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State Educational Agency (SEA) Adult Education Scoring Adult Education Competitive Grants

Policy #032020R

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Part I: Background (OCTAE Program Memorandum 17-1)

Section 231 of WIOA requires the eligible agency of each State to award multi-year grants or contracts on a competitive basis to eligible providers for the purpose of developing, implementing or improving adult education and literacy activities within the State or outlying areas. Section 231 further specifies 13 considerations an eligible agency must consider in awarding grants or contracts, including a new requirement to consider the extent to which the eligible provider demonstrates alignment between the proposed activities and services and the strategy and goals of the local plan under section 108, as well as the activities and services of the one-stop partners. Section 107(d)(11), pertaining to the functions of local workforce development boards (Local Boards), requires Local Boards to review local AEFLA applications that are submitted to eligible agencies by eligible providers under section 232 of WIOA to determine whether the applications are consistent with the local plan and to make recommendations to the eligible agency to promote alignment with the local plan.

Clarification Regarding Process for Local Board Review of Local Applications

In order to clarify the requirements concerning Local Board review of local AEFLA applications, the Department promulgated 34 CFR § 463.21 to describe the process that must be in place to determine the extent to which a local AEFLA application is aligned with a local plan approved under section 108 of WIOA. While States have flexibility under this regulation to design their processes for Local Board review of local AEFLA applications, those processes must reflect the following key AEFLA requirements:

- All eligible providers must have direct and equitable access to apply and compete for grants or contracts (section 231(c)(1) of WIOA and 34 CFR § 463.20(c)(1));
- The same application process must be used for all eligible providers in the State or outlying area (section 231(c)(2) of WIOA and 34 CFR § 463.20(c)(2));
- The Local Board must review applications submitted to the eligible agency by eligible providers to determine whether they are consistent with the approved local plan (section 107(d)(11)(B)(i)(I) of WIOA and 34 CFR § 463.21(b)(1));

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- The Local Board must make recommendations to the eligible agency to promote alignment with the approved local plan (section 107(d)(11)(B)(i)(II) of WIOA and 34 CFR § 463.21(b)(2); and
- The eligible agency must consider the results of the review by the Local Board in determining the extent to which the application addresses the required considerations in 34 CFR § 463.20 (34 CFR § 463.21(c)). In light of these requirements, regardless of whether the State implements a process that either
 - 1) requires submission of local AEFLA applications to the eligible agency, which, in turn, submits them to the Local Boards for review; or
 - 2) requires submission of local AEFLA applications directly to the Local Boards first, before submission to the eligible agency, each Local Board must review all applications submitted by eligible providers within its local workforce development area.

Further, for each application, the Local Board must make recommendations to the eligible agency to promote alignment with the approved local plan. The “direct and equitable access” and “same application process” requirements in section 231(c) and 34 CFR § 463.20(c)(1) and (c)(2) require that all applications be treated equitably in accordance with the same process – i.e., that they have the same opportunity to apply for and be considered for AEFLA funding.

The Department encourages States to consider implementing application processes under which eligible providers submit their local AEFLA applications directly to the eligible agency, which would then be responsible for submitting them to the Local Boards for review. The Department believes that this approach would assist in making the application process efficient in terms of submission, implementing Local Board review, and receiving recommendations from the Local Board concerning alignment with the approved local plan.

Part II. WIOA Requirements (Local Applications-WIOIA Sec. 232)

Section 232 of the Workforce Innovation and Opportunity Act (WIOA-Title II) and 34 CFR §463.22 requires that eligible providers desiring a grant or contract from an eligible agency shall submit an application to the eligible agency containing such information and assurances as the eligible agency may require, including:

- 1) A description of how funds awarded under this Title will be spent consistent with the requirements of this Title
- 2) A description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of Adult Education and literacy activities
- 3) A description of how the eligible provider will provide services in alignment with the local plan under Section 108, including how such provider will promote concurrent enrollment in programs and activities under Title I, as appropriate.
- 4) A description of how the eligible provider will meet the State adjusted levels of performance described in section 116(b)((3), including how such provider will collect data to report on such performance indicators
- 5) A description of how the eligible provider will fulfill one-stop partner responsibilities as described in section 121(b)1)(A), as appropriate
- 6) A description of how the eligible provider will provider services in a manner that meets the needs of eligible individuals; and
- 7) Information that addresses the considerations described under section 231(e), as applicable.

In Wyoming, the Wyoming Community College Commission (WCCC), is the eligible agency or State Educational Agency (SEA) for which all Adult Education grants must be submitted to. Every three to five years, the WCCC releases a competitive grant competition to eligible providers in the State who wish to offer Adult Education services.

Part III: Review of a Full Application

Wyoming’s SEA typically releases 3 grant applications for Adult Education:

- 1) An Adult Education grant application for AEFLA services

- 2) An Adult Education grant applications for Correctional Education services
- 3) An Adult Education grant application for IELCE services

All grants applications follow the protocols outlined in this policy.

Reader Selection

Prior to the commencement of any readings and/or reader trainings, all selected readers are required to sign a *Conflict of Interest* form, certifying that they have no affiliation with or involvement in any organization or entity who has submitted an Adult Education grant application, with any financial interest (such as honoraria; educational grants, participation in speakers' bureaus; membership, employment, consultancies, stock ownership, or other equity interest) or non-financial interest (such as personal or professional relationships, affiliations, knowledge or beliefs) in the subject matter or bidding on the State of Wyoming Adult Education grant opportunities.

All readers identities are kept confidential and their comments may be shared with successful applicants, if requested. As part of the Request for Proposal, the WCCC will identify questions which each team of readers will utilize when reviewing an application.

Scores submitted by readers are reviewed and ranked by the SEA and reviews from both the Compliance AND Alignment teams will support funding decisions.

Adult Education grant applications received by the WCCC are distributed to three distinct teams of readers:

- 1) **Demonstrated Effectiveness (DE):** (OCTAE Technical Assistant Guide) This team of readers reviews only the Demonstrated Effectiveness component of grant applications and will determine whether the application has met the DE requirements outlined in the Request for Proposal (RFP). Applications which meet this screening requirement will have full grant applications advanced to the Compliance and Alignment Teams for consideration in funding. DE applications which do **not** meet requirements outlined in the RFP will **not** have full grant applications advanced to the Compliance and Alignment Teams for funding consideration.

Scoring Rubrics used by a DE Team

DE applications will not be scored or ranked; however, the review process must indicate that the application meets or doesn't meet eligibility requirements by a 'yes/no' connotation.

- 2) **Alignment Team:** According to statute, (section 107((D)(11)B)((i)(I) of WIOA and 34 CFR §463.21(b)(1), the WCCC is required to submit applications to the Local Board to review for alignment with the local plan (i.e. The Unified State Plan for Wyoming). Because Wyoming is a single area state, the Alignment Team members must come from the Wyoming Workforce Development Council, (WWDC) which operates as the Local Board for Wyoming. Three members from the WWDC are selected by the Council to act as readers on the Alignment Team.

Statute requirements further mandate that this team of readers review submitted applications to the WCCC to provide Adult Education and Literacy activities under Title II for the local area, which in Wyoming refers to the State of Wyoming and its regional service areas, to determine whether such applications are consistent with the local plan AND to make recommendations to the WCCC to promote alignment with such plan. The Wyoming Community College Commission must consider the results of this review team by the local board in determining the extent to which the application addresses the required considerations AND to promote alignment with the approved local plan.

Scoring Rubrics Used by an Alignment Team

A) Fail

- (1) Applications which receive 'failing' marks from the Alignment Team and receive comprehensive scores between 0-55% from the Compliance Team will not be approved for funding. In order to

maintain Adult Education services in the geographical area covered by the failed application, the SEA will implement one of the following strategies:

- a) A secondary competition for the geographical area covered by the grant application OR
- b) Award additional funds to an approved local provider to offer AEFLA services to the geographical area.

(2) Applicants who receive a 'failing' comprehensive score from the Alignment Team but receive scores at or above 56% from the Compliance Team will be considered '*Probationary*', high risk applications subjected to 2CFR§200.207-Specific Conditions. This statute authorizes the WCCC, as the pass-through entity, to impose additional specific award conditions.

(a) Based on the criteria set forth in §200.205 Federal awarding agency review of risk posed by applicants or when an applicant or recipient has a history of failure to comply with the general or specific terms and conditions of a Federal award, or failure to meet expected performance goals as described in §200.210 Information contained in a Federal award, or is not otherwise responsible, the Federal awarding agency or pass-through entity may impose additional specific award conditions as needed under the procedure specified in paragraph (b) of this section. These additional Federal award conditions may include items such as the following:

- (1) Requiring payments as reimbursements rather than advance payments;
- (2) Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given period of performance;
- (3) Requiring additional, more detailed financial reports;
- (4) Requiring additional project monitoring;
- (5) Requiring the non-Federal entity to obtain technical or management assistance; or
- (6) Establishing additional prior approvals.

(b) The Federal awarding agency or pass-through entity must notify the applicant or non-Federal entity as to:

- (1) The nature of the additional requirements;
- (2) The reason why the additional requirements are being imposed;
- (3) The nature of the action needed to remove the additional requirement, if applicable;
- (4) The time allowed for completing the actions if applicable, and
- (5) The method for requesting reconsideration of the additional requirements imposed.

(c) Any special conditions must be promptly removed once the conditions that prompted them have been corrected.

Applicants agreeing to the 'Specific Conditions' outlined by the SEA, will hold a '*probationary*' status for up to one year. In the event that the specific award conditions are not met after a one year probationary period, the grant award will be nullified and the area will be re-competed.

Applicants not agreeing to the 'Specific Conditions' outlined by the SEA, will result in either:

- (a) A re-competition of the grant for the geographical area covered by the failed application OR
- (b) The SEA awarding additional grant funds to another approved local provider to offer Adult Education services in the geographical area.

B) Needs Improvement

Applications which receive a 'Needs Improvement' score from the Alignment Team and earn comprehensive scores from the Compliance team at or above the 31st percentile level will be considered by the SEA as '*Probationary*', high risk applications which are subject 2CFR§200.207-Specific Conditions as outlined above.

C) Pass & High Pass

Applicants which earn these scores indicates that the submitted applications have met or exceeds expectations and demonstrates alignment to the Unified State plan and to any Statewide initiatives

outlined in an RFP and will be considered for funding as long as the application earns scores at or above the 56th percentile from the Compliance Team.

- 3) **Compliance Team:** Reader selection for the Compliance Team will be conducted by the SEA and will consist of at least one individual from the following:
- a. Fiscal person for the Adult Education grants at the SEA
 - b. An Adult Education professional
 - c. A Workforce Specialist from Wyoming
 - d. A professional grant reader/writer

The Compliance Team reviews submitted applications for compliance to the RFP application, to WIOA requirements, and for completeness and the inclusion of all requested forms and budgets. The scoring rubrics used by the Compliance Team is to be included in the RFP and readers will utilize the rubrics as outlined in the RFP.

The criteria used to score applications is based upon the WIOA §231(e)13 Considerations for Funding WIOA eligible local providers. RFP questions outlined under each consideration are weighted differently, but the entire Adult Education application will total 200 points.

Scoring Rubrics Used by a Compliance Team

A) *Comprehensive scores between 0%-30%*

- (1) Applications which score in this range are considered a 'Failed' application. Applicants who score at or below the 30th percentile level from the Compliance Team AND receive a 'Failed or Needs Improvement' score from the Alignment Team will not be considered for funding. In these cases, the SEA will either:
 - a) hold a secondary competition for the geographical area covered by the failed application OR
 - b) award additional funds to an approved local provider to offer AEFLA services to the geographical area.
- (2) Applications which score in this range AND receive a 'pass or high pass' score from the Alignment Team will be subject to 2CFR§200.207-Specific Conditions as outlined under the Alignment Team Scoring Rubrics.

B) *Comprehensives scores between 31%-55%*

- (1) Applications scored in this range and receive a failing score from the Alignment team will not be considered for funding. In order to maintain Adult Education services in the geographical area, the SEA will implement one of the following strategies:
 - a) A secondary competition for the geographical area covered by the failed grant application OR
 - b) Award additional funds to an approved local provider to offer AEFLA services to the geographical area.
- (2) Applications scored within this category and have Alignment Team scores at the 'needs improvement, pass or high pass' levels may be successful, but will be considered 'Probationary', high risk applications and will be subject to 2CFR§200.207-Specific Conditions as outlined above under 'Scoring Rubrics for the Alignment Team'.

C) *Comprehensive Scores at 56% or higher*

Applications scored at these levels are considered successful as long as Alignment Team scores are at the 'pass or high pass levels' and will have no conditions placed upon it.