



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

Adult Career & Continuing Education Services (ACCES)
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December 27, 2023

TO: WIOA, EPE, WEP, or ALE Funded Programs

FROM: Fiormelissa Johnson, Director – Adult Education Programs & Policy (AEPP) (NYSED)

SUBJECT: Program Income Restrictions & Student Fees

The mission of The Adult Education Programs and Policy (AEPP) office within the New York State Education Department (NYSED) is to promote, develop, and support adult education programs with the goal of providing adult students with successful pathways and transitions to post-secondary education, apprenticeship training, and the workforce. To meet this mission, AEPP must address student barriers to employment and success, this memo aims to do just that by addressing Program Income Restrictions and Student Fees.

The Adult Education Programs and Policy (AEPP) office would like to provide clarification on Program Income Restrictions and Student Fees. According to the Workforce Innovation Opportunity Act (WIOA), Public Law 128, no person or organization should charge students a fee in connection with a workforce investment activity under WIOA. The law also states that income administered by a public or private nonprofit entity may be retained if the income is used to continue to carry out the program. In essence, a grantee must not garnish income for profit.

The Education Law, Article 102, on Community Literacy Programs, grants the Commissioner the authority to adopt rules, set eligibility criteria and procedures for all funded grantees. As such, by way of this memo, all AEPP funded programs (WIOA, EPE, WEP, or ALE) are prohibited from charging students any fees. If a program is currently charging students a registration, tuition, incidental, book fees, food or any other fees, bartering for books, or having students volunteer their time in exchange for books or adult education services funded by AEPP, the program must immediately discontinue this practice.

To assure the compliance of this policy, quarterly meetings and annual trainings will address the income restrictions and student fees. Additionally, the annual budget approval process has been amended, whereas AEPP Regional Associates will conduct annual surveys and unannounced visits to determine the compliance of this policy in coordination with the RAEN's and the Accountability Office. Should a program not comply with this policy, the AEPP Director will be notified, as will the Department of Grants Finance, which will result in the withholding of future funds.

For questions regarding Program Income Restriction and Student fees, please email the AEPP office at: AdultEd@nysed.gov or you may email your AEPP Regional Associate for the region where the program is operating:

- NYC Region – Kimberly Malcolm Kimberly.Malcolm@nysed.gov
- Hudson Valley – Diane Schrader Diane.Schrader@nysed.gov

- Long Island – Diane Schrader Diane.Schrader@nysed.gov
- Capital North Country – Lisa Pearson Lisa.Pearson@nysed.gov
- Finger Lakes – Lisa Pearson Lisa.Pearson@nysed.gov
- West – Lisa Pearson Lisa.Pearson@nysed.gov
- Central Southern Tier – Robert Renda Robert.Renda@nysed.gov

cc: AEPP Regional Associates, NYSED
Accountability Office
RAEN Regional Centers