

U.S. Department of Education

2020 New State Directors Training

The Basics of AEFLA Grants Management

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Workforce Innovation and Opportunity Act Understanding the Basics

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Polling Question

Test Question: What is the square root of 1024?

- A) Why on earth are you asking a math question this early? What did I do to deserve this?
- B) Am I in the right session? Is this on AEFLA?
- C) 32
- D) 36
- E) 30

Polling Question

Quick Check – How comfortable do you feel navigating around WIOA and AEFLA’s statute, regulations, and guidance?

- A) I’m a total pro. Actually, are you hiring at ED?
- B) I’m fairly comfortable—I read the program memos when they come out, and I’ve looked up the regulations here and there. I just might not be a walking talking encyclopedia.
- C) So I know these things exist, and I’ve even seen them once or twice, but that’s where my knowledge ends.
- D) Conceptually, the words in your question make sense grammatically. But after that, all I hear are crickets in my brain.

Objectives

- Provide **foundational knowledge** of WIOA's purpose
- Review **WIOA structure and elements** not otherwise covered in the agenda
- Provide an **overview of WIOA legal resources** (statute, regulations, guidance)

WIOA Background

Enacted on **July 22, 2014** after more than a decade to revise and reauthorize the *Workforce Investment Act of 1998*

Key Principles of WIOA:

- Encourages strategic alignment and coordination among the primary federal programs that support employment services, workforce development, adult education, and vocational rehabilitation services
- Seeks to ensure that job seekers receive training services that align with workforce needs
- Emphasis on accountability and common measures to support continuous system-wide improvements
- Fosters innovation and supports activities based on evidence-based, rigorous research, and promising practices



WIOA Administration

- **Joint administration** by the Department of Education (ED) and the Department of Labor (DOL)
 - WIOA State Plans
 - Performance Accountability
 - One-Stop Delivery System
- **Six core** programs
 - Adult, Dislocated Worker, and Youth (DOL-administered)
 - Wagner-Peyser Employment Service (DOL-administered)
 - **AEFLA (ED-administered)**
 - Vocational Rehabilitation (ED-administered)



WIOA Statutory Structure

Title I	Workforce Development Activities <ul style="list-style-type: none">• Jointly-administered provisions (State plans, performance accountability, one-stop delivery system)• Adult, Dislocated Worker, and Youth programs
Title II	Adult Education and Family Literacy Act (AEFLA)
Title III	Amendments to the Wagner-Peyser Act
Title IV	Amendments to the Rehabilitation Act of 1973
Title V	General Provisions

WIOA Regulatory Structure

Joint WIOA regulations (*34 CFR part 463, subparts H-J*)

- Regulations implement joint provisions in Title I of WIOA:
 - State Plans (Subpart H)
 - Performance Accountability (Subpart I)
 - One-Stop Delivery System (Subpart J)

AEFLA Program-Specific regulations (*34 CFR parts 462 and 463, subparts A-G*)

- Regulations address:
 - Measuring Educational Gain in the National Reporting System for Adult Education (Part 462)
 - Implementation of AEFLA (Part 463)



WIOA Title I-A System Alignment

Subtitle A: System Alignment

- **Promotes integration** of the core programs into the workforce development system.
- **Establishes as core programs** (1) the Adult, Dislocated Worker and Youth formula programs; (2) the Adult Education and Literacy program; (3) the Wagner-Peyser Act employment services program; (4) the programs under Title I of the Vocational Rehabilitation Act.
- **States required to coordinate** core programs and submit a unified or combined State plan strategy.
- **Establishes common performance indicators** that apply across the core programs.
- **Streamlines** State workforce investment boards and strengthens board functions.
- **Establishes local boards and local plans.**



WIOA Title I-B Workforce Activities and Providers

Subtitle B: Workforce Activities and Providers

- **Establishes the roles and responsibilities** of the One-Stop delivery system and partner programs.
- **Promotes investments from partner programs** by requiring contributions to one-stop infrastructure and other costs, provides access through the one-stop system to the programs, and provides representation on local boards.
- **Reauthorizes** Adult and Dislocated Worker and Youth activities, Job Corps, and other national programs.



WIOA Title I (Joint) Regulations

- Apply to both ED and DOL in their joint administration of WIOA
- Apply to all six WIOA core programs, including AEFLA
- Provide rules for three areas of joint WIOA administration:
 - Unified and Combined State Plans (34 CFR part 463, Subpart H)
 - Performance Accountability (34 CFR part 463, subpart I)
 - One-Stop Delivery System (34 CFR part 463, subpart J)



Title II Adult Education and Family Literacy Act (AEFLA) - Purposes



- **Assist adults to become literate** and obtain the knowledge and skills necessary for employment and economic self-sufficiency
- **Assist adults who are parents or family members** become a full partner in the education development of their children
- **Assist adults in attaining a secondary school diploma and transition** from adult education to postsecondary education and training through career pathways

AEFLA - Purposes (cont.)

- **Assist immigrants and English language learners**
 - ✓ improve reading, writing, math, speaking, and comprehending the English language
 - ✓ acquire understanding of American government, individual freedom, and responsibilities of citizenship

AEFLA – Statutory Overview

Definitions of key terms – **section 203**

State distribution of funds – **section 222**

- At least 82.5% for local grants/contracts
- No more than 12.5% for State leadership
- No more than 5% or \$85,000 (whichever is greater) for State administrative costs

State leadership activities – **section 223**

- Required activities
- Permissible activities
- State-imposed requirements



AEFLA – Statutory Overview (cont.)

Corrections education – **section 225**

Local application process – **section 231**

- Grant/contract competition requirements
 - Direct and equitable access for eligible providers to apply and compete for funds
 - Same application process for all eligible providers
- 13 considerations for awarding grants/contracts

Local application requirements – **section 232**



AEFLA – Statutory Overview (cont.)

Local administrative cost limits – **section 233**

- Not less than 95% for carrying out adult education and literacy activities
- No more than 5% for local administrative costs, unless a higher limit is negotiated

Fiscal requirements (non-supplanting and maintenance of effort) – **section 241**

**Integrated English Literacy and Civics Education –
section 243**



AEFLA - What is Adult Education?

Academic instruction and education below the postsecondary level that increase an individual's ability to—

- Read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent;
- Transition to postsecondary education and training; and
- Obtain employment

WIOA section 203(1)



AEFLA - Who is Eligible?

An individual who:

- Is 16 years of age and not enrolled or required to be enrolled in secondary school under State law
- Is unable to compute or solve problems, or read, write or speak English at a level necessary to function on the job, in the family, or in society
- Does not have a high school diploma, or
- Is an English language learner

WIOA section 203(4)



AEFLA - What are Adult Education and Literacy Activities?

Programs, activities, and services that include:

1. Adult education
2. Literacy
3. Workplace adult education and literacy activities
4. Family literacy activities
5. English language acquisition
6. Integrated English literacy and civics education
7. Workforce preparation activities
8. Integrated education and training

WIOA section 203(2)



AEFLA - What is Literacy?

The term **literacy** means an individual's ability to read, write, and speak in English, compute, and solve problems, at levels of proficiency necessary to function on the job, in the family of the individual, and in society.

WIOA section 203(13)



AEFLA - What is Workplace Adult Education and Literacy?

Adult education and literacy activities offered by an eligible provider in collaboration with an employer or employee organization at a workplace or an off-site location that is designed to improve the productivity of the workforce.

WIOA section 203(16)



AEFLA - What is Family Literacy?

Activities that are of sufficient intensity and quality, to make sustainable improvements in the economic prospects for a family and that better enable parents or family members to support their children's learning needs, and that integrate all of the following activities:

- Parent or family adult education and literacy activities that lead to readiness for postsecondary education or training, career advancement, and economic self-sufficiency.
- Interactive literacy activities between parents or family members and their children.
- Training for parents or family members regarding how to be the primary teacher for their children and full partners in the education of their children.
- An age-appropriate education to prepare children for success in school and life experiences.



WIOA section 203(9)

AEFLA - What is English Language Acquisition?

A program that is—

- Designed to help eligible individuals who are English language learners achieve competence in reading, writing, speaking, and comprehension of the English language;

and

That leads to—

- Attainment of a secondary school diploma or its recognized equivalent; and
- Transition to postsecondary education and training; or
- Employment



WIOA section 203(6)

AEFLA - Clarifying Regulation – English Language Acquisition

How does a program that is intended to be an English language acquisition program meet the requirement that the program lead to attainment of a secondary school diploma or its recognized equivalent and transition to postsecondary education and training or leads to employment?

REGULATION

Program of instruction:

- Implements State adult education content standards that are aligned with State-adopted challenging academic content standards; OR
- Offers educational and career counseling services that assist an eligible individual to transition to postsecondary education or employment; OR
- Is part of a career pathway

34 CFR §463.32

AEFLA - What is Integrated English Literacy and Civics Education (IELCE)?

Education services provided to adult English language learners that—

- Enable adults to achieve competency in the English language and acquire the basic and more advanced skills needed to function effectively as parents, workers, and citizens in the United States;
- Must include instruction in literacy and English language acquisition, and instruction on the rights and responsibilities of citizenship and civic participation; and
- May include workforce training.

WIOA section 203(12)



AEFLA - What is Workforce Preparation?

Workforce preparation activities include activities, programs, or services designed to help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in:

- (a) Utilizing resources;
- (b) Using information;
- (c) Working with others;
- (d) Understanding systems;
- (e) Skills necessary for successful transition into and completion of postsecondary education or training, or employment; and
- (f) Other employability skills that increase an individual's preparation for the workforce.

34 CFR §463.34

REGULATION

AEFLA - What is Integrated Education and Training (IET)?

IET refers to a service approach that provides adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement.

WIOA section 203(11)



AEFLA - Clarifying Regulations - IET

- What are the required components of an integrated education and training program funded under title II?
- How does a program providing IET under title II meet the requirement that the three components be integrated?
- How does the program proving IET under title II meet the requirement that the IET program be for “the purpose for of educational and career advancement”?

REGULATION

34 CFR §§463.36-.38

AEFLA – Corrections Education and the Education of Other Institutionalized Individuals **(Section 225)**

- (1) Adult education and literacy activities;
- (2) Special education, as determined by the eligible agency;
- (3) Secondary school credit;
- (4) Integrated education and training;
- (5) Career pathways;
- (6) Concurrent enrollment;
- (7) Peer tutoring; and
- (8) Transition to re-entry initiatives and other post-release-services with the goal of reducing recidivism.

Must give priority to programs serving individuals who are likely to leave the correctional institution within five years of participation in the program.



AEFLA - Integrated English Literacy and Civics Education Program (IELCE) (**Section 243**)

- States receive **separate allocation** under WIOA section 243
- Must compete 243 funds under **same provisions** of WIOA section 231
- Individuals who are English language learners and otherwise eligible under AEFLA are eligible under section 243, including professionals with degrees and credentials in their native countries



AEFLA – IELCE Program Requirements

- Instruction in literacy and English language acquisition and instruction on the rights and responsibilities of citizenship and civic participation; and are designed to:
 - Prepare and place adults who are English language learners in unsubsidized employment in in-demand industries and occupations that lead to economic self-sufficiency; and
 - Integrate with the local workforce development system.

REGULATION

34 CFR §463.73

AEFLA – IELCE Program Requirements (cont.)

- Eligible provider that receives funds must use those funds to provide IELCE in combination with integrated education and training.

34 CFR §463.74

REGULATION

AEFLA - Clarifying Regulations - IELCE

REGULATION

- What is the IELCE program?
- How does the Secretary make an award under IELCE program?
- How does the eligible agency award funds to eligible providers that receive funding through the IELCE program?
- What are the requirements for eligible providers that receive funding through the IELCE program?

34 CFR §§463.70-.73

AEFLA - Clarifying Regulations - IELCE (cont.)

- How does an eligible provider that receives funds through the IELCE program meet the requirement to use funds for IELCE *in combination with* IET activities?
- Who is eligible to receive services through the IELCE program?

REGULATION

34 CFR §§463.74-.75

Additional Applicable Legal Resources



Education Department General Administrative Regulations (EDGAR) – General regulations applicable to all ED grants

- Part 76 – administrative rules for State-administered programs, including AEFLA
- Part 77 – Definitions

Uniform Guidance – administrative rules applicable to all Federal awards, including cost principles – 2 CFR part 200

Additional Applicable Legal Resources (cont.)

Guidance

- ✓ Program memoranda
- ✓ FAQs
- ✓ Fact Sheets
- ✓ Webinars



Links

OCTAE's WIOA Webpage:

<https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/wioa-reauthorization.html#2>

WIOA: <https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf>

AEFLA-Specific Regulations (34 CFR parts 462 and 463, subparts A-G): <https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-16049.pdf>

WIOA Joint Regulations (for AEFLA, 34 CFR part 463, subparts H-J): <https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15977.pdf>

Links (cont.)

Administrative regulations, including EDGAR (34 CFR parts 76, 77, and others) and the Uniform Guidance (2 CFR part 200):

<https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>

Guidance:

<https://www2.ed.gov/policy/adulted/guid/memoranda.html>

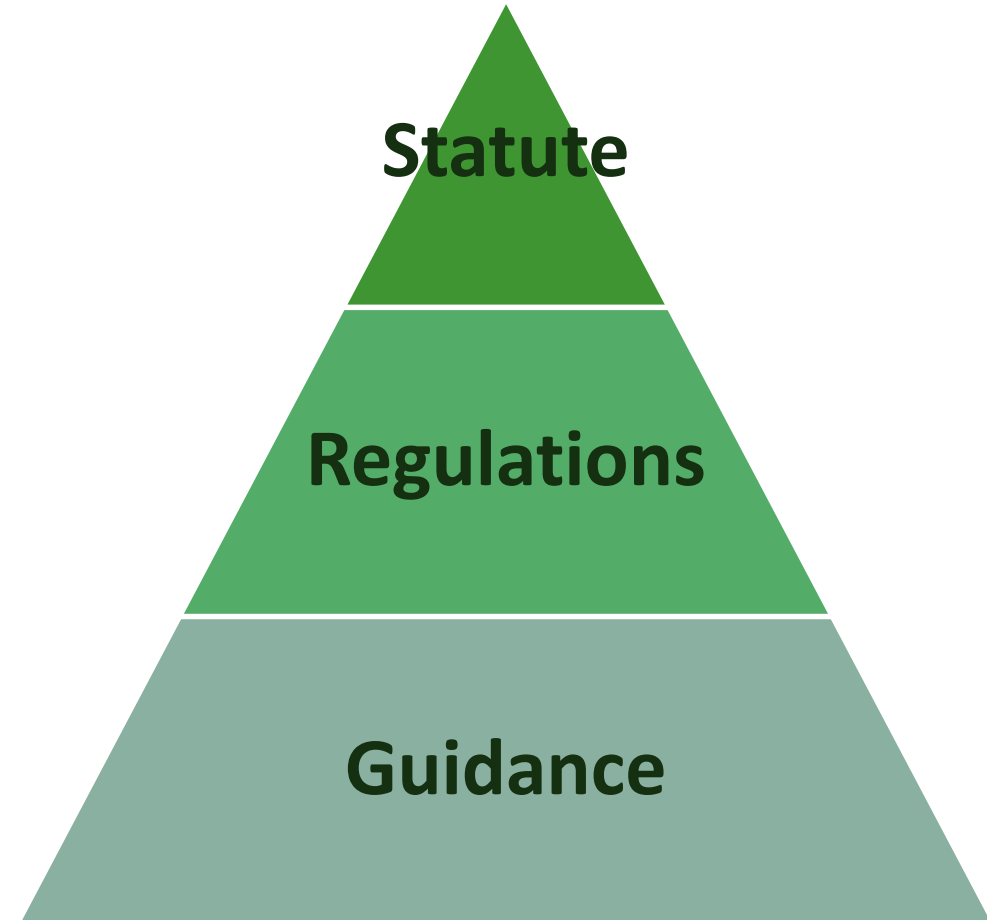


Using AEFLA and WIOA Resources to Answer Questions

Suggested Process for Looking at AEFLA Materials

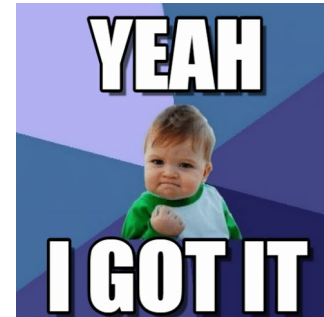
Easy as 1-2-3:

- 1. Check the statute**
- 2. Check the regulations**
- 3. Check program guidance**



Question 1:

- What are the local administrative cost limits on a grant?
- Process for finding the answer—
 1. Check the statute
 2. Check the regulations
 3. Check program guidance
- On-point answer to this question:



34 CFR 463.25 What are the requirements related to local administrative cost limits?

Not more than five percent of a local grant to an eligible provider can be expended to administer a grant or contract under title II. In cases where five percent is too restrictive to allow for administrative activities, the eligible agency may increase the amount that can be spent on local administration. In such cases, the eligible provider must negotiate with the eligible agency to determine an adequate level of funds to be used for non-instructional purposes.

Polling Question

Practice: Using your resources, answer this question *and* find its authority:

Question 2: Where can you find the answer to “how must an eligible provider demonstrate effectiveness?”

- A) This is in a regulation, in 34 CFR §463.12**
- B) This is in the program statute, in WIOA section 231**
- C) This is in guidance, in Program Memo 19-2**
- D) This is in a regulation, in 34 CFR §463.24**
- E) This is in the program statute, in WIOA section 225**

Question 2: Reflection

Discuss: How did you locate that answer?

Regulatory Source:

- **34 CFR §463.24 How must an eligible provider establish that it has demonstrated effectiveness?**

Polling Question

Practice: Using your resources, answer this question *and* find its authority:

Question 3: Where can you find the answer to “may AEFLA funds be used for occupational certificates in an IET program?”

- A) This is in the program statute, in WIOA section 243**
- B) This is in a regulation, in 34 CFR §463.30**
- C) This is in guidance, in Program Memo 19-2**
- D) This is in a regulation, in 34 CFR §463.35**
- E) This is in guidance, in Program Memo 19-1**

Question 3: Reflection

Discuss: How did you locate that answer?

Answer from OCTAE Program Memo (Guidance) 19-2:

Yes. States and eligible providers may use AEFLA funds to pay for occupational certificates and/or credentials within an AEFLA-funded IET program, consistent with the requirements of the AEFLA program regulations at 34 CFR §463.36. Generally, the certificates and credentials must be necessary to achieve the purposes of the IET program as described in 34 CFR §§463.36-463.38.

<https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/octae-program-memo-19-2.pdf>

Polling Question

Practice: Using your resources, answer this question *and* find its authority:

Question 4: How long do local providers need to keep AEFLA-related records?

- A. 5 years from grant award date
- B. Same as my paperwork for the IRS, whatever that is
- C. 3 years from the date of submission of the final expenditure report
- D. Ever seen the final scene in Raiders of the Lost Ark?

Question 4: Reflection

Discuss: How did you locate that answer?

Regulatory Source:

- **2 CFR §200.333 Retention requirements for records.**
- Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities.

Polling Question

Practice: Using your resources, answer this question *and* find its authority:

Question 5: What is the State matching requirement in order to receive AEFLA funds?

- A. 20% for the State and 5% for each local
- B. There is no State matching requirement
- C. 25%
- D. The State sets its own match level

Question 5: Reflection

Discuss: How did you locate that answer?

Statutory Source:

WIOA section 222(b):

(b) MATCHING REQUIREMENT.— (1) IN GENERAL.—In order to receive a grant from the Secretary under section 211(b) each eligible agency shall provide, for the costs to be incurred by the eligible agency in carrying out the adult education and literacy activities for which the grant is awarded, a non-Federal contribution in an amount that is not less than—

...

(B) in the case of an eligible agency **serving a State, 25 percent** of the total amount of funds expended for adult education and literacy activities in the State.

Polling Question

Closing Check – How comfortable do you feel navigating around WIOA and AEFLA’s statute, regulations, and guidance?

- A) I’m a total pro. Actually, are you hiring at ED?
- B) I’m fairly comfortable—I read the program memos when they come out, and I’ve looked up the regulations here and there. I just might not be a walking, talking encyclopedia.
- C) So I know these things exist, and I’ve even seen them once or twice, but that’s where my knowledge ends.
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