

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 95

(Chair, Finance Committee)(By Request - Departmental -
Labor, Licensing and Regulation)

Finance

Economic Matters and Ways and Means

**Division of Workforce Development and Adult Learning - Adult Education and
Literacy Services - Revisions**

This departmental bill defines adult education and the purpose of adult education and literacy services. The bill repeals the now-defunct Workforce Creation and Adult Education Transition Council and obsolete authority for county boards of education to establish and maintain day and evening schools for adults. The bill also clarifies provisions relating to adult education and literacy services and replaces references to the Maryland Adult External High School Program established for Maryland citizens with references to the National External Diploma Program.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: None. Most of the changes are technical in nature and do not directly affect governmental finances. The other changes conform with new federal law or codify existing practice, such as the Department of Labor, Licensing and Regulation (DLLR) and the State Board of Education must award diplomas to eligible individuals under the National External Diploma Program.

Local Effect: None.

Small Business Effect: DLLR has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary: Adult education is defined as academic instruction and education services below the postsecondary level for individuals who are at least 16 years old, not enrolled or required to be enrolled in high school, and are either deficient in basic skills, lack a high school diploma or a recognized equivalent and have not achieved an equivalent level of education, or are English language learners.

DLLR must be responsible for the development of components of the State plan required to be submitted under federal law to carry out adult education and literacy services.

The purpose of adult education and literacy services is to:

- assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency;
- assist adults who are parents or family members to obtain the education and skills necessary to become full partners in their children's educational development and to lead to sustainable improvements in the economic opportunities for their family;
- assist adults in attaining a secondary school diploma and in the transition to postsecondary education and training, including through career pathways; and
- assist immigrants and others who are English language learners by improving their English language proficiency in reading, writing, speaking, and comprehension skills, improving their math skills, and acquiring an understanding of the American system of government, individual freedom, and the responsibilities of citizenship.

The Adult Education and Literacy Services Office in DLLR must distribute competitive grants for adult education and literacy services in accordance with the State plan for services required under the federal law for adult education and literacy services. These grants may be used for adult education and literacy services including (1) basic skills instruction; (2) preparation and instruction for obtaining a high school diploma by examination; (3) the National External Diploma Program; (4) Workplace Literacy Services and workforce preparation activities; (5) English for speakers of other languages and integrated English literacy and civics education; (6) family literacy; (7) literacy instruction; and (8) integrated education and training. DLLR must compile a list of these grant recipients by county for adult education and literacy services offered to the public.

DLLR and the State Board of Education must award diplomas to individuals meeting the requirements of the National External Diploma Program. Instead of being at least 16 years old to obtain a high school diploma by examination, an individual must not be subject to compulsory school attendance. A current member of the U.S. Armed Forces is exempt

from the residency requirement for the examination and may earn a Maryland high school diploma by passing the examination.

Current Law/Background: Adult Education and Literacy Services was transferred from Maryland State Department of Education (MSDE) to DLLR by Chapter 134 of 2008. Its mission is to provide leadership for the establishment of adult education goals, oversight for implementation of the federal Adult Education State Plan, and administration of the statewide general equivalency development (GED). The Adult Education and Literacy Program delivers literacy and English language instruction and high school diploma options for adults and out-of-school youth. The office oversees Maryland's Adult Instructional Services and GED testing programs. Instructional programs include Adult Basic Education; Adult Secondary Education, including GED test preparation and the National External Diploma Program; English for Speakers of Other Languages; English Literacy/Civics education; Family Literacy; and Workplace Education.

To facilitate the transfer of Adult Education and Literacy Services Office from MSDE to DLLR, Chapter 134 established the Workforce and Adult Education Transition Council. The council was charged with developing a plan for the transition of programs to DLLR, assisting in the development of a State plan for adult education, developing strategies for coordination of adult education programs, recommending a service delivery model for effectively coordinating adult education and workforce programs, reviewing correctional education programs and determining the appropriate placement of these programs, and making recommendations for a State advisory council.

The council, staffed by DLLR, reported its activities and recommendations to the Governor and the General Assembly by December 31, 2008. The report included a transition plan that addressed program continuity, employee transfer, coordination among State agencies, and strategies for overcoming potential challenges to effective implementation.

The Adult Education and Literacy Services Office must distribute competitive grants for adult education and literacy services in accordance with the State plan for adult education and family literacy. These grants may be used for adult education and literacy services including (1) GED instruction; (2) the Maryland Adult External High School Program; (3) Workplace Literacy Services; (4) English for speakers of other languages; (5) family literacy; and (6) literacy instruction. DLLR must compile a list by county of adult education and literacy services offered to the public.

A Maryland resident may obtain a high school diploma by examination through the Maryland Adult External High School Program. To qualify, an individual must be at least age 16 and may not have already obtained a high school certificate or diploma. The individual must also have officially withdrawn from a regular public or private school. Maryland administers the National Adult External Program, an alternative option for adults

to earn a high school diploma, offered by the Comprehensive Adult Student Assessment Systems.

Chapter 494 of 2012 phases in increases in the age of compulsory school attendance from 15 to 17. Beginning with the 2015-2016 school year, the age of compulsory school attendance increases from 15 to 16 for any child who turns 16 on or after July 1, 2015. Beginning with the 2017-2018 school year, the age of compulsory school attendance increases from 16 to 17 for any child who turns 17 on or after July 1, 2017.

The Workforce Innovation and Opportunity Act (WIOA) was signed into federal law on July 22, 2014, replacing the Workforce Investment Act (WIA) of 1998. WIOA became effective July 1, 2015, and the State has until July 1, 2016, to conform to WIOA. WIOA is designed to help job seekers access the employment, education, training, and support services needed to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes WIA of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education; Department of Labor, Licensing, and Regulation; Department of Legislative Services

Fiscal Note History: First Reader - January 19, 2016
md/rhh

Analysis by: Heather N. Ruby

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Adult Education and Literacy Services Office in the Division of
Workforce Development and Adult Learning – Revisions

BILL NUMBER: SB 95

PREPARED BY: Brandon Butler, Deputy Assist Sec., Workforce Dev. and Adult Learning

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed action will have minimal or no economic impact on Maryland's small businesses. The proposed action amends statutory language to comport with federal law and to further reflect the transition of the Adult Learning program, which occurred in FY 2008.