2 (two) in ASISTS for that two week period.
- Hours may be claimed for continued Face-to-Face Assessment if the Portfolio Reviewer has determined that all competencies are not demonstrated at 100 percent mastery. Enter a 1 (one) for attendance in the week; the 1 (one) will automatically reflect 6 contact hours in ASISTS. This may continue until the second and Final Portfolio Review is conducted.
- Hours may be claimed for a second Portfolio Reviewer Comprehensive Evaluation of all non-demonstrated competencies. The claim is two weeks over a two week period; enter a 2 (two) in ASISTS for that two week period.
 - Students enrolled in NEDP may continue to be enrolled until the completed portfolio has been fully approved per NEDP guidelines. No hours may be claimed following the second and final review.
- Students enrolled in the NEDP may receive a maximum of three hours per week for tutoring. These hours must be recorded in ASISTS and coded as a traditional class. Tutoring instruction cannot be provided by NEDP staff who serve as the assessor/advisor to the student.

If the client has not demonstrated all competencies at 100 percent by the second and final review, the client may continue in the NEDP program but the agency may no longer claim EPE contact hours for this client. Thus, if the Assessor/Reviewer/Student find it necessary to re-evaluate for the third time plus continue face-to-face assessment sessions, these two activities are NO longer claimable in EPE for this client.

For more information see page 29 of the Program Manager & Instructor Guide for Distance Learning
http://www.acces.nysed.gov/common/acces/files/aepp/documents/Distance_Learning_Guide%20Revised%20-%207-24-2013-Ver2.pdf and the NEDP website at <http://www.casas.org/nedp>

A tutorial on claiming EPE hours in NEDP is available at <http://www.adult-education-accountability.org/#>. Select the button marked "Resources" and then "Tutorials". The first one on the list of tutorials is downloadable as a PowerPoint.

303.3- Calculating contact hours that can be claimed in distance learning programs

In the distance learning formula, it is actually the number of instructional hours that determines the amount of EPE generated. That is why the key documentation involves the instructor logs and records of packets received and sent out or student contacts. Time the teacher spends in academic activities related to delivery of the program can be counted as instructional hours. This includes activities such as reviewing or preparing lessons, phone or personal contacts

with students related to instruction, student assessment, or lesson planning. Time spent in non-academic counseling or transporting packets cannot be considered contact hours.

The formula works as follows:

1. Identifying Active Enrollment

Using the definitions in section 303.1, identify the number of students that fulfill the requirements for being considered "active".

2. Calculate Maximum Number of Students per Week

In any given week, the number of packets created by a teacher cannot exceed the number of real time hours the teacher is paid to work. This calculation is spread over a two week period. For example, if a teacher works a 30 hour week, then a maximum of 30 packets may be generated in that week for 30 students. In week two, the teacher may then create 30 more packets for 30 different students. Within that two week period, a teacher, working 30 hours per week, may generate a total of 60 packets for 60 students. Multiply the active enrollment for the week by .5 to determine the maximum_number of instructional hours that can be claimed.

$$\text{Active Enrollment} \times .5 = \text{Maximum Instructional Hours}$$

3. Allowable Instructional Hours per Week are calculated as follows: Determine how many hours the teacher can document that they actually_worked (see above). If the actual number was less than the maximum, then the actual hours should be used (as an example. rounded to the nearest 15 minutes or .25 hours. If the actual number was equal to or more than the maximum, then the maximum should be used.

4. EPE that can be claimed is calculated as follows:

Multiply the allowable instructional hours by 12. This will determine the number of EPE contact hours that can be claimed.

$$\text{Allowable Instructional Hours} \times 12 = \text{EPE Contact Hours}$$

Example 1 - Active enrollment of 10 and teacher worked five or more hours_in a given week:

- Use maximum instructional hours - active enrollment of 10 x maximum allowable instructional hours per student of .5 = 5 instructional hours.
- Multiply maximum instructional hours of 5 x 12 = 60 total EPE contact hours that can be claimed.
- Multiply total EPE hours that can be claimed of 60 x agency's EPE rate (hypothetical rate for this example) of \$6.00 per hour = \$240 in EPE aid that can be claimed.

Example 2 - Active enrollment of 10 and teacher documents 4 hours and 40 minutes of work in a given week:

- Round actual hours worked (4 hours and 40 minutes) to nearest quarter hour or 4.75 hours.
- Multiply the actual hours of $4.75 \times 12 = 57$ total EPE contact hours that can be claimed.
- Multiply total EPE hours that can be claimed - $57 \times$ agency's EPE rate (hypothetical rate for this example) of $\$4.00 = \228 in EPE aid that can be claimed

So the maximum this agency could claim for 10 students would have been \$240 (10 students \times .5 \times 12 \times \$4.00) if the teacher had actually worked five hours or more. In the second example, the teacher worked 4.75 hours to the nearest 15 minutes the school can only claim \$228.

Since there are 52 weeks in a year, and a maximum of .5 instructional hours can be claimed per week for an active student, a maximum of 26 instructional hours can be claimed per year per student (based on completed and returned packets). Multiplied by 12 this means that a maximum of 312 contact hours can be claimed for an individual student per year.

303.4- Two-week Cycle Formula

In distance learning programs (with the exception of NEDP see Section 303.2), students submit required work every two weeks. The student can be considered to be actively enrolled for two weeks every time a two-week packet is submitted, corrected and a new packet sent out either physically or virtually. The active enrollment is multiplied by 1.0 every two weeks to arrive at maximum instructional hours. This is because the teacher is actually reviewing two weeks' work by the student and can claim a full instructional hour every two weeks. A student may take longer than two weeks to complete a packet. Only two weeks is allowed for each packet completed, regardless of how long the student takes to complete the packet. A simplified way to look at this for audit purposes is that (with the exception of the first two packets) the maximum number of contact hours that can be claimed is equal to the total number of packets returned.

303.5- Maximum Active Enrollment

The number of instructional hours that can be claimed for a teacher in a distance learning program in a given week cannot exceed the active enrollment multiplied by .5. For example, if a teacher works 40 hours in a given week the maximum active enrollment for this teacher cannot exceed 80. In a two-week period, a teacher working 80 hours can have no more than 80 active students, since one full hour of instructional time is allowed for each. It is at the agency's discretion whether a teacher will be allowed to work over 40 hours in a week and have a higher active enrollment, or whether a second teacher will be hired.

303.6- Exceptions

In specific cases, exceptions have been made in the areas of distance learning program design and delivery. Only approved pilots (see distance learning manual at:

[http://www.acces.nysed.gov/common/acces/files/aepp/documents/Distance Learning Guide %20Revised%20-%207-24-2013-Ver2.pdf](http://www.acces.nysed.gov/common/acces/files/aepp/documents/Distance_Learning_Guide%20Revised%20-%207-24-2013-Ver2.pdf)) may be offered. Any deviation from the distance learning program models must have SED approval in writing. Approval must be requested annually. Subsequent to the enactment of the comprehensive plan in 1995-96, numerous audit exceptions resulted from the modification of programs without documented approval. In no case can the statutory distance learning formula be modified.

304 - WORK EXPERIENCE FORMULA

As described in section 205, work experience programs consist of classroom instruction and work experience. A minimum of 50 percent of the time spent each week in a work experience program must be in a traditional academic program as described in section 201. The academic and work experience components should be treated separately for the purpose of planning and claiming EPE aid. The classroom component should be incorporated into the traditional section of the plan (see section 201) and claimed in the traditional section of the claim form (see Appendix I). The component that takes place on the work site should be planned and reported in the Work Experience sections. A lifetime maximum of 50 weeks total of work experience is allowed per student. Classroom instruction generates EPE at the full contact hour rate. Work experience generates EPE aid at the 50 percent contact hour rate. All agencies wishing to operate a work experience program must submit material described in section 205.

305 - EPE REIMBURSEMENT

305.1 - Reimbursement Schedule

EPE aid is reimbursement for services rendered in the previous period. The first period runs from July 1 through December 31. The second period runs from January 1 through June 30. All contact hours to be reimbursed must be entered into the ASISTS database (except for certain adult occupational hours). The ASISTS database freezes program date on February and a date in September announced by NYSED annually. An unsigned SA 160.1 claim form for the first period must be faxed or emailed on a particular date in February, again announced by NYSED annually. Within ten business days an original signed copy must be received by the adult education program office. The first claim will be paid after April 1. An unsigned SA 160.2 claim form for the second period must be faxed or emailed a date in September announced by NYSED annually. Within ten business days an original signed copy must be received by the adult education program office. The second claim will be paid after October 1. Claims received after the specified due dates may not be reimbursed.

305.2 - State Budget Allocation

Of the total statewide allocation of EPE funds, only 25 percent can be paid on first period claims. Agencies applying for reimbursement for first period EPE claims will only receive a prorated portion of the available funding. After the second period claim is filed and processed, two payments will be made, one for the balance of the first period claim and one for the entire second period claim.

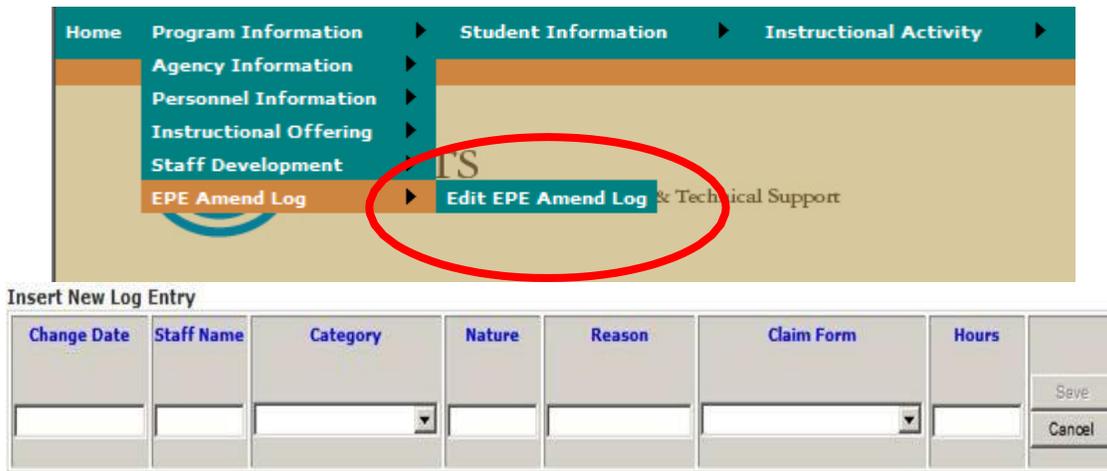
305.3 - Reimbursement Method

Forms SA160.1 and SA160.2 are used to claim EPE aid for the first and second periods respectively (see Appendix I for copies of the form and instructions). These forms require contact hours generated by students without a high school diploma or equivalent to be reported separately from those generated by students with a high school diploma or equivalent.

- **Form SA160.1** - requests information on contact hours and enrollment in each approved component, for the period July 1 through December 31. Information is also requested on the projected amount of EPE contact hours to be generated for the entire year. The projections are used to enable SED to reallocate any available funds to meet the need of programs that anticipate that they will be exceeding their originally allocated contact hours Form SA160.2 - requests the same information as the SA160.1, without the projections, for the period January 1 through June 30.
- **Both the SA160.1 and SA160.2** claim forms are generated out of the ASISTS data system. All allowable EPE contact hours will be captured on these forms. If the final amount calculated out of ASISTS does not match the program's expectation for EPE generation, programs should seek assistance from their technical support staff at ASISTS.
- When additions are made to the first reporting period, if entered after the February deadline, allowable hours will be added to the SA160.2 in the amendment column. (See example below)

	Components	Claim Form 1/1/2010 - 6/30/2010		Amendments 7/1/2009 - 12/31/2009		Net Claim 1/1/2010 through 6/30/2010 +/- Amendments	
		Contact Hrs	Enrollment	Contact Hrs	Enrollment	Contact Hrs	Enrollment
Line 1	Traditional Adult Education	52.00		507.00	0.00	559.00	7.00
Line 6	TOTAL	52.00	7	507.00	0.00	559.00	7.00

- All additions to the first reporting period made after the February deadline must be explained in the EPE Amendment Log located in ASISTS (see screen shot below for location of log)



305.4 Claims in Excess of Allocation

Often an agency will have a higher level of enrollments or greater attendance than was allocated and will generate more EPE aid than was approved in the annual application or approved through the SA160.1 interim report. In these instances, agencies are encouraged to submit the claim for the total amount of EPE aid generated. Should EPE funds remain after all claims are processed in a fiscal year, these funds will be used to reimburse agencies that have exceeded their EPE aid allocation. There is no guarantee that contact hours in excess of the initial or revised allocation will be reimbursed.

305.5 Revenues and Expenditures

EPE law does not allow agencies to receive more revenue in a fiscal year than they expend (see section 205.5). Occasionally, agencies will receive more in revenues than they have in documented expenditures. The State Education Department is required to reduce the following year's EPE aid when the revenues in a given year exceed the expenditures in a given year. Some time after the payment of the final claim, the SED State Aid Unit sends out a Final Expenditure Report for Employment Preparation Education Programs (see Appendix V) for the prior year. These are reconciled with EPE expenditures reported on the SA111 (BOCES) or ST3 (school districts) annual State aid reports. Upon receipt of the information, revenues are compared against expenditures. If the revenues exceed the expenditures, an overpayment will be generated. The superintendent or district superintendent will be notified of the overpayment and allowed a period of time to contest the calculation. If a response is not received within the allotted timeframe, the overpayment will be deducted from the second claim of the following year. An agency may arrange to reimburse SED directly rather than have the overpayment deducted from the next period claim.

305.6 Use of ASISTS to Generate EPE Claims

The web-based individual student record system called the Adult Student Information System and Technical Support (ASISTS) must be used to calculate the amount of EPE aid that can be claimed. Agencies may, however, claim less than the contact hours calculated by ASISTS for reasons such as not having enough expenditures to match revenues.

306 - ADDITIONAL ISSUES CONCERNING EPE AID CALCULATION

306.1 - Collaboration with Volunteer Tutor Organizations

In no instance can a volunteer tutor generate EPE aid. A volunteer tutor is defined as someone who is providing instruction but receives no compensation. In a traditional setting, a volunteer tutor can work with an adult student in the classroom while a certified teacher is in the same room and overseeing the lesson. In a distance learning setting, a volunteer tutor can work with adult students while they are completing their packets of instruction. In both cases, it is the certified teacher working with the student that generates EPE aid. No additional EPE aid is generated by the use of volunteer tutors. The traditional or distance learning programs must be approved and should stand alone with or without the involvement of the tutor (i.e., the program is not dependent on the involvement of the tutor for instruction.) No special approval is required to use volunteer tutors as part of an approved traditional or distance learning program.

306.2 - In-Person Tutoring

If the instructor does provide in-person tutoring during the hours allotted for an approved distance learning program, no additional EPE may be claimed. As stated in section 202, only three hours of tutoring is allowed in a week. Appropriate documentation of attendance is required (see section 410).

306.3 HSE Testing

HSE testing cannot generate EPE aid. However, if SED determines that there is a severe shortage of public HSE testing in a region of the state, then SED may grant a waiver to an EPE provider who is both a) a public testing center, and b) operates an adult HSE preparation program. Such waiver will allow the EPE provider to generate EPE hours on eligible HSE preparation students referred from their own preparation program, or public testing students, or HSE preparation students referred from other preparation programs in their local proximity. The limit for generation of EPE hours is .3 of 1.0 percent (.3 percent) of the EPE providers' prior years' EPE allocation. Such waiver will also allow the EPE provider to claim EPE expenses for HSE test administration. Both this policy and any approved waivers will be reviewed by NYSED annually. If the TASC Readiness assessment is administered during the traditional classroom instruction, EPE can be generated.

SECTION 400

EPE PROGRAM REQUIREMENTS

401 - GENERAL REQUIREMENTS

Employment Preparation Education Programs, other than high school courses, must meet the following general requirements:

- All curricula must be developed or approved by the State Education Department or follow established State frameworks. This means that curricula should be consistent with the State Adult Common Core Learning Standards as well as the College and Career Readiness Standards and targeted towards the achievement of National Reporting System Goals. Curricula should be maintained on site.
- Instruction will be individually prescribed and paced in each class.
- Individual student folders will be easily accessible to students and teachers, and will include information concerning attendance, testing and program needs. A student's total file, however, may be in more than one location depending on the location of the service received. The complete file consisting of all of a student's records must be accessible for review and verification. The mandatory elements that should be found in a student's file include:
 - Individual Student Record Form (ISRF)
 - Check for a match to data entered into ASISTS
 - Assessment Score sheets (for all Pre and Post tests)
 - BEST Plus score sheet (individual by student)
 - BEST Literacy scoring booklet
 - TABE Test score sheet
 - TASC Readiness Test score sheet (if applicable)
 - Americans with Disabilities Act declaration
 - Original signature from student
 - Education and Employment Plan (EEP)
 - Customized to student's entry literacy levels and goal selection
 - Updated at least quarterly
- To protect student privacy, all personal information, including data found on the Individual Student Record Form (ISRF) must be kept in a secure location and not available to the public.
- Agencies must request a waiver from NYSED:
 - if a class register exceeds 20 students (although the Average Daily Attendance (ADA) is capped at 20 students)
 - if classes meets less than 6 hours per week
 - if a class meets more than 20 hours per week
- At least 150 hours of instruction per year will be made available to individual students. This means that students in ABE, HSE or English Language Learners (ELL) classes must

have at least 150 hours of instruction available to them in a school year.

- Education and Employment plans (EEP) will be developed for individual students to address educational, employment or personal goals. This means that all EPE students must be assessed according to the guidelines found in the NRS manual on the AEPP website and must have a plan developed (see section 206.1).
- Each professional staff member serving in the Employment Preparation Education Program will take at least twelve hours of staff development provided through NYSED's Regional Adult Education Network (RAEN) system. This applies to individuals employed both full and part-time for the entire academic year.
- New teachers and administrators must attend programs offered by the RAEN specifically designed for working with the adult population.
- All students in academic programs must receive a pre-test within the first 12 hours and must be post-tested.
 - Students must be pre and post tested on the TABE 9 – 10 series for ABE students and the BEST Plus (or subsequently BEST Literacy – see NYSED assessment policy) for ESL students.
- All students will be post tested at intervals necessary to determine status and progress. The following intervals are recommended:
 - Students in a class that meets for six to nine hours or less per week should be post- tested between 40 and 60 instructional hours;
 - Students in a class that meets ten or more hours per week should be post-tested between 60 and 80 instructional hours;
 - Students in a volunteer tutorial program should be post-tested at least every 30 instructional hours.In no instance can EPE aid be claimed for students in academic programs who are not pre-tested before 35 hours or are not post-tested before 300 hours after the pre-test.
ASISTS will automatically deduct these hours from the total number of hours that can be claimed.
- Programs will submit required data to the State Education Department consistent with the National Reporting System (NRS) for adult education. All programs must use ASISTS for this purpose.

402 - OTHER REQUIREMENTS

402.1 - English Language Learners

In addition to the general requirements, the following program requirements pertain to all English speaking students:

- All will be given assessment tests in reading and mathematics to determine their approximate skill level.
- Those who are deficient in basic skills will be provided instruction in reading, mathematics, and written communication.

- All will be given standardized achievement tests which report scores in grade equivalents and which have forms for re-testing at required intervals (see section 401), or other such instruments approved by the Commissioner of Education. Refer to the NRS manual on the AEPP website for the New York State Education Department adult education testing requirements at <http://www.acces.nysed.gov/aapp/manuals.html>
- Agencies are required to have a policy for students suspected of having a learning disability and subscribe to the Learning to Achieve professional development offered through the RAEN centers.

402.2 - HSE Preparation Students

In addition to the general requirements, the following program requirements pertain to all HSE preparation students:

- HSE preparation students will not begin instruction specifically designed to prepare them for the HSE test unless they have scored at the 9.0 level or higher on a standardized reading test.
- All will be given the TABE diagnostic tests to determine the specific instruction needed to attain the minimum score to qualify for a New York State High School Equivalency Diploma, and will be provided such instruction.
- Students will only be referred to the High School Equivalency (HSE) test if they have a score from the TASC Readiness test recorded in ASISTS. For 2015-16, the results reported on the TASC Readiness assessment will have no impact on a program's report card performance or corrective action status but MUST be recorded in ASISTS.

402.3 - Facility Requirements

Because EPE programs are designed to meet community needs, EPE programs may be offered in a number of different kinds of facilities. This includes locations such as churches, synagogues, libraries, community based organizations, civic centers, etc. It is necessary that the program be a part of the Comprehensive Plan of a BOCES or school district and that the teachers are only employed by that agency and certified for the purposed of generating EPE (see section 406). Four conditions apply to facilities used for instruction supported by EPE aid:

- The facility will be covered by fire and liability insurance.
- It will meet all applicable State or local fire and safety standards.
- It will have heating, lighting, and ventilation that are conducive to learning.
- The facility will be accessible to students with disabilities.

402.4 - Agency Requirements

All agencies receiving EPE funding must comply with all civil rights legislation.

402.5 - General Requirements for Distance Learning Programs

While distance learning programs provide the flexibility for students to participate who may not otherwise be able to, the administration of these programs requires scrupulous record-keeping. This manual is not intended to provide all of the information needed to operate any of these programs. Complete information regarding these programs is a part of the training that is available from the SED Regional Liaison for each program or through the Regional Adult Education Network (RAEN). Additional information is available in the Distance Learning Manual at

http://www.acces.nysed.gov/common/acces/files/aepp/documents/Distance_Learning_Guide%20Revised%20-%207-24-2013-Ver2.pdf

However, there are several requirements that all distance learning programs must adhere to:

1. All teachers must be certified and have specific and appropriate training available through the RAEN (see section 406). For continuity and to maintain a consistent level of quality, it is recommended that program administrators also participate in distance learning training.
2. All distance learning programs must have the following components: an intake process, the development of an Education and Employment Plan (EEP), instructional intervention, a homework or home study component, and a procedure for reviewing the student work and progress.
3. A student roster must be maintained containing the names of all enrollees.
4. Student logs must be kept indicating the hours that students worked at home for each packet/subject area/episode.
5. The instructor must maintain a record of all assignments completed by all students on the roster.
6. The teacher must keep detailed records of hours of instruction provided (i.e. reviewing, correcting, or handling student materials, planning, etc.) and other activities as well as a record of all student packets reviewed.
7. All testing must be done in person, this pertains to BOTH pre and post testing.

402.6 - General Requirements for Work Experience Programs

The following requirements apply to all work experience programs:

1. The total of classroom hours plus the hours of work experience must be no more than 20 hours per week. Programs offering between 21 and 40 hours per week of combined classroom and work activities must request a waiver (see section 416). Total program hours cannot exceed 40 hours per week.
2. All students must have an EEP developed and in their folders (see section 206.1).
3. Classroom instruction must be at least 30 percent of the total program hours. Classroom instruction must be traditional academic programs (section 201), however, to provide the student with employment readiness, up to half of the classroom hours can be devoted to job club activities.

4. All work experience components must be coordinated, supervised or directed by an individual who meets state and local requirements for teacher certification (see section 304). This individual must visit the site at a minimum of one time per week.
5. The student must be supervised while on the work site by an appropriate individual (employee, manager, owner, etc.) who will monitor the student's progress towards specific skills and goals, and will be responsible for recording the student's daily attendance.
6. Student folders must be kept documenting work experience attendance and related information such as work site visits and student progress.
7. A system must be in place to track job placements resulting from the work experience program.
8. All contact hours must be documented including individual student names, dates and hours generated.
9. All programs must be approved (see section 403.1).
10. At the end of the work experience program, all students should have attained the employment/program goal stated in the material submitted for approval.
11. Participation in Work Experience programs has a lifetime enrollment limit of 50 weeks per student.

403 - COMPREHENSIVE PLAN OF SERVICE

Every school district and BOCES seeking to operate an EPE program must submit to the Education Department's Adult Education Programs and Policy (AEPP) Team a comprehensive plan of service that includes information regarding major programs that will be offered and information regarding program effectiveness. Specifically, the comprehensive plan includes:

- **Cover Sheet** with an original signature of the Superintendent or the Chief Administrative Officer;
- **Program Component Worksheets** with projected enrollment and contact hours for each program component for which the agency is seeking approval and projected outcomes for the work experience component;
- **EPE Program Component Summary Sheet** which provides the total number of projected students and contact hours for each component (reentered from the individual Program Component Worksheets), the projected EPE aid to be generated, and projected expenditures for the year;
- **Statement of Assurances** signed by the Superintendent or the Chief Administrative Officer certifying that the agency will meet all EPE program requirements, and
- **Other information** that may be required based on new or emerging SED priorities or requirements.

403.1 - EPE Comprehensive Plan of Service Approval Process

In approving the comprehensive plan of service, SED staff evaluate the following:

- The effectiveness of the proposed program components based on past program data using the National Reporting System performance measures as compared to NYS benchmarks.
- The likelihood that occupational education programs achieve employment outcomes for adults (this review does not constitute approval of curricula);
- The support for educational initiatives and priorities identified by the Department;
- Geographic accessibility of programs and lack of duplication in any region (see Geographic Range Policy section 417); and
- The assurance that program expenditures will meet or exceed the projected revenues from all sources.

Based on this review, approval will be granted to agencies to claim a total number of contact hours for the program year in the approved program component areas. This approval sets a cap on the total amount of EPE aid that can be claimed so that the statewide limit will not be exceeded. Agencies may be requested to provide clarification or additional information before receiving a formal approval letter for all program components contained within their application.

403.2 - First Time Applicants

A school district or BOCES applying for EPE aid for the first time must submit a complete application and the following in narrative form:

- A summary of the agency's overall adult education program within the district (not including community education)
- An evaluation plan for determining the effectiveness of all program components
- A staff development plan including coordination with the RAENs
- A description of student intake, assessment and evaluation procedures
- A description of the plan to coordinate programming regionally to assure maximum effectiveness and to avoid duplication of services
- Support for educational initiatives identified annually by the Adult Education Programs and Policy (AEPP) Team (see current application)
- Signed Statement of General Assurances demonstrating compliance with required program and fiscal reporting

In addition, the following must be submitted as appropriate:

- Copies of locally developed curriculum for Career & Technical Education courses
- A list of teachers' names and dates training took place for distance learning component models
- A narrative describing the agency's work experience component, if applicable.

403.3 - Amending the Comprehensive Plan of Service

Only those programs which have received approval of their comprehensive plan of service are eligible to generate EPE. Should an agency decide to offer programs in addition to those initially approved, an amended comprehensive plan may be submitted at any time. SED regional staff should be contacted prior to submitting the revised plan (see current application for list of regional staff). New programs are subject to the same approval process as the initial plan submission.

403.4 - Approval for Increased EPE Aid

Increases in EPE allocations are made by AEPP so that final claims do not exceed available funds. For this reason, EPE funds are reallocated at the time the interim report is submitted as part of the first period claim (see Appendix I). At that time, funds that become available because agencies are not meeting their EPE generation targets are reallocated to agencies that are exceeding their projections. Under special circumstances, agencies may apply for approval to receive additional funding. This generally involves some unanticipated circumstance that creates an increased demand for EPE programs at some point in the program year. Examples of this might include: the influx of a new population needing services; the closing of an existing program providing services in the vicinity of the applicant; the opening of a new business in the area that requires preparation of local residents prior to hiring; etc. Agencies are not guaranteed approval of their request and should only proceed after they have received written approval from SED.

404 – EXPENDITURES

404.1 - EPE Generation versus Expenditures

There is a difference between the activities and program components that generate EPE aid and activities and program components for which EPE may be expended. Part 168.4 of Commissioner's Regulations defines allowable expenditures for EPE State aid as follows:

"Employment Preparation Education Program funds may be spent only for personal services, employee benefits, equipment, supplies and materials, contractual services, travel expenses, staff development and training, and other such expenditures approved by the Commissioner. Such expenditures shall be made only for Employment Preparation Education Program purposes."

404.2 - EPE Program Definition

Under part 168.2 of Commissioner's Regulations, Employment Preparation Education Programs are defined as:

"Programs leading to a secondary credential for individuals who are at least 21 years of age and who have not received a high school diploma or high school equivalency diploma. Such programs may include, but are not limited to: day or evening programs which

provide instruction in basic education, life skills, high school equivalency examination preparation, English as a second language, and regular credit-bearing high school courses."

In many instances, EPE State aid alone cannot support the full cost of such programming. Programs are encouraged to integrate multiple funding sources to support comprehensive adult education programs. To the extent that such funds are integrated at the local level and can be clearly shown to serve one or more EPE eligible adults in approved programs, these programs shall be considered, for purposes of EPE expenditures to be the "EPE program". This means that the activities, salaries and program components for which EPE aid is expended (may include items such as non-instructional services, etc.) do not have to be identical to those that generate EPE aid as long as:

- Expenditures are made for adult education programs provided by the district or BOCES that lead to a high school diploma or high school equivalency diploma or other approved programs as defined in the Commissioner's Regulations, and
- EPE-eligible adults are served in such programs. In classes in which non-eligible and eligible students are mixed, EPE expenditures must be prorated to reflect the proportional contact hours of instruction provided to adult education students (see section 404.6).

404.3 - Additional Expenditure Requirements

In addition, the following applies to the use of EPE aid:

- Monies generated have to be spent in the current fiscal year. They cannot be applied to the next year or saved for future investments or transferred to another account. Generally, expenditure is incurred upon delivery of the merchandise or service. Encumbrances for undelivered goods or services do not qualify as expenditures.
- Aid received cannot exceed an amount which exceeds the total cost of the EPE program.

404.4 - Expenditures/Revenues Compared

After the EPE Claim Form SA160.2 is submitted in September of each year, a comparison is made by the Education Department's State Aid Unit of revenues and expenditures in the previous fiscal year (see Appendix III). If revenue exceed expenditures, the agency must reimburse the Department for the difference. In most cases, this amount is deducted from the second period claim in the subsequent year; as the second payment is usually the larger and cash flow will be affected less. A notification of this overpayment is sent out from the State Aid Unit after the reconciliation is made. It is, however, possible for the agency to pay the overage directly back to the Department. Information regarding this will be received with the notification.

In FY15/16, the process for reconciling the HSE Candidate Report will change. The

reports will be integrated into the ASISTS data system so reconciliation will be expedited. More information will follow. This may impact the time during which EPE eligible students may count in ASISTS. Programs should plan accordingly.

404.5 - Prorating Expenditures

One of the most important bookkeeping procedures is prorating EPE expenditures. Since EPE funds can only be spent on the EPE program, it is essential that this can be demonstrated.

The most common instances where prorating is needed are:

- Equipment or materials are shared by an adult education program and a K-12 program, typically computers or non-consumables.
- A program is comprised of both EPE eligible and non-EPE eligible students.

The preferable way to prorate expenditures is to calculate the percentage of contact hours for non-EPE eligible students in the program and apply funding sources other than EPE to that percentage of each cost category. For example, if in a given program 50 percent of the students are under the age of 21, 50 percent of the teacher's salary, supplies and materials, utility costs, rent, computer costs etc., should be paid from a non-EPE source such as the Welfare Education Program (WEP) or Workforce Investment Opportunities Act (WIOA) Title II funds. It is not necessary to prorate each cost in each class to reflect the percentage of EPE eligible and non-eligible students in that class. For example, in a program consisting of several classes, EPE may be expended on non-eligible students in a particular class as long as funds other than EPE are expended in another part of the program on expenses that legitimately could have been charged to EPE.

It is also acceptable to prorate based on the entire cost of the program. The entire cost of the program must be calculated and, in the example above, 50 percent of the total cost would be paid by EPE funds. For example, if the entire cost of the program was \$100,000, and 50 percent of the students were EPE-eligible, the agency may wish to pay \$50,000 in teacher salaries from EPE and the balance of costs from other sources. In this method it is essential that the calculation includes all program costs. Receipts or salary records must be available to demonstrate the cost. A reasonable formula must be used to calculate the portion of the entire cost that can be attributed to EPE students. This is done by comparing total contact hours or hours of use (in the case of equipment) and the portion of contact hours or use by EPE eligible students. Where expenditures are prorated between EPE eligible and non-eligible students, it will be necessary to record contact hours for both groups of students.

Prorating may also be necessary when other funding sources are blended to support a class. Sources such as ADA, WIOA Titles I and II, and tuition are often used to support students in EPE programs. The same prorating formula is used to ensure that EPE funds do not supplant the other funding sources.

Prorating is also necessary for administrative costs. In programs where staff perform administrative tasks for both EPE and non-EPE programming, the cost of support staff time, supplies and materials, etc. charged to EPE must be documented and prorated to the percentage of time spent specifically on EPE program related tasks or activities.

404.6 - Serving Non-eligible Students

Frequently, agencies encounter students that are not eligible to generate EPE aid but are in need of educational services. Funding for this population is limited, these students are often enrolled in an existing adult education class supported by EPE aid. The number of students that are in this category should be kept to a minimum and may not exceed ten percent of the enrollment in the EPE-funded class.

404.7 - Expenditures by Program Area

If a school district or BOCES offers several program areas (i.e., traditional, distance learning, high school credit, work experience and occupational education), the ratio of revenue generated versus costs incurred will vary. Some areas may generate revenues in excess of the cost of the program while others may generate less than the cost. In general, EPE funds generated by one program area should be used to support that area. Once these costs have been met, the balance may be reallocated to other EPE program areas.

405 - SPECIFIC EXPENDITURES (allowed)

405.1 - Equipment Expenditures

All equipment, including computer equipment and software, purchased with EPE funds must be used to support EPE programs provided by the district or BOCES. Computer equipment purchased with EPE funds that is not made available to EPE-eligible students or held in storage is not an allowable expenditure. Any license fees for computers not in use, software license fees or software package costs that are in excess of current adult education program needs are also not allowable expenditures. In all cases, school districts and BOCES must be able to document that expenditures are related to the EPE program (i.e., available to and being used by EPE-eligible students as part of the adult education program leading to a diploma or the equivalent). A detailed and updated inventory of all equipment and software purchased with EPE funds should be maintained on file at the local level.

405.2 - Indirect Cost

According to the Education Department's **Fiscal Guidelines for Federal and State Aided Grants**, (<http://www.oms.nysed.gov/cafe/guidance/guidelines.html>) indirect costs can be broadly defined as central administrative costs and certain other costs associated with the organization that are incurred in connection with a project but that cannot be disaggregated. (e.g., payroll preparation, central purchasing). An indirect cost rate may be established that, when applied to the direct cost of EPE program, generates an amount to be used in support of such central administration costs.

Indirect costs for EPE must be claimed through the use of the Department's restricted indirect cost rate. The direct cost base to establish the restricted indirect cost is calculated the same for EPE as for an FS10 budget. Indirect cost rates for school districts are computed annually by the Department on the basis of data contained in each district's Annual Financial Report, and range from one to seven percent. Only these rates, which are computed by the Department, may be used to determine EPE eligible indirect cost expenditures by school districts and BOCES. These rates indicate the maximum allowable indirect costs. Schools may opt to claim less indirect costs, allowing more money to be used for other budget categories.

405.3 - Interest on Loans

The interest on loans that are taken out to cover EPE cash flow needs is not an allowable EPE expenditure. This is consistent with the requirements for all adult education funding administered by the Department.

405.4 - Staff Development

EPE funds may be used to support the cost of staff development for teachers and administrators of EPE programs approved/required by NYSED. Detailed records should be maintained regarding all expenditures including training content, travel, lodging, meals, fees, etc. All staff development activities should be consistent with the NYSED's plan to improve instruction. While it is required that teachers receive twelve hours of staff development each year, agencies are encouraged to provide more.

405.5 - HSE Test Administration

EPE funds may not be used to support the administration of the HSE test. Assessment for test readiness is an allowable expenditure. Administration of the HSE Readiness Assessment in the course of regular classroom instruction is an allowable expense.

405.6 - Child Care

EPE providers are encouraged to seek other sources for child care for the time when parents are attending EPE programming. Child care for the children of EPE eligible students is an allowable expense only in very specific circumstances and with prior approval by NYSED. Records must be kept documenting that the children in care are the children of EPE eligible students while they are attending class. If the children of EPE eligible students make up only a portion of the total children in child care, than EPE funds can be used only to support the prorated share of the total cost.

405.7 - Food and Incidentals

EPE providers are encouraged to seek other sources for food and beverages. EPE funds may be used to pay for the cost of certificates of achievement and/or promotional brochures such as HSE graduation ceremonies.

405.8 – Marketing

The costs of brochures, fliers, mailings, and radio and television ads are allowable expenses for the promotion of the EPE program, to recruit EPE eligible students, and to be used at community outreach activities.

405.9 - Community Education

EPE funds cannot be used to support the cost of community education programs. Community education programs are those that are not designed to lead to employment or a high school diploma or equivalent or are not approved by the Commissioner as part of the comprehensive plan of service. This includes any of the related costs of community education such as administration, utilities, rent, etc. Community education programs are defined as vocational subjects which involve instruction in recreational or leisure-time activities and which are not offered to: prepare students for a diploma or a high-school equivalency diploma; assist students to read, write or understand English as a second language; or provide entry-level occupational training.

405.10 – Transportation

EPE providers are encouraged to seek other sources for transportation such as the local Department of Social Services. EPE funds may be used to pay reasonable costs for student transportation. This may include tokens, the cost of a van or bus, or cab fare.

405.11 - Support Services

While counseling that is not related to intake, assessment and the preparation of an individual employment or education plan does not generate EPE aid, it is an allowable EPE expense. This includes counseling to assist the student in making the transition to work. Counselor's time spent with EPE students must be clearly documented in ASISTS.

405.12 - General Program Costs

A general program cost directly attributable to an EPE program that is not precluded in this document can be an acceptable EPE program expenditure. This includes the cost of building maintenance, cleaning supplies, telephone use, capital improvement and repair, paving, utilities, building lease, security costs, etc. Depreciation should not be considered a program cost. All of these expenses must be documented as for the EPE program only or prorated with adequate documentation.

405.13 - Audit Exceptions

Payments made to the Education Department based on audit disallowances of EPE contact hours or EPE expenditures are not acceptable EPE expenditures.

406 - TEACHER REQUIREMENTS

EPE aid can only be generated by a certified teacher (Adult Education Certified or K-12 Certified). Teachers who hold a valid provisional, permanent, initial or professional New York State teacher certificate in any subject/grade/title are able to generate EPE aid in any EPE program area. All other EPE program teachers must have appropriate adult education certification <http://www.acces.nysed.gov/aepp/adult-education-teacher-certification> For EPE generation purposes, agencies that are able to document that teachers have applied for an adult education certificate and are pending approval will be able to claim EPE aid for instruction provided by that teacher.

407 - Adult Education Instructor Certification Titles

The following titles have been developed which distinguish adult education instruction from other pre-kindergarten, kindergarten and grades one through twelve instructional certificate titles and are designed primarily for purposes of generating EPE funds:

- **Adult Education Instructor/Literacy and HSE Preparation Instructor**- This title applies to teachers in the following areas: ABE, HSE test preparation; family literacy; Citizenship Education including traditional and home study; NEDP; GRASP; FastForward.
- **Adult Education Instructor/English Language Learning Instructor**- This title applies to teachers in ELL programming, both traditional and distance learning.
- **Adult Education Instructor/Assessment and Advisement Instructor**- This title applies to staff that provide intake assessment, evaluation, and the preparation of education and employment plans.
- **Adult Education Career and Technical Education (CTE) Instructor** - This title refers to teachers of short-term vocational training in non-certified occupational areas. It also can be used in certified occupational areas in cases where the teacher does not have appropriate secondary certification.
- **Adult Education Instructor/Work Experience Instructor**- This title applies to teachers conducting EPE-funded Work Experience Programs. Individuals teaching in more than one of these areas need only be certified in their primary area of adult education instruction or have provisional, permanent, initial, or professional New York State Teacher certification.

Teachers of EPE instruction in continuing education programs holding valid adult education certificates with equivalent or similar titles to those noted above need not apply for a newly titled certificate. Upon expiration of such certificates and at the time of their renewal, applicants should request adult education certification using the titles noted above.

408 - Certification Renewals

Teachers holding a valid provisional, permanent, initial or professional New York State teachers certificate need not apply for renewal or for adult education certification. All other teachers that hold certificates as an Adult Education Instructor must apply every three years for renewal.

When a teacher gains employment in a different district before the certificate expires, it is not necessary to have a new application signed by the new superintendent until the previous certificate expires.

Application must be done on-line at <http://www.highered.nysed.gov/tcert/teach/login.html>.

408.1 - Teachers of Distance Learning Programs

In addition to certification, teachers of distance learning programs must have specific and appropriate training for the distance learning program to generate EPE. This training is available on a rotating basis through the seven Regional Adult Education Network offices. The agency can also contact the approved trainer to arrange for the course to be offered directly for a fee.

Agencies wishing to offer distance learning programs for the first time may be approved provisionally as part of their comprehensive plan. These new programs may not generate EPE aid until a teacher has received the SED approved distance learning training. If a teacher leaves an agency that has been offering distance learning, the agency may still offer the distance learning program providing the new teacher was trained by the previous teacher and that the new teacher is enrolled in the next training session available through the RAEN. This is done to allow continuity of a program since distance learning training is not always immediately available. In no case will training by a previous teacher substitute for the SED approved training beyond this single exception. Permission to offer the program pending training will be considered on a case by case basis.

409 - PROGRAM APPROVAL

409.1 – Career and Technical Education Programs

To be approved for EPE funding, career and technical education courses must be at least 100 hours long and provide sufficient training to enable the completer to obtain employment in the field. Agencies wishing to have career and technical education courses approved to generate EPE funding must submit the following:

- course title
- course hours
- a waiver request if the course is less than 100 hours (see section 409)
- a complete curriculum including enough detail to ensure that the course is not avocational and provides sufficient training to enable students to obtain employment
- a description of all program components
- hours in each component or module
- description of hands-on or clinical components

- text and other materials used
- assessment methodologies including tests of basic skills, pre and post-tests, and tests of occupational skills attainment
- need in the local labor market for persons trained in this field preferably citing labor market information, and
- if a pre-existing program, evidence that course completers have been successful in obtaining employment

Until the specific course is approved in writing and the teacher has appropriate certification, EPE cannot be generated. Approval is not necessary in subsequent years provided none of the elements of the course is changed including the title and the number of hours. Additional approval is needed if there is any change in the program. Evidence of course approval should be kept on file for audit purposes. Programs that are identical to credit bearing secondary career and technical education courses are automatically approved to generate EPE.

409.2 - Work Experience Programs

For approval of new work experience programs, the following must be submitted:

- a curriculum which includes the traditional courses the student will take (agencies must be approved for all traditional components that are part of the work experience program). This includes a description of job club activities if offered.
- a description of the work site experience
- a description of the supervision process
- a description of the record keeping process
- the hours of each program component
- a plan to collect evidence that program completers have obtained a job, have gained job competencies or met specified goals

In subsequent years, approval is not needed as long as the program elements have not changed from the original model that was approved.

409.3 - Distance Learning Programs

The SED approves distance learning programs on a case-by-case basis. Requests to offer distance learning programs not currently approved should be submitted by March 1st of the program year proceeding the program year in which the agency wishes to begin offering the program. A proposal submitted as part of the annual EPE application will not be considered for the upcoming program year.

Agencies wishing to be approved to offer a distance learning program not listed in the Distance learning manual must submit a detailed proposal to the appropriate regional adult education staff person and the Distance Learning Coordinator. The pilot proposal will be reviewed by an SED pilot review committee. The proposal should include the following

information:

- Name
- Purpose
- population and size of program
- curriculum
- materials
- teacher preparation/role
- course structure
- documentation
- a plan to evaluate program outcomes
- projected number of students, and
- the process for identifying active students
- if in-person tutoring is offered, describe how it will be offered outside the distance learning instructional hours claimed.

If commercially developed materials are used, provide a description of how effectiveness will be demonstrated and how the materials will be adapted for adult students. Pilot programs may be approved for a maximum of three years pending an annual review of the program evaluation. If the evaluation indicates that the program is effective, it may be approved on a permanent basis. For more information, refer to the Program Manager and Instructor Guide for Distance Learning for the Procedure to Begin and Evaluate Pilot Distance Learning Programs located at http://www.acces.nysed.gov/common/acces/files/aepp/PROCEDURETOBEGINANDEVALUATEPILOT9-19-2012_0.pdf

409.4 Traditional Programs

In addition to those listed in section 201, agencies may seek approval to offer a traditional program not included in the EPE application. Requests to offer new traditional programs not currently approved should be made well in advance of the program year in which the agency wishes to offer the program; the submission request to offer a new traditional program should not be submitted as part of the annual EPE application process. Agencies must submit the following detailed information regarding the proposed program:

- Curriculum
- Materials
- teacher certification
- expected outcomes consistent with NRS core measures, and
- projected number of students

Programs may be approved on a permanent or pilot basis. Programs approved on a pilot basis will be annually evaluated on the students' success to achieve goals consistent with the NRS core measures at which time they can be approved permanently.

410 - RECORDS AND DOCUMENTATION

410.1 – General

Commissioner's Regulations require that every student served in an EPE program have an individual student folder that is easily accessible to the student and to the teacher. The folder should contain information concerning registration, attendance, testing, and individual program needs. At a minimum, registration information must be dated and include the student's name, class attendance including dates and times, the student's date of birth, and the student's diploma status. The EPE amendment of 1995 requires that each folder must also contain an education and employment plan (EEP). The EEP should specify the school year covered. Attendance records can be kept in a central location but must be clearly identified in the students' folder or in an EPE procedures manual. Original attendance records should be kept for not less than six years.

410.2 - Attendance in Classroom Programs

The EPE program provides reimbursement to agencies based on their own report of reimbursable services rendered to adult students. For this reason, there must be a clear audit trail from the contact hours reported on the SA160.1 and SA160.2 forms to student attendance in the classroom. This applies to all traditional programs as well as high school credit courses, occupational education courses, and the classroom component of the work experience program (the requirements for documenting the onsite work experience see section 304). In each of these programs, contact hours must be clearly documented. Any overstated or undocumented contact hours will be questioned upon audit and revenues may be reduced accordingly. The district or BOCES must maintain classroom attendance rosters of all students who attend EPE programs. Documentation must clearly support reported contact hours and compliance with requirements regarding maximum class size (20) and the maximum number of class hours per week (20). All variances (see waivers section below) must be approved annually and in writing by SED.

All agencies receiving EPE aid must have a written attendance policy. This should include the policy on rounding, absenteeism and enrollment. Rounding can be done on the whole hour or on portion of an hour (e.g. quarter or half-hour). For example, if an agency chooses to round to the nearest hour, a student arriving 29 minutes late can be counted for the whole first hour. However, a student arriving 30 or more minutes late cannot be counted for the first hour or for any portion of that hour. The format in which attendance records will be kept must be described (e.g. paper rosters, computerized format). This policy should be consistent across the agency's entire EPE program

411 - Burden of Proof

The burden of proof for producing the necessary documentation to ensure accuracy and compliance with the Commissioner's Regulations rests on the provider. To avoid audit exceptions, agencies must have annual written approval from the AEWD team of any interpretations, waivers or informal understandings about how the district or BOCES can generate or use EPE.

412 - Attendance Rosters

Typically, attendance rosters are kept in the classroom where the teacher notes the number of hours of attendance on a daily basis. These attendance rosters need to be retained to support claimed EPE contact hours. The classroom teacher verifies that the attendance is accurate each time the roster is filled out. The original documentation used to create the ASISTS attendance records must be certified by the teacher and retained for records retention purposes.

The regulations allow for an employee other than a teacher, who is in a position appropriate for the keeping of records, to verify attendance. The person verifying attendance must be in a position to observe student attendance on a daily basis. Since EPE reimbursement is based on each hour of attendance, it is required that attendance be recorded in hour or smaller blocks rather than in blocks of two hours or more. Attendance records should be kept in pen. No "white out" should be used. Original attendance records should be kept for six years plus the current year.

413 - Computerized Attendance

Some attendance rosters are kept on computer. It is imperative that computerized versions of attendance documents contain the same information as the paper rosters. They must include specific days and hours of attendance for each student. The computerized records must be certified as accurate by the classroom teacher or attendance certifying officer as if they were the original documents. The date of the teacher's certification of attendance must be noted. The original documentation used to create the ASISTS attendance records must be certified by the teacher and retained for records retention purposes.

414 - Unique Student Identifier

Educational agencies receiving funding to operate adult education programs are not required to collect the Social Security numbers of students. ASISTS automatically assigns a unique student identifier which eliminates problems occurring when more than one student has the same name.

414.1 Records Retention

Programs should refer to Records Retention and Disposition Schedule ED-1 from the New York State Archives available at http://www.archives.nysed.gov/a/records/mr_pub_ed1.shtml for complete information regarding records retention.

Please note that any record that would be necessary to document the generation of contact hours for audit purposes should be kept for 6 years plus the current fiscal year. This includes but is not limited to:

- Attendance rosters (see section 412)
- Demographic information and all other information included in the individual Student Record Form.

- Evidence of student eligibility
- Evidence of teacher certification
- Evidence of course approval
- Evidence of follow-up goals established
- Evidence that students made gain or achieved established goals (includes test scores but not actual tests. Also includes evidence of response to survey for follow-up measures.)
- The physical ISRF
- Actual standardized test-score sheets (TABE, BEST Plus, BEST Literacy)

The following can be discarded when the student exits from the program.

- The Education and Employment Plan (EEP)
- All samples of student work

For distance learning programs the primary auditable documents are teacher logs showing the completion of packets and the assignment of new packets. This should have complete detailed information regarding the contents of the packets, the student's work on the packet and information on the new packet prepared. These should be kept for six years plus the current year.

414.2 - Record Keeping in Distance Learning Program

Distance learning programs generate EPE aid based on instructional hours (see section 303). Four key items that must be documented:

- Active enrollment must be documented (see section 303.3). A record must be kept of the receipt, correction, and preparation and sending of required work. The subject matter and specific lessons completed as well as student performance on the assigned work should also be noted. Dates must be maintained indicating when the packet was returned.
- In all distance learning programs, ongoing records of work assigned to and completed by the student must be kept. A new teacher should be able to step in, if necessary, and be able to continue the work begun by the previous teacher.
- Unless active enrollment is documented, maximum allowable instructional hours cannot be established.
- Actual hours that a teacher works as part of the instructional process must be documented. The actual hours that the teacher worked on the distance learning program must be able to be determined from the records. If a teacher's time involves duties other than teaching the distance learning program, the records should show the hours spent on the various duties. The actual hours of work by the teacher generates EPE aid up to the maximum established by the active enrollment.
- Hours of intake and assessment need to be kept in the same detail as traditional classroom programs (see section 206.1) and can be claimed at the traditional rate.
- Hours of tutoring (up to 3 hours per week) need to be kept in the same detail as

traditional classroom programs and can be reimbursed at the traditional rate.

In addition, distance learning programs require that the student keep a record of the time spent at home on their lessons, but the student's time spent working at home is not considered an auditable activity.

414.3 - Record Keeping in Work Experience Programs

In the traditional component of work experience programs, attendance records must be maintained as with any classroom program (see section 410.2). In addition, each student folder must contain records documenting work experience attendance, a record of site visits by the supervising teacher, and information regarding student participation and progress.

415 - STAFF DEVELOPMENT

Each agency receiving EPE aid must provide all professional staff with a minimum of 12 hours of staff development related to the development and organization of programs for adults. A staff development plan must be submitted with the initial application for EPE funding. The plan must include a description of how staff development will be coordinated with RAENs. Any program not meeting the student outcomes established as part of the National Reporting System may be required to subscribe to additional staff development in identified areas to improve student performance.

416 – WAIVERS

416.1 - Traditional Program Waivers

Under Part 168 of the Commissioner's Regulations, no class register should have more than 20 students (total students on the class register including both EPE-eligible and non-eligible students) unless a waiver is approved. In general, an average daily attendance of 20 or less should be maintained. Classes should operate at least six but not more than 20 hours per week, unless otherwise approved by the Commissioner of Education. To receive a waiver of these requirements, the following information should be submitted in writing to the AEPP Team. Waivers must be requested annually:

- The **maximum** number of students who will be on the class register or the **maximum** number of hours the class will operate each week. Waivers will not be granted for a class roster to exceed 35 students or for more than 40 hours each week. In cases where a waiver is requested to provide instruction for fewer than six hours per week, the **minimum** number of hours must be identified.
- The waiver request should indicate how a high level of quality would be maintained with an increase of students. Innovative approaches to ensuring student success are encouraged (e.g., individualized instruction, team teaching and instructional aides).
- An assurance that student outcomes would not be adversely affected and strategies for assuring the successful achievement of student outcomes should be described.
- The request must describe plans for generating other resources to support the program so

that class size can be reduced.

These waiver requests must be submitted for approval annually.

416.2 - Over-enrollment

A number of agencies have requested permission to "over-enroll" (i.e., enroll more than 20 students) in a class during the first two weeks in order to achieve an acceptable average daily attendance. In such instances, written waivers are not required as long as the enrollment does not exceed the established approved number of students on the roster by the beginning of the third week. In all cases, it is the responsibility of agencies to fully document enrollment and attendance of EPE-eligible students. These waiver requests must be submitted for approval annually.

416.3 – Career and Technical Course Waivers

Career and technical courses supported by EPE are required to be at least 100 hours in length and must provide sufficient training so that a student completing the course will have the requisite skills to obtain employment in the field. The minimum 100- hour requirement may be waived only if it can be demonstrated that the course provides sufficient training for entry-level employment in the field and that the program has a satisfactory record of employment for program completers. The request for a waiver should be submitted along with the curriculum for review. This curriculum does not have to be submitted annually but the request for a waiver must be submitted for approval annually.

Under no circumstances should a verbal assurance be considered a valid waiver; all waiver requests must be approved in writing.

417 - GEOGRAPHIC RANGE POLICY

A number of instances have occurred in which two or more agencies were operating programs in the same geographic area within a school district or BOCES district boundaries creating competition for students. This competition was exacerbated as the agencies in question could have vastly different EPE rates, making it easier for one agency to operate a program with fewer students. Agencies requested that SED promulgate guidelines to clarify who is the presumptive provider of services for both traditional and distance learning programs located within a school district or BOCES boundary.

The SED Office of Counsel provided a ruling based on education law and on the regulations of the Commissioner of Education regarding this issue. Recommendations made by the Distance Learning Advisory Group are reflected in this policy.

417.1 - Traditional Programs

Traditional programs are those in which a teacher in a classroom works directly with

students. These programs are academic in nature – Adult Basic Education (ABE), Adult Secondary Education (ASE or HSE preparation), or English Language Learners (ELL). These programs may also contain up to 50 percent non-academic components generally related to workforce preparation or life skills. EPE aid is generated in these programs based on seat time. A teacher in a classroom with ten students for one hour generates ten contact hours; this number is multiplied by their EPE rate to determine how much funding can be claimed.

Traditional Programs in BOCES

BOCES may operate a program physically located in any school district within its boundaries without written permission from the district. This includes component, independent and Big Five districts. The exception is where the school district can demonstrate that the BOCES program is duplicative of services offered by the district. (See Dispute Resolution 417.4). Since New York City is not within the boundaries of a BOCES, any BOCES wishing to operate a program within the boundaries of New York City must have written permission from the Chancellor of the NYC Department of Education. A BOCES may operate a program physically located in another BOCES district only with written permission of the BOCES District Superintendent and from the superintendent of the school district in which the program will be located. Any BOCES may serve students residing outside of their district without permission, as long as the program site is physically within the BOCES supervisory district boundaries. In all of these cases the BOCES claim these students at their own EPE rate.

Traditional Programs in School Districts

Programs physically located within the boundaries of a school district may serve students residing in other school districts without permission from that district. These students are claimed using the school district's EPE rate. If a school district wishes to operate a program physically located within the boundaries of another school district, the school district operating the program must have written permission from the superintendent of the other district. A school district can prevent another school district from operating a program physically located within the district's boundaries, but cannot prevent a BOCES from operating a program physically located within their boundaries if the district is within the BOCES district boundaries. The exception is where the school district can demonstrate that the BOCES program is duplicative of services offered by the district. (See Dispute Resolution 417.4)

417.2 - Distance Learning Programs

Distance learning programs are those in which the teacher and student are not in the same location. The initial intake/assessment process and all subsequent testing must be done in person. All time spent with the teacher generates traditional EPE aid. All distance learning programs are structured around a two-week packet model. The teacher assigns twelve hours of work every two weeks for each student. When a packet is received, reviewed and corrected, and a new packet prepared and sent out, the agency may claim 12 contact hours. Packets may be physical (i.e., the actual materials are sent back and forth between the teacher and the student), or electronic (i.e., delivered via a computer and the Internet). As with traditional classroom programs, each packet must have a minimum of 50 percent or six hours in a two-week period of

academic work – ABE, ASE or ELL. Each packet can contain a maximum of 50 percent or six hours of non-academic work. Because distance learning is designed to serve students in remote locations, the capability of serving students living in areas far from the agency offering services is greater. For further information regarding distance learning programs, please see the Program Manager and Instructor Guide for Distance Learning:

http://www.acces.nysed.gov/common/acces/files/aapp/documents/Distance_Learning_Guide%20Revised%20-%207-24-2013-Ver2.pdf

Distance Learning Programs in BOCES

BOCES may serve students in distance learning residing in every school district within the boundaries of the BOCES supervisory district; including students residing in component, independent and Big Five districts. No permission is needed from these districts. The exception is in cases where the school district can demonstrate that the BOCES program is duplicative of services offered by the district. (See Dispute Resolution 417.4). BOCES wishing to serve students residing in other BOCES supervisory districts must have written permission signed by the District Superintendent of the BOCES district and the superintendent of the school district in which the student resides. The written permission is on the institution level and need not be done for individual students. BOCES wishing to serve students residing in New York City must have written permission signed by the Chancellor of the NYC Department of Education. All distance learning students must be claimed at the BOCES EPE rate.

Distance Learning Programs in School Districts

School districts may only serve students residing in other school districts if they have written permission signed by the superintendent of the other district, or, in the case of New York City, by the Chancellor of the Department of Education. The distance learning students must be claimed at the EPE rate of the agency providing the service. A school district can prevent another school district from operating a distance learning program for students residing within their boundaries, but cannot prevent a BOCES from operating a program serving students residing within their boundaries if the district is within the BOCES district boundaries. The exception is where the school district can demonstrate that the BOCES program is duplicative of services offered by the district. (See Dispute Resolution 417.4)

417.3 - Other Geographic Range Issues

- **Intake Process** - Students should only participate in distance learning programs if they are unable to attend traditional programs. The agency providing distance learning is responsible to fully inform students of traditional programs and services available in their area of residence. The intake process for distance learning programs must be consistent with the intake process for traditional programs offered by the agency. It is imperative that only appropriate students be enrolled. All potential distance learning students must be given the Project Ideal intake survey. Distance learning students must be able to work independently and have access to technology including a computer and a phone.
- **Written Permission Format** – Written permission for an agency operating within the

boundaries of another district, or for students to participate in distance learning programs offered by agencies located in a district other than the one in which he/she resides need not be done annually. Written permission can be withdrawn at any time by the agency in which the program is being offered or, for distance learning programs, the district in which the student resides. When permission is withdrawn, the agency providing the program will have 90 days or until current students exit, whichever is longer, to end the program. This permission can be in any format including but not limited to: a release, a COSER, a memorandum of agreement (MOA), or a memorandum of understanding (MOU). It should contain at a minimum:

- A description of the services being provided
- For traditional programs, the location of the programs
- Description of the target population
- Approximate number of students proposed to be served
- The signature of both superintendents

When a school district or BOCES asks for permission in writing to operate a program located in another district or, for distance learning, to serve students residing in another district, if a response is not received within four weeks from the postmarked date, it will be assumed that permission is granted. Previous written agreements are still valid.

- **Regional Distance Learning Committees** – The State Education Department will convene regional committees on an as needed basis, comprised of all distance learning providers in each of the seven RAEN areas chaired by the RAEN Directors to review the need and availability of distance learning programs in the region. These committees will make recommendations to the SED Technology Group regarding the level and type of distance learning programs offered throughout the region.
- **Students Who Are Not Residents of New York State** – Students who are not residents of New York State cannot generate EPE aid; only students residing in a school district in New York State can generate this State Aid.

417.4 - Dispute Resolution

While BOCES may operate programs located in school districts within the geographic boundaries of their supervisory district without permission, it is recommended that there is consultation with the school districts. It is also recommended that BOCES wishing to provide distance learning programs to students residing within the boundaries of school districts within their supervisory district do so in consultation with the school districts.

In cases where a BOCES and a school district both wish to operate a traditional program physically located in the school district which is within the BOCES' supervisory district, or if a BOCES wishes to provide distance learning to students residing in a district within their supervisory district, the school district may feel that the program is not needed and may adversely affect their program. If this is the case, if the complaint is brought to the attention of SED, SED will review the substance of the complaint. Under the authority given to the New York State

Education Department by Education Law section 3602(f), the issue will be reviewed and, taking into consideration program performance, the comprehensive plans of service of both agencies will be evaluated to determine if one or both agencies are the most appropriate provider of services.

418 - STATEMENT OF GENERAL ASSURANCES

A Statement of General Assurances signed by the Superintendent of each school district or BOCES receiving EPE Aid must be submitted with each year's application. This document (see Appendix II) requires the Superintendent to agree to comply with all of the statutory requirements of the EPE Program. These requirements are also contained within the text of this manual in appropriate sections.

419 - EPE AND OTHER FUNDING SOURCES

While some EPE programs operate exclusively using EPE aid funding, most use EPE aid in combination with a range of different resources. The most common sources are:

- Workforce Innovation Opportunities Act Title II (WIOA)
- the New York State Welfare Education Program (WEP) targeted to public assistance recipients, and
- local resources.

The WIOA and WEP programs are competitive and the dates of RFP release vary from year to year. Agencies should periodically consult the AEPP team web site at: <http://www.acces.nysed.gov/procurement.html>

Care must be taken in allocating costs when funding sources are combined. EPE funds must be spent on programs for EPE eligible students.

420 - ADDITIONAL ISSUES REGARDING PROGRAM REQUIREMENTS

421 – Tuition

Tuition can be charged to students in EPE programs. Programs using EPE funds are not required to provide all services free of charge to participants. New York State Education law specifically mentions tuition as one source of bridging the gap between aid and cost. Although tuition may be charged, the AEPP Team recommends that whenever possible, literacy and basic education programs be provided free of charge to participants because a high percentage of the population served by these programs have low incomes.

422 - Coordinated Programs with Community Colleges

Several community colleges and BOCES and school districts have coordinated programs combining EPE State Aid and Non-credit Remedial FTE funding. Because Non-credit FTEs may be used to serve students with a high school diploma or who are 20 years old or younger, these programs are able to serve both EPE-eligible and non-eligible students. In the SED recommended

format for programs which combine EPE and FTE aid, EPE funds are generated by EPE-eligible students while non-credit FTEs are generated by non-EPE eligible students.

Costs for the EPE eligible and non-eligible students are paid by the appropriate source. This allows for appropriate proration of costs and expenditures and avoids any question of inappropriate use of funds. EPE funds can only be generated if the teacher is employed by the school district.

Combining funding sources to cover the actual expenses of operating a program is acceptable. It is acceptable to charge tuition to generate additional revenue. However, if the combined total of the tuition plus the EPE aid plus all other sources of revenue for the program exceeds the actual cost for the year, then the excess EPE must be returned to SED.

In the case of non-credit FTEs, if they are claimed by the community college for EPE-eligible students, the total of FTEs and EPE aid claimed per student per contact hour cannot exceed the actual cost of the education program. If the revenues do exceed the cost per hour, then EPE must be returned to SED. Funds received by the school district or BOCES on a contractual or fee-for-service basis in this arrangement must be considered a part of the total revenues for that school year.

422.1 - Equipment Disposal

Equipment (items with a per unit value greater than \$5,000) purchased with EPE funds should be disposed of in the following way:

- If the equipment is disposed of, a receipt must be kept of the disposal.
- If the equipment is given to a charitable organization, a receipt must be obtained.
- If the equipment is sold, a receipt of the sale must be kept as well as evidence that the revenue from the sale is being used on the EPE program. Used equipment must be sold at fair market value. Proceeds from sale of assets should be included as EPE revenues (or a portion of the proceeds if the asset was originally only partially allocated to the EPE program).
- If the equipment is traded in, the receipt of purchase must be kept indicating the trade-in value.
- If equipment purchased with EPE funds is transferred to a non-EPE non-adult education program, or if an EPE program closes, equipment purchased with EPE funds can be used by the school district or BOCES if the school reimburses SED for the fair market value of the equipment. If the equipment is disposed of as indicated above, any profit resulting from the sale of used equipment must be returned to the State Education Department.

422.2 - Education and Employment Plan (EEP) Requirements

All students in the EPE program must have an Education and Employment Plan (EEP) prepared for them and on file in a readily accessible location. At a minimum, the EEP should contain all testing information, student goals that are established consistent with the National

Reporting System (NRS) for adult education, an individually prescribed instructional program designed to meet the established goals, and a record of goal attainment. It is recommended that EPE agencies implement the New York State Education Department's Adult Career Plan for all students. The Career Plan provides a comprehensive basis for employability development for all students in workforce preparation programs. <http://www.emsc.nysed.gov/cte/careerplan/>.

APPENDIX I

Employment Preparation Education State Aid Claim Form SA 160.1

Part 2. Claim Form and Interim Projections for Students without a High School Diploma or Equivalent

	Components	Claim Form July -December		Full Year Projections** July -June	
		Contact Hours	Enrollment	Contact Hours	Enrollment
Line 1	Traditional Adult Education				
Line 2	Distance Learning Education				
Line 3	Adult Occupation Education				
Line 4	Work Experience				
Line 5	TOTAL				

Line 6	Additional Adult Career & Technical Education not tracked in ASISTS				
	TOTAL				

Agency Name:

SED ID:

Program Manager:

Telephone:

Address:

Superintendent Name (Please Print): _____

Superintendent Signature: _____

Date: _____

APPENDIX I

Employment Preparation Education State Aid Claim Form SA 160.1

Part 2. Claim Form and Interim Projections for Students with a High School Diploma or Equivalent

	Components	Claim Form July - December		Full Year Projections** July - June	
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Line 3	Adult Occupation Education				
Line 4	Work Experience				
Line 5	TOTAL				

Line 6	Additional Adult Career & Technical Education not tracked in ASISTS				
	TOTAL				

Agency Name: _____

SED ID: _____

Program Manager: _____

Telephone: _____

Address: _____

Superintendent Name (Please Print): _____

Superintendent Signature: _____

Date: _____

APPENDIX II

STATEMENT OF GENERAL ASSURANCES

Employment Preparation Education

Program

The Superintendent or Chief Administrative Officer of the applying agency certifies that: The officer signing the application is officially empowered to act on behalf of the agency.

For the Employment Preparation Education (EPE) programs, other than credit-bearing high school courses, the following program approval requirements will be met:

- a curriculum developed or approved by the State Education Department will be used,
- instruction will be individually prescribed and paced in each class,
- individual student folders will be easily accessible to students and teachers, and will include information concerning attendance, testing and program needs as required for the Individual Student Record Form. Copies of original score sheets for pre and post testing must also be in every student's folder.
- no class register will have more than 20 students unless a written waiver is received,
- classes will operate at least 6 and not more than 20 hours per week, unless otherwise approved by the Commissioner of Education,
- a total of at least 150 hours of instruction will be made available to individual students,
- education and employment preparation plans will be developed for individual adult students,
- each professional staff member serving in the Employment Preparation Education programs will take at least twelve hours of staff development annually related to the development and organization of such programs for adults,
- English-speaking students will be given tests in reading and mathematics to determine their approximate skill level,
- English-speaking students in need of basic skills will be provided instruction in reading, mathematics, oral and written communication and life skills,
- English-speaking students will be given standardized achievement tests which report scores in grade equivalents and which have forms for retesting at required intervals, or will be given other such instruments approved by the Commissioner of Education.
- students with limited English proficiency will be given placement tests before being placed in appropriate level instructional programs,
- students with limited English proficiency will be provided instruction in listening, reading, oral and written communication, and life skills,
- students with limited English proficiency will be given achievement tests specifically designed for such students, or will be given other such instruments approved by the Commissioner of Education,
- students will not begin instruction specifically designed to prepare them for the HSE test tests unless they read at an 8.0 grade level as measured by a standardized reading test,
- students preparing for the HSE test will be given diagnostic tests to determine the specific

instruction needed to attain the minimum score to qualify for a New York State High School Equivalency Diploma, and will be provided such instruction,

- students preparing for the HSE test will be referred to the tests when they demonstrate readiness, as indicated by the HSE, these test scores must be recorded in ASISTS.
- students with other needs will be provided appropriate instruction as determined by the Commissioner of Education,
- all students will be tested at intervals necessary to determine status and progress, and;
- programs will submit required data to the State Education Department via the electronic data system ASISTS. Agencies will apply minimum requirements for program administration and data staff per the requirements below:
 - \$100,000 or less - programs must have at least a .25 FTE administrator and data staff
 - \$100,001 - \$160,000 – programs must have at least a .3 FTE administrator and data staff
 - \$160,001 - \$220,000 – programs must have at least a .4 FTE administrator and data staff
 - \$220,000 - \$300,000 – programs must have at least a .5 FTE administrator and data staff
 - \$300,001 – \$380,000 – programs must have at least a .6 FTE administrator and data staff
 - \$380,001 - \$460,000 – programs must have at least a .7 FTE administrator and data staff
 - \$460,001 - \$540,000 – programs must have at least a .8 FTE administrator and data staff
 - \$540,001 - \$620,000 – programs must have at least a .9 FTE administrator and data staff
 - \$620,00and over – programs must have at least a 1.0 FTE administrator and data staff

Administrator and teacher qualifications will be governed by Part 157.1 of the Codes, Rules and Regulations of the State of New York.

The facilities used to provide instruction for EPE programs will be covered by fire and liability insurance and will meet all applicable State or local fire and safety standards.

The heating, lighting and ventilation of instructional facilities will be conducive to learning.

The agency will comply with Title IX, Education Amendments of 1972; Title VI of the Civil Rights Act of 1964; the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1991.

I have completed this application accurately to the best of my knowledge and have read and understood the entire Statement of General Assurances. I understand that Employment Preparation Education aid generated by these programs expended only on EPE programs.	
Signature of Superintendent or Chief Administrative Officer (original)	Date
Print or type name	
Agency Address	
Telephone No.	Email

APPENDIX III

EMPLOYMENT PREPARATION EDUCATION (EPE) STATE AID CLAIM

FORM INSTRUCTION SHEET

Background

Subdivision 24 of Section 3602 of the Education Law and Part 168 of the Regulations of the Commissioner of Education establish requirements governing the Employment Preparation Education (EPE) State Aid Program. EPE provides contact hour reimbursement to school districts and BOCES serving adults 21 years of age or older who have not received a high school diploma or equivalency diploma issued from any state or territory of the United States who attend adult education programs approved by the Education Department.

The New York State Legislature enacted legislation to allow Employment Preparation Education (EPE) State aid to be generated by individuals aged 21 and above who have been awarded a high school diploma or high school equivalency diploma issued by a state or territory of the United States who "fail to demonstrate basic education competencies". In Commissioner's Regulations this was defined as scoring below level 5 of the National Reporting System for adult education as measured by the following standardized tests:

- For Adult Basic Education - scoring at or below grade level 8.9 in reading or mathematics on the TABE version 9-10
- For English as a Second Language - scoring below 507 on the BEST Plus test

As indicated in the memorandum of May 14, 2001, these contact hours must be tracked and reported separately. Because only \$2.5 million of the total allocation is available for these students, agencies should claim no more than 3 percent of their total claim for those with a diploma. Agencies claiming more than 3 percent will not be paid in full if New York State exceeds the \$2.5 million cap.

If for the program year 2015 – 2016, the legislature provides funding for the EPE set aside for serving individuals 21 years and older who have a high school diploma but lack the literacy skills for employment, an agency's allocation of State Aid available to be claimed for these students is capped at 3% of total EPE funds allocated to the agency.

Students who have received the HSE within the previous 12 months are not eligible to generate EPE contact hours even if they score below a level 5 in the National Reporting System as described above.

The claim will be automatically completed by the ASISTS database. Agencies that generate Adult CTE hours that are not captured by ASISTS may enter those numbers manually. The ASISTS generated SA 160's must include an original signature of the District Superintendent or the Superintendent. However, a copy must be faxed with or without a signature to meet the deadline as long as a copy with an original signature follows.

Part 1. (Part 1 has been removed from the SA160's)

Part 2. Claim Form, Interim Projections and Enrollment Distribution for Students without a High School Diploma or Equivalent

The SA- 160.1 is used to claim EPE Aid for the period July 1, through December 31, and is due in February. The due date is scheduled annually and announced by NYSED. The SA- 160.2, for the period January 1 through June 30, is due in September. The due date is scheduled annually and announced by NYSED. Claims received after the due date may not be processed or paid.

The interim projections are the methodology by which SED reallocates EPE contact hours. It is imperative that the interim projections are included and represent the entire year.

Agencies projecting a higher generation of EPE contact hours on the SA 160.1 are not automatically approved to receive an increase in EPE State Aid. Reallocations of EPE State Aid, within the funds available statewide, will be considered after all Interim Projections have been reviewed. Agencies will be notified in writing.

Part 3. Claim Form, Interim Projections and Enrollment Distribution for Students with a High School Diploma or Equivalent

The same information is reported in Part 3 as in Part 2, for those students that have been awarded a high school diploma or equivalency, but “fail to demonstrate basic education competencies” as defined above. If total contact hours claimed for these students exceeds 3 percent of the total claimed the additional funds may not be paid.

Traditional, High School Credit and Career & Technical Education Components

ASISTS calculates the contact hours as follows:

For the Traditional, High School Credit and Career & Technical Educational Component a contact hour is regarded as 60 minutes of instruction by a teacher per student. For example, an adult basic education mathematics course has 15 EPE eligible students, who attend 60 minutes of instruction each day for one week. The contact hours would be computed as follows:

$$15 \text{ students} \times 1 \text{ hour/day} \times 5 \text{ days/week} = 75 \text{ contact hours for this class}$$

NOTE: Programs may not claim EPE for their students who have passed the HSE test within the last twelve months but plan to continue in an Career & Technical Education program, regardless of whether their TABE scores place them at NRS Level 4 or not.

Work Experience Component

ASISTS calculates the contact hours as follows:

Work Experience Programs are unpaid, structured and supervised work activities/tasks for a specified period of time in a public or private, profit or not-for-profit setting that enhance and support a written Education and Employment Plan (EEP) for the adult student. The on-site work experience is reimbursed at .5 contact hour for every hour on the work site. In addition to the on-site work experience, the program must include traditional classroom education comprising at least 30 percent of the total program hours. The classroom component can

include any traditional academic program that the agency is approved to offer in their comprehensive plan of service. Agencies must submit the program design and curricula for the work experience program as part of the comprehensive plan of service.

The work experience program must be operated by an EPE-eligible agency and both the classroom teacher(s) and the teachers monitoring the work sites must hold initial, professional, provisional, or permanent New York State teachers certification or temporary three-year adult education certificates. In addition, the work activity needs to be a non-paid activity.

For example, 6 students work 2 hours per day, 3 days per week, at a non-paid work site that is monitored weekly by a certified work site supervisor. The computation for contact hours follows:

$$6 \text{ students} \times 2 \text{ hours/day} \times 3 \text{ days/week} \times .50 \text{ (one-half hour per hour)} = 18 \text{ contact hours/per week}$$

Agencies must maintain supporting documentation to verify the total work experience contact hours reported. The classroom component of the work experience program should be claimed in the “traditional” section.

Distance Learning Component

ASISTS calculates the contact hours according to the following:

EPE hours for distance learning programs are calculated by determining the maximum number of professional staff hours that can be claimed by adding the number of students actively enrolled in the program each week for the length of the program and multiplying the cumulative total by 30 minutes or .5 hours. (For aid purposes, districts and BOCES are limited to an average of 30 minutes per week of professional staff time for each person actively enrolled.) The result is multiplied by 12 to determine the maximum number of contact hours that may be claimed. For example: A district's distance learning program has an active enrollment over a ten-week period as follows:

Active Enrollment in a Distance Learning Program Operated by a School District											
Week	1	2	3	4	5	6	7	8	9	10	Total Active Enrollment
Active Enrollment	42	40	41	45	40	42	44	42	45	39	420

Since the cumulative active enrollment for the ten-week period is 420, the allowable

maximum that may be claimed is $420 \times .5$ hours or 210 professional staff hours. Multiply the allowable maximum professional staff hours by 12 (i.e., 210×12) to arrive at the total number of contact hours (2,520).

If the full 210 professional staff hours were not expended, the number of professional staff hours actually expended would be multiplied by 12 to arrive at the total contact hours to be claimed. In no case could the district in the example claim more than 210 professional staff hours in the calculation to arrive at the contact hour total. School districts and BOCES must be able to document the actual number of professional hours expended.

EPE Revenue and Expenditures

Section 3602.24 (g) of Subdivision 24 of the Education Law requires that the State Education Department reduce the following year's EPE Aid when the total revenues for EPE, when added to all other State and federal aid received for such purposes including tuition paid to the school district for such a program, exceeds the total expenditures for the EPE program.

Once the second period EPE claim form is processed and the resulting payment is made, the State Education Department's State Aid office will contact the EPE State Aid recipients for a reconciliation of the EPE revenue and expenditures. These figures will be compared with your ST3 or SA111 Financial Report. The outcome of that reconciliation will determine whether an adjustment is necessary in the subsequent year's EPE payments.

APPENDIX IV

Suggested LD Screening Procedure

1. Each agency should publish its nondiscrimination statement via site postings and inclusion in student orientation materials. Beginning July 2007 programs will include in their oral orientation/intake the following:
 - Notice Under ADA
 - ADA Complaint Coordinator for Program
 - Three Step Grievance Policy
 - Obtain Student Signature on Being Provided this Information.
2. Each agency will identify the adult student population to be screened for learning disabilities, e.g., native English speaking ABE/HSE students who score below a TABE Level 3; all native English speaking incoming ABE/HSE students; all native English speaking students who fail to progress after a designated number of contact hours; etc. Students may also self-disclose a prior LD classification or be identified by a teacher as potentially learning disabled.
3. Students in the targeted group(s) will be offered a screening utilizing the “Washington 13” Brief Screening Tool for Special Learning Needs. Students may decline this process by signing a waiver.
4. Students who score 12 or more on the Washington 13 and who answer, “yes” to “Do you want us make modifications for you as best we can in class?” will be offered classroom modifications as best as can be delivered with the available resources.
 - The types of modifications provided in the classroom without a diagnosis must be the same nature as the modifications required to pass the HS test. Refer to the section on the NYSED-HSE web page:
Accommodations for Disabilities website at: <http://www.tasctest.com/special-needs-accommodations.html>
5. Teachers will learn and use instructional strategies that support LD students and will provide students with strategies that will facilitate their own success. The RAEN’s will provide the necessary professional development and resources for teachers.

If adult students fail to make adequate progress in spite of the above measures, it will be suggested that they consider getting a formal diagnosis or possible referral on their own via DSS, a psychologist, or ACCESS–VR.

THE UNIVERSITY OF THE STATE OF
 NEW YORK THE STATE EDUCATION
 DEPARTMENT BUREAU OF STATE AID

APPENDIX V

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SED USE ONLY

WEST HALL #507, EDUCATION
 BUILDING ALBANY, NEW YORK
 12234

DISTRICT FINAL EXPENDITURE REPORT FOR 20-** EMPLOYMENT PREPARATION
 EDUCATION PROGRAMS**

(Complete and return this form to: Bureau of State Aid, New York State Education Department, Room 507
 Education Building, Albany, NY 12234.)

Agency Name:	
Contact Person:	Phone:

The following payments of 20-** Employment Preparation Education (EPE) Aid have been made to your agency:**

PAYMENT DATE	AID AMOUNT*
TOTAL:	(A)

*Amount may not match received check amounts due to the deduction of overpayments.

These funds are intended to reimburse your agency for expenditures incurred during the 20**-** school year in operating an approved Employment Preparation Education (EPE) Program, excluding any such expenditures made from funds provided under other State or Federal Aid programs or from tuition or fees collected from program participants.

INSTRUCTIONS: Please indicate below the specific 20**-** EPE expenditures for which your agency has claimed 20** EPE Aid (all or part of the expenditures reported at account code F2340.0 of the 20** Annual Financial Report). It is important to itemize expenses by activity code. Documentation of reported expenditures, related revenues and claimed EPE contact hours must be maintained by your agency for possible future audit.

Do not include any EPE expenditures that were made from funds provided under other State or Federal Aid programs or from tuition or fees collected from program participants.

ACCOUNT CODE	EXPENDITURES INCURRED DURING THE 20**-** SCHOOL YEAR AND CLAIMED FOR 20**-** EPE AID
F2340.15	
F2340.16	
F2340.2	
F2340.4	
F2340.45	
F2340.49	
F2340.8	
TOTAL	(B)

\$ _____ MINUS \$ _____ =\$ _____
(A) (B) (C)

NOTE: Any value at (C) that is greater than \$0.00 represents an overpayment of 20**-** EPE Aid, and will be recovered by the State from future aid payments to your agency.

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(DATE)

(SIGNATURE)