

The U.S. Departments of Education and State, as well as Homeland Security recently have changed some interpretations, policies and procedures that affect our enforcement of ABE enrollment requirements.

Basically, the changes include:

1. We still can't serve people who are in this country on a student visa (F-1, M-1) in publicly funded adult education activities or services. **But:**
2. The U.S. Department of Education used to tell us that we also could not serve people here on tourism or business (B-1, B-2) visas. Then the Department of State changed their website to imply B-1 or 2 visa-holders could participate in "short courses." **But:**
3. Homeland Security apparently gets records of everyone who is enrolled in college. We've received phone calls about "tourists" and "business people" being denied re-entrance to the U.S. because they had enrolled in an ESL "short course" on their previous visit without having a student visa. So, be very careful about counseling or accepting such students into your program!
4. The U.S. Department of Education and U.S. Department of State officials have been conferring about people who come to this country on "exchange visitor" visas (J-1) to work as "nannies." These agency experts now have concluded that since the "au pair" or "nanny" legislation requires such exchange visitors to have graduated from high school, to be able to speak English, and to be able to participate in academic college-level courses, they are not eligible for ABE. Therefore, please do not enroll J-1 "au pairs" into ABE.

What follows is the revised letter I'll be sending out in response to visa and residency and Social Security number inquiries:

Requirements for Enrollment in Adult Basic Education

Neither state residency nor U.S. citizenship nor sharing of Social Security numbers is required for adults and out-of-school youth to participate in Adult Basic Education (ABE, ESL, GED Preparation, or High School Completion programming).

To participate in Adult Basic Education in Washington State, a person:

1. Must be at least 16 years old;
2. Must not be enrolled, or be required to be enrolled, in secondary school, and
3. Must either:
 - a. "Lack sufficient mastery of basic educational skills to enable the individual to function effectively in society;"
 - b. Not have a high school diploma or GED and "have not achieved an equivalent level of education," or
 - c. Be "unable to speak, read, or write the English language."

State regulations also require that certain students under 18 years of age obtain permission from their high school in order to participate in ABE: **"WAC 180-51-050 ... (7) A student must first obtain a written release from their school district to enroll in a high school completion program under subsection (3) of this section if the student has not reached age eighteen or**

whose class has not graduated.”

There is no residency requirement for ABE participation. Proof of residency is not required to enroll in Adult Basic Education classes. The \$25 per quarter tuition charge for college-based ABE may be waived for students who cannot pay, regardless of residency.

There is no citizenship requirement for ABE participation. People who are in this country on a student (F-1, M-1) visa, however, are not allowed to participate in publicly funded adult education. People in this country as “nannies” or “au pairs” on a J-1 exchange visitor visa are required to participate in college-level academic classes, not in ABE. Homeland Security may have additional procedural rules regarding non-citizens.

A unique student identification number is required for all ABE students. It does not have to be a Social Security number. The student, not the ABE provider, must decide whether to supply a Social Security number. Data for several of the mandatory reporting criteria (earning a GED or high school diploma, finding or retaining employment, and enrolling in further education or training), however, are derived by matching student Social Security numbers with other databases. An ABE provider’s performance rates therefore may be understated when student Social Security numbers are not available.

After enrollment in ABE, making education gains is required to continue participating: **WAC 132N-160-040** ... “(3) Students age sixteen and over who meet the provisions of “Title III - Adult Education Programs” (Adult Education Act, 20 U.S.C. secs. 1201 et seq.) may enroll in certain basic education classes. Persons admitted into such classes (basic skills, academic support, and/or remedial) will be allowed to continue as long as they demonstrate, through measurable academic progress, an ability to benefit...”

The Internal Revenue Service (IRS) does require colleges to collect college students’ names, Social Security numbers, and payments to report qualifying tuition and fees for both the Hope Tax Credit and the Lifetime Learning Tax Credit. No reporting to the IRS, however, is required for basic skills tuition (waived or paid), since those fees do not qualify under the Hope Scholarship or Lifetime Learning Tax Credit.

If you have any questions, please let me know.

Brian

Brian Kanen
Adult Basic Education Policy Associate
WA State Board for Community & Technical Colleges
1300 Quince St. SE, P.O. Box 42495, Olympia, WA 98504-2495
Phone: 360.704.4324 Fax: 360.704.4419