Minnesota Adult Basic Education (ABE)

**Eligible Student Policy**

**Policy Development Date: April 12, 2013**

**Policy Implementation Date: July 1, 2013**

**Latest Policy Revision Date: August 16, 2014**

**Policy Overview**

***Background***

Adult Basic Education pro­vides adults with educational opportunities to acquire and improve their literacy skills necessary to become self-sufficient and to participate effectively as productive workers, family members and citizens. The generic term of “ABE” in Minnesota includes several specific types of programs: GED, Adult Diploma, ESL, basic academic skills and workplace skills enhancement, Family Literacy, Transition to Postsecondary, and citizenship/civics education.

Our state demographics document a clear need for adult education. More than 500,000 Minnesotans are eligible for ABE because they are at least 17 years old, are not enrolled in school, and have educational skills below the high school comple­tion level. According to the American Community Survey of the U.S. Census, 10% (388,074) of Minnesotans over 18 years old lack a high school diploma or its equivalent. Additionally, the State Demographer’s Office estimates that one in ten Minnesotans over 5 years old speak a language other than English. One out every 15 workers in Minnesota is an immigrant or refugee.

On August 16, 2014, the eligible age for ABE in Minnesota raised to 17, due to the age change in compulsory attendance in K-12, as outlined in Minnesota State Statute 120A.22.

**Determining ABE Student Eligibility**

Adult Basic Education means services or instruction below the postsecondary level for individuals:

1. Who have attained 17 years of age; and
2. Who are not enrolled or required to be enrolled in secondary school under state law; and
3. Who qualify under one or more of the following conditions:
	1. Are unable to speak, read or write the English language;
	2. Do not have a high school diploma or its recognized equivalent, and have not achieved an equivalent level of education;
	3. Lack sufficient mastery of basic educational skills to enable the individual to function effectively in society.

Students are not eligible for ABE services if they are enrolled in a public or private K-12 program – this includes public or private regular high schools, charter schools, ALCs and other alternative high school programs.

Students who are enrolled in postsecondary institutions are eligible for ABE services if they meet the three conditions above. Please note they cannot be dually enrolled in a K-12 program (e.g. a PSEO student).

***Visas that May Not be Valid for ABE Services***

ABE programs cannot be providing services to (counting ABE contact hours for) clients who are visiting the US on either student visas or tourist visas. These are two types of non-immigrant visas. Visas that that are work-focused (tax paying) non-immigrant visas or are immigrant-focused, meaning the person intends on staying in the United States, are acceptable for ABE services.

ABE programs are not required to check an ABE student’s visa status. Experience has shown that these students often reveal that information on their own to a teacher or program staff person or to other students. If you as a teacher or program staff person discovers that you are serving or about to serve a non-eligible student, you must deny enrollment (for the new student), or immediately un-enroll the non-eligible student that has been previously admitted – and in the latter case, remove that student’s contact hours from your NRS data system.

Tourist or student visa clients can be served by your program ONLY if the program adheres to all of the following requirements:

1. They are not displacing an eligible student, AND
2. If you are not counting their contact hours and enrolling them in your NRS system, AND
3. You are charging the student a substantial fee through community education and that fee is fully covering all the costs to your program. (ABE is not funded for that purpose).

These three conditions are verifiable through audit. Note however, rather than accommodate the student visa or tourist visa client in an official ABE program as described above, ABE programs can refer that student to a private tutoring service or an official, fee-paying community education class to ensure that no sense of ABE impropriety is possible.

Also, please note that this policy is not intended to address in any way undocumented individuals that enroll in ABE – just those with non-eligible non-immigrant visa status.

**Regarding Au Pairs:** Au pairs are individuals that have entered this country under work visas to obtain jobs in private child care. Because they have work visas as opposed to tourist or student visas, they are eligible for ABE/ESL programs just like any resident – provided they meet the other content and test score requirements. Our policy treats them like "migrant workers" who enter this country legally during specific work seasons. So, they may participate for free in ABE programs.

However, since the ABE state statutes and federal laws allow programs to charge fees, you may set a local policy to charge them – especially if they are attending a separate class designed for their needs. Either way, their hours may be counted in the NRS system.

**For More Information**

This policy, along with other ABE policies and resources, can be found online at the [Minnesota ABE Law, Policy and Guidance](http://www.mnabe.org/program-management/law-policy-guidance) Page (http://www.mnabe.org/program-management/law-policy-guidance).

If you have any questions about the Minnesota ABE policies, contact Brad Hasskamp, (651) 582-8594 or brad.hasskamp@state.mn.us.