

Administering the State Program: Key State Responsibilities

New State Directors Management Workshop

November 4-6, 2013

Know the Basic Rules

- Congratulations! You are now the adult education director and get to make the rules... sort of
- Where do you go to find the “must do” and “can’t do” rules in administering the program?
- What do these rules mean?



Where Do you Go to Find the Basic Rules?



- Adult Education and Family Literacy Act (AEFLA)
- Federal Appropriations Law
- Other Relevant Federal Grants Policy



What Key Requirements Are Covered in These Resources?



- AEFLA
 - *Key definitions*
 - *State consultation and coordination requirements*
 - *State Plan components*
 - *State fiscal spending and maintenance requirements*
 - *Basis for mandatory performance measures*
 - *Purpose of State Leadership activities*
 - *Special Provisions: Institutionalized Persons*

What Key Requirements Are Covered in These Resources?

(continued)



- Appropriations Law
 - *EL/Civics*
- Other Applicable Federal Policy Guidance
 - *Education Department Regulations (EDGAR)*
 - *Office of Management and Budget (OMB) Circulars*

Key AEFLA Definitions (1)



- What is “adult education?”

- *Services or instruction **below the postsecondary level** for individuals:*

- At least 16 years old
- Not enrolled or required to be enrolled in high school
- **AND** who:
 - Lack sufficient basic educational skills to function effectively in society
 - Do not have a HS diploma, GED or other equivalent, and have not attained an equivalent level of education
 - **OR** are unable to speak, read, or write English



Sec. 203(1)

Key AEFLA Definitions (2)

- What are “**adult education and literacy activities?**”
 - *Adult education and literacy services, including workplace literacy*
 - *Family literacy services*
 - *English literacy program*

Sec. 203(2) and 231(b)



Key AEFLA Definitions (3)



- What is an “**eligible agency**?”
 - *Sole entity or agency in the State responsible for administering or supervising policy for adult education and literacy in the State consistent with the law of the State.*

Sec. 203(4)

Key AEFLA Definitions (4)



- “**Eligible providers**” receive AEFLA funds from the eligible agency (i.e., State agency)
- Eligible providers must be a:
 - *Local education agency*
 - *Community-based organization of demonstrated effectiveness*
 - *Volunteer literacy organization of demonstrated effectiveness*
 - *Institution of higher education*
 - *Public or private nonprofit agency*
 - *Library*
 - *Public housing authority*
 - *Nonprofit institution not otherwise described above that has the ability to provide literary services to adults and families*
 - *Consortium of agencies, organizations, institutions, libraries, or authorities described above.*

Sec. 203(5)

Administrative Coordination and Consultation Requirements

- What are the State agency's overarching administrative requirements under AEFLA?
 - *Develop, submit, and implement the State plan*
 - *Consult with other appropriate agencies, groups and individuals*
 - *Coordinate with other Federal and State education, training, corrections, public housing, and social services programs – prevent duplication*

Sec. 221

State Financial Requirements: Distribution of Funds

- Key “floors” and “ceilings” for AEFLA funds:
 - *State may retain up to 5% of the award or \$65K (whichever is greater) for administrative costs*
 - *State may use up to 12.5% of the award for State Leadership activities.*
 - *State **must** pass-through **at least** 82.5% of the award to eligible providers for adult education instructional services*
 - Not more than 10% of this amount may be used for programs for institutionalized persons
- Matching requirement:
 - *25% of total amount expended for adult education and literacy (12% for outlying areas)*

State Financial Requirements: General Provisions

- **Supplement Not Supplant**

- *AEFLA funds shall supplement not supplant other State or local public funds expended for adult education and literacy services*

Sec. 241(a)

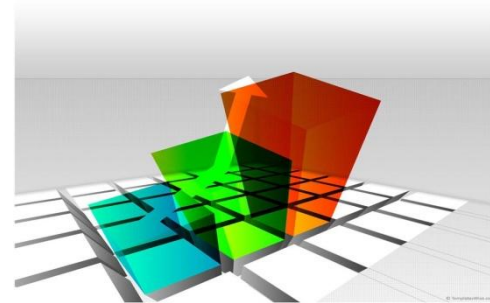
- **Maintenance of Effort**

- *State may receive funds for any fiscal year only if the ED finds that the aggregate expenditures for adult education and literacy activities, in the 2nd preceding fiscal year, was **no less than 90 percent** of the fiscal effort **per student or the aggregate expenditures** of such eligible agency for adult education and literacy activities, in the 3rd preceding fiscal year.*

Sec. 241(b)

Performance Accountability System (1)

- Sec. 212(a) Purpose — “...establish a comprehensive accountability system... to assess the **effectiveness** of eligible agencies in achieving **continuous improvement** of adult education and literacy services... to optimize the return on investment of Federal funds...”



Performance Accountability System (2)

- Performance Indicators

- “Core indicators of performance **shall** include:”

- i. educational gain
- ii. attainment or retention of a job or placement in postsecondary education or training
- iii. receipt of a secondary diploma or equivalent

Sec. 212(B)(2)(A)

- *Additional indicators – State “**may identify in the State Plan additional indicators**” for activities authorized under AEFLA*

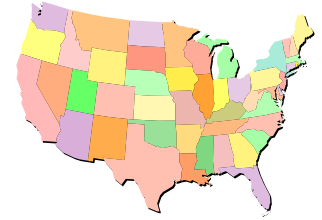
Sec. 212(B)(2)(B)

Performance Accountability System (3)

- *The NRS Implementation Guidelines* operationalized from provisions in Sec. 212
- Levels of Performance
 - *Initial 3 years proposed/approved within State Plan*
 - *Subsequently negotiated annually with OVAE*

Note: The “Accountability” sessions tomorrow address sec. 212 and performance measures data in more detail.

State Leadership Activities



- Purpose of State Leadership activities — systematic, statewide improvement or benefits

- *11 identified activities*

Sec. 223(a)

- Caveat: State-Imposed Requirements

- *When a State implements any **rule or policy** relating to the administration or operation of a program authorized [under AEFLA] that has the effect of imposing a requirement that is **not imposed under Federal law** the State **shall identify, to eligible providers, the rule or policy as being State-imposed***

Sec. 223(c)



AEFLA Special Provisions: Corrections/Institutionalized Persons

- Programs for Corrections Education and Other Institutionalized Persons
 - *What funds may used for:*
 - Basic education, special education, English literacy, secondary school credit programs
Sec. 225(b)
 - *Who is eligible for corrections education:*
 - Criminal offenders in a correctional institution and other institutionalized individuals
 - For corrections education programs funded, States shall give priority to serving individuals likely to leave the correctional institution within 5 years of program participation.
Sec. 225(c) and (d)



Appropriations Special Provisions: EL/Civics



- Funding authorized under annual Appropriations law, **not** specifically addressed under AEFLA
- Administration: Consider it a subprogram, same fiscal and administrative rules applied to AEFLA basics grants apply to these too
- Programmatic distinction from ESL: EL/Civics emphasizes integration of civics education into EL program

PL 112, Consolidated Appropriations Act, 2012

Other Key State Functions and Responsibilities

- Funding eligible providers
 - *Application access and review process “musts”*
Sec. 231-233 (“Local Provisions”)
- Monitoring funded providers
 - *“Description of how the [State] will evaluate annually the effectiveness of the adult education and literacy services described in section 212”*
Sec. 224(b)(3) – State Plan
 - *“Assurance that the funds received under [AEFLA] will not be expended for any purpose other than for activities under [AEFLA]”*
Sec. 224(b)(6) – State Plan

Additional Key Federal Grants Policy Documents

- Education Department General Administrative Regulations (EDGAR) as of June 23, 2005
 - *34 CFR Part 76 – State Administered Programs*
 - *34 CFR Part 80 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*



Additional Key Federal Grants Policy Documents (continued)

- Office of Management and Budget (OMB)
Circulars
 - *A-87 – Cost Principles State and Local Govts*
 - *A-122 - Cost Principles for Non-Profit Organizations*
 - *A-133 – Compliance Supplement*

Annual State Reporting Requirements



- Annual Reports **Due December 31st**
 - *Financial Status Reports (FSR)*
 - *Program Narrative Report*
 - *NRS Statistical Report*
 - *Data Quality Checklist*
 - *Assessment Policy*



Annual State Reporting Requirements (continued)

- Other Key Dates
 - *Negotiate Performance Targets with OVAE: February-March*
 - *State Plan Extensions to OVAE: April 1*

Resources

Adult Education and Literacy Home Page

www2.ed.gov/about/offices/list/ovae/pi/AdultEd/index.html

State Grant Administration Resources

www2.ed.gov/about/offices/list/ovae/pi/AdultEd/st-grant-admin-resrcs.html