



NEBRASKA Department of Education

Adult Education

**Adult Education and Family Literacy Act (AEFLA)
Request for Proposal**

AEFLA Grant Information Package
Title II - Workforce Innovation and Opportunity Act
Adult Education and Family Literacy Act
Sections 231 – 225 – 243

Nebraska Adult Education
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Mission

To lead and support the preparation of all Nebraskans for learning, earning, and living.

Vision

Partnering for the best education for all . . . for life.

Values

Equity of access and opportunity
Honesty, integrity, and trust
Quality programs and services
Visionary and participatory leadership
A positive, can-do attitude
Accountability for results
Respect for individuals and individual differences
Equity of opportunities and outcomes
Excellence through continuous improvement

Workforce Innovation and Opportunity Act

The Workforce Innovation and Opportunity Act (WIOA), signed into law on July 22, 2014, is the first legislative reform of the public workforce system in 15 years. WIOA presents an extraordinary opportunity to improve job and career options for our nation's workers and jobseekers through an integrated, job-driven public workforce system that links diverse talent to businesses. It supports the development of strong, vibrant regional economies where businesses thrive and people want to live and work. *The Workforce Innovation and Opportunity Act.*

As a representative, local program provider under WIOA, the **Adult Education and Literacy program administered by the Department of Education (ED) under Title II** will work to develop and strengthen partnerships with the other Core Partners, which include: Adult, Dislocated Worker and Youth formula programs administered by the Department of Labor (DOL) under Title I; the Wagner-Peyser Act employment services program administered by DOL under Title III; and the programs under Title I of the Vocational Rehabilitation Act administered by ED under Title IV.

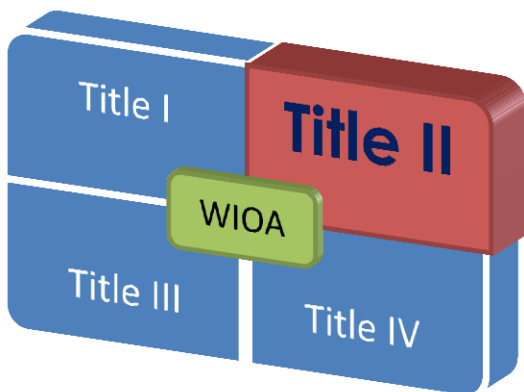


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Regulations:

Workforce Innovation and Opportunity Act 2014 <https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf>
34 CFR § 400 <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>

WELCOME

As the State Eligible Agency (SEA) for Adult Education and Family Literacy Act (AEFLA) funding, Title II of the Workforce Innovation and Opportunity Act (WIOA), Nebraska Adult Education is pleased to offer this Request for Proposal Information Package for the 2019 Program Year, beginning July 1, 2018 through June 30, 2019.

OVERVIEW

Workforce Innovation and Opportunity Act

The Workforce Innovation and Opportunity Act (WIOA), signed into law on July 22, 2014, is the first legislative reform of the public workforce system in 15 years. WIOA presents an extraordinary opportunity to improve job and career options for our nation's workers and jobseekers through an integrated, job-driven public workforce system that links diverse talent to businesses. It supports the development of strong, vibrant regional economies where businesses thrive and people want to live and work.

WIOA retains the nationwide system of one-stop centers, which directly provide an array of employment services and connect customers to work-related training and education. WIOA furthers a high quality one-stop center system by continuing to align investments in workforce, education, and economic development. The new law places greater emphasis on one-stops achieving results for jobseekers, workers, and businesses. WIOA reinforces the partnerships and strategies necessary for one-stops to provide job seekers and workers with high-quality career services, education and training, and supportive services they need to get good jobs and stay employed, and to help businesses find skilled workers and access other supports, including education and training for their current workforce.

WIOA authorizes the one-stop career center (also known as American Job Center) service delivery system and six core programs. The core programs are:

- WIOA Title I (Adult, Dislocated Worker and Youth formula programs) administered by Department of Labor (DOL);
- Adult Education and Literacy Act programs administered by the Department of Education (DoED);
- Wagner-Peyser Act employment services administered by DOL; and
- Rehabilitation Act Title I programs administered by DoED.

Source: https://www.doleta.gov/wioa/Docs/WIOA_GovernLeadership_FactSheet.pdf

As a representative, local program provider under WIOA, the **Adult Education and Literacy program administered by the Department of Education (ED) under Title II as a WIOA Core Partner** will work to develop and strengthen partnerships with the other Core Partners, which include: Adult, Dislocated Worker and Youth formula programs administered by the Department of Labor (DOL) under Title I; the Wagner-Peyser Act employment services program administered by DOL under Title III; and the programs under Title I of the Vocational Rehabilitation Act administered by ED under Title IV.

Adult Education and Family Literacy Act of 1998

The Adult Education and Family Literacy Act (AEFLA), title II of the Workforce Innovation and Opportunity Act (WIOA, Pub. L. 113-128), is the principal source of federal funding for States for adult education programs. The Office of Career, Technical, and Adult Education's (OCTAE) Division of Adult Education and Literacy (DAEL) administers AEFLA. The purpose of AEFLA's basic state grant program is to assist adults in: becoming literate; obtaining the knowledge and skills necessary for employment and self-sufficiency; obtaining the necessary education and skills to become full partners in the educational development of their children; and completing secondary education or its equivalent. The annual congressional appropriation for the AEFLA State Grant program for fiscal year 2016 was approximately \$582 million, including funds for Integrated English literacy and Civics Education programs. The statute requires States to allocate no less than 82.5 percent of their allotments to local agencies, through a competitive grant or contract process.

Purpose of AEFLA (34 CFR §463.1)

The purpose of the Adult Education and Family Literacy Act (AEFLA) is to create a partnership among the Federal Government, States, and localities to provide, on a voluntary basis, adult education and literacy activities, in order to—

- (a) Assist adults to become literate and obtain the knowledge and skills necessary for employment and economic self-sufficiency;
- (b) Assist adults who are parents or family members to obtain the education and skills that—
 - (1) Are necessary to becoming full partners in the educational development of their children; and
 - (2) Lead to sustainable improvements in the economic opportunities for their family;
- (c) Assist adults in attaining a secondary school diploma or its recognized equivalent and in the transition to postsecondary education and training, through career pathways; and
- (d) Assist immigrants and other individuals who are English language learners in—
 - (1) Improving their—
 - (i) Reading, writing, speaking, and comprehension skills in English; and
 - (ii) Mathematics skills; and
 - (2) Acquiring an understanding of the American system of Government, individual freedom, and the responsibilities of citizenship.

GENERAL INFORMATION

The information provided within this Request for Proposal information package is intended to assist eligible applicants in preparing the grant application in accordance with the Adult Education and Family Literacy Act (AEFLA), Title II of the Workforce Innovation and Opportunity Act (WIOA). All applicants hereby acknowledge and understand that this Information Package is intended to provide the applicant with information only. It is the sole responsibility of the applicant to obtain, understand and interpret the required law, federal regulations and information to submit a qualifying application based on the required eligibility elements.

Nebraska Adult Education assures each applicant of this AEFLA RFP that:

1. All eligible providers have direct and equitable access to apply for and compete for grants under this title. 34 CFR §463.20(c)(1).
2. The same application process will be used for all eligible providers in the State. 34 CFR §463.20(c)(2).
3. Applications under this title will be submitted to the local workforce area boards to determine whether they are consistent with the approved local plan. 34 CFR §463.21(b)(1)
4. Nebraska Adult Education will 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 §463.21(c)

Nebraska Adult Education shall award multiyear grants on a competitive basis to eligible providers within the State of Nebraska to enable the eligible providers to develop, implement and improve adult education and literacy activities within the State. Nebraska Adult Education shall require that each eligible provider receiving a grant use the grant to establish or operate programs that provide adult education and literacy activities, including programs that provide activities concurrently. Section 231 of WIOA and 34 CFR §463.20(a)(b)

The Nebraska Department of Education, Adult Education Section as the State Eligible Agency (SEA) retains the right to modify or withdraw this Request for Proposal at any time. To the best of the Nebraska Department of Education, Adult Education section's knowledge, the information contained in this information package is accurate. Receipt of this information packet does not replace the AEFLA RFP Application that must be submitted to Nebraska Adult Education on or before the due date.

Funding for Title II Section 231 General Adult Education, Section 225 Corrections Education and Section 243 Integrated English Language and Civics Education is available through this grant application process. All applicants must complete the AEFLA RFP Application to be considered and each applicant will identify the funding sources for which the application is being made. Budget pages are included with the AEFLA RFP Application and must be submitted with the application for consideration.

This AEFLA Request for Proposals (RFP) is open to all eligible applicants who are organizations of demonstrated effectiveness. (34 CFR §463.23). These organizations may include, but are not limited to:

- (a) a local educational agency
- (b) a community-based organization or faith-based organization
- (c) a volunteer literacy organization
- (d) an institution of higher education
- (e) a public or private nonprofit agency
- (f) a library
- (g) a public housing authority
- (h) a nonprofit institution that is not described in any of paragraphs (a) through (g) of this section and has the ability to provide adult education and literacy activities to eligible individuals
- (i) a consortium or coalition of the agencies, organizations, institutions, libraries or authorities described in any of

paragraphs (a) through (h) of this section, and
(j) a partnership between an employer and an entity described in any of paragraphs (a) through (i) of this section

Demonstrated Effectiveness (§463.24)

(a) For the purposes of this section, an eligible provider must demonstrate past effectiveness by providing performance data on its record of improving the skills of eligible individuals, particularly eligible individuals who have low levels of literacy, in the content domains of reading, writing, mathematics, English language acquisition, and other subject areas relevant to the services contained in the State's application for funds. An eligible provider must also provide information regarding its outcomes for participants related to employment, attainment of secondary school diploma or its recognized equivalent, and transition to postsecondary education and training.

(b) There are two ways in which an eligible provider may meet the requirements in paragraph (a) of this section:

- (1) An eligible provider that has been funded under title II of the Act must provide performance data required under section 116 to demonstrate past effectiveness.
- (2) An eligible provider that has not been previously funded under title II of the Act must provide performance data to demonstrate its past effectiveness in serving basic skills deficient eligible individuals, including evidence of its success in achieving outcomes listed in paragraph (a) of this section.

Applications will be considered eligible for funding consideration based on the data submitted to prove demonstrated effectiveness.

APPLICATION INSTRUCTIONS

Intent to Apply

Prior to the release of the AEFLA RFP Application, Intent to Apply notices may be submitted in writing. Please email: tate.lauer@nebraska.gov to request the AEFLA RFP Application. Please put **AEFLA Intent to Apply** in the subject line of your email.

AEFLA RFP Applications will be emailed beginning February 21, 2018.

Application Period

AEFLA RFP Applications will be released on **February 21, 2018** to applicants who submitted an “Intent to Apply” notice to the Nebraska Adult Education State Director. Beginning February 21, the Intent to Apply period will end, however the “Application Period” will remain open for two weeks from **February 21 – March 7, 2018**. After March 7 the application will no longer be available.

Applicants may request the AEFLA RFP Application by contacting tate.lauer@nebraska.gov anytime during the Application Period. Please put **AEFLA RFP Application Request** in the subject line of your email. Applications will include the required narrative documents as well as the budget workbook.

Timeline

Nebraska Adult Education will adhere to the following timeline for awarding AEFLA grants:

February 2, 2018	Announcement of AEFLA Funding
February 16, 2018	Pre-Bidders Conference – State Office Building, Lincoln, Nebraska
February 21, 2018	Release of RFP Application – Eligible applicants must request in writing Release of AEFLA Grant Information Package
March 7, 2018	Last day to request RFP Application in writing Last day to submit a general inquiry for clarification
April 5, 2018	Due date for AEFLA grant applications
April 2018	Review and Scoring of AEFLA grant applications by selected review panel AEFLA grant applications will also be reviewed by local workforce for alignment with local plan Final Award Determinations
June 2018	Announcement of Awards Approval of Grant Awards by Nebraska Board of Education
July 1, 2018	Program Year 2019 Start Date

Pre-Bidders Conference

A pre-bidders conference will be held on Friday, **February 16, 2018** at 2:00 p.m. CST at the Nebraska State Office Building, Lower Level Conference Room A, 301 Centennial Mall South, Lincoln, Nebraska 68509. The conference will be held from 2:00 – 3:30 p.m. CST. Attendees will be encouraged to ask questions related to the AEFLA grant completion. Nebraska Adult Education staff will be present to provide an informational guidance session and to answer questions.

Remote access to the conference will be available through conference call for those not able to attend in person. Callers will use the following instructions to complete their call:

Dial the Conference Access Number: 1-888-820-1398 Enter the Attendee Code: 5531930#

The conference will not start until the moderator joins. Attendee Quick Commands: *0 Operator Assistance – *6 Mute/Un-Mute Own Line

The purpose of the Pre-Bidders Conference will be to provide information and technical assistance to potential applicants. Pertinent questions received during the conference and during the period of inquiry will be posted on the Nebraska Adult Education website along with the appropriate response. If questions require research and evaluation prior to responding, final responses will also be posted under FAQ on the website. Applicants can access the AEFLA FAQ at: <https://www.education.ne.gov/aded/>

Remote access will be available

Inquiries

Inquiries from eligible applicants in need of clarification on content requirements contained in the grant and general questions may contact the State Director in writing at:

Tate Lauer
Adult Education State Director
tate.lauer@nebraska.gov

Pertinent inquiries and questions submitted in writing along with responses will be included in the FAQ tab of the Nebraska Adult Education website at: <https://www.education.ne.gov/aded/>

Inquiries will be accepted until **March 7, 2018**. After this date, questions received will not be added for public view on the website and may not receive a written response.

Grant Period

Per 34 CFR §463.20(a), Nebraska Adult Education will issue multi-year grants on a competitive basis. Initial funding covers PY19, July 1, 2018 – June 30, 2019. Following the first one-year grant, Nebraska Adult Education will issue grant renewals through a Continuation of Services grant application process. Each local program must present satisfactory performance to be considered eligible for continued funding through years 2 and 3 and must demonstrate compliance with Nebraska Adult Education policies as well as all federal mandated policies and documentation requests. Nebraska Adult Education will reserve the right to consider continued funding based on the grant recipients' ability to successfully implement the terms of the grant and meet performance expectations. Continuation of grants to local program providers will also depend on availability of Federal and State funding.

Application Submission Guidelines

The AEFLA RFP Application and Budget Workbook are required for each applicant. These documents must be requested in writing. The AEFLA RFP Application is a Word format document. The Budget Workbook is an Excel format document.

All questions contained in the AEFLA RFP Application document are *italicized* to aid in identification.

Do not enter your responses in italics. Typed responses in italics may result in a lowered score.

All questions require a response. If a question is not applicable to your program, respond with N/A.

All text box fields require a response. If the text box field requests information that is not applicable to your program, respond with N/A. **Do not leave any field blank.** Black text box fields will result in a lowered score.

Format and Submission

Pages for the narrative sections must be formatted to include:

Typed Calibri 10 point font
Normal Margins
Double Spaced
Single Sided Pages

Answers must not be italicized
Do not change the order of the grant application
Handwritten applications will not be accepted.

Each applicant must submit:

- Two (2) original, signed copies of the grant application. Signatures must be in blue ink.
- One (1) PDF of the full application emailed
- Budget workbook (Excel file) emailed

Submit to:

Tate Lauer, State Director: tate.lauer@nebraska.gov

A Request for Proposals Checklist is included with the application.

Deadline for Submission

All AEFLA RFP Applications are due at the Nebraska Department of Education on or before **April 5, 2018 5:00 pm CST** regardless of postmark date.

- Late applications will not be accepted.
- Deadline extensions will not be granted for this RFP process.
- Receipt of PDF Application and Excel Budget Workbook by email will be considered a submitted application
- Two, original, signed copies of applications must be received within 3 business days of the final deadline.

Failure to comply with the deadline requirements may result in the elimination of your application from the review process.

Available Funding

For Program year 2019 (PY19 July 1, 2018 – June 30, 2019), Nebraska Adult Education estimates that \$2M will be available for instructional grants under this request for proposals. Total award amounts will be contingent on the amount of the Federal Grant Award to Nebraska Department of Education as the State Eligible Agency for Program Year 2019.

Section 231: General Adult Education

Section 231 funding is available for any program soliciting funding for Adult Education programs sponsored by Nebraska Department of Education to enable the provider to develop, implement and improve adult education and literacy activities within the State.

The term “adult education and literacy activities” means 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 activities
6. integrated English literacy and civics education
7. workforce preparation activities
8. integrated education and training activities

The term “English language acquisition program” means a program of instruction-

1. that is designed to help eligible individuals who are English language learners achieve competence in reading, writing, speaking and comprehension of the English language
2. that leads to the attainment of a secondary school diploma or its recognized equivalent
3. that leads to transition to postsecondary education and training
4. that leads to employment

Projected Federal Award Amount: Approximately \$1.6M

Section 225: Corrections Education

Section 225 funding is available to carry-out corrections education and education for other institutionalized individuals. Applicants must also complete the questions in Section 231. Funds under Section 225 shall be used for the cost of educational programs for criminal offenders in correctional institutions including academic programs for:

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.

Priority of funding must be given for individuals who are likely to leave the correctional institution within 5 years of participation in the program.

Projected Federal Award Amount: Approximately \$182,000

Section 243: Integrated English Literacy and Civics Education (IELCE)

Section 243 funding is available to carry out services specific to English literacy and civics education, in combination with integrated education and training activities. Applicants must also complete the questions in Section 231. Funds under Section 243 shall be used to:

1. Prepare adults who are English language learners for, and place such adults in, unsubsidized employment in in-demand industries and occupations that lead to economic self-sufficiency; and
2. Integrate with the local workforce development system and its functions to carry out the activities of the program

The IELCE program refers to the use of funds provided under Section 243 of WIOA for education services for English language learners who are adults, including professionals with degrees and credentials in their native countries.

Activities under IELCE include:

1. instruction in literacy and English language acquisition
2. instruction on the rights and responsibilities of citizenship and civic participation
3. workforce training

Projected Federal Award Amount: Approximately \$272,000

Grant Awards

Applicants under this title will be notified of the acceptance or rejection of the submitted grant proposal approximately six weeks after submission. Grant applications selected for funding will be included in the final grant review process. Only those applications that provide adequate data to show demonstrated effectiveness will be scored and considered for funding.

Nebraska Adult Education reserves the right to issue grant awards without discussion with the applicant. Each eligible applicant should submit proposals that best represent their program and ability to provide services under this title. Nebraska Adult Education also reserves the right to issue grant awards and fund any application in full or in part, to request additional information to assist in the review process, to reject applications submitted or to re-issue the announcement if it is deemed in the best interest of the State of Nebraska. Announcement of the RFP does not guarantee a grant award will be made. Nebraska Adult Education reserves the right to adjust the dates for this announcement for any reason deemed appropriate.

All grant awards are subject to the availability of State and Federal funding. Grant awards are not final until the issuance of a Grant Award Notice from the Nebraska Department of Education. Award of grant awards to eligible applicants will be based on one or more of the following:

- Ⓒ Amount of Federal Grant Award to SEA
- Ⓒ Amount of available funding to each service area
- Ⓒ Amount of proposed budget requests for each service area
- Ⓒ Scoring and recommendations from local workforce areas §463.21
- Ⓒ Scores and recommendations from compliance review committee

- ⦿ Alignment of proposed activities with need for service in identified service area
- ⦿ Evaluation of cost of service
- ⦿ Cost per student analysis
- ⦿ Approval of grant award by the Nebraska State Board of Education

Claims for Reimbursement

Payment of Grant funds are allocated on a reimbursement basis. All grantees shall submit quarterly claims for reimbursement per the prescribed schedule to Nebraska Department of Education, Adult Education. Claims must include a complete and accurate itemized report of expenditures for each category number and for each funding source and include all required claims documentation and forms issued by Nebraska Adult Education.

Nebraska Adult Education does not allow for the use of pass-through funding to sub-grantees. Local program providers (applicants) are solely responsible for the terms and conditions of the grant award and must fully execute the grant as the designated grantee.

Application Review and Final Determination

All grant applications received by Nebraska Adult Education will be evaluated for eligibility (§463.23) through an initial screening process to include the following:

- application received by due date (State Requirement)
- demonstrated effectiveness of applicant (Federal Requirement §463.24)
- required budget pages (State Requirement)
- required signatures (State Requirement)

Once the initial evaluation is completed, applications determined to be eligible for funding consideration will move to the following teams:

Local Plan Alignment

As described in 34 CFR §463.21 Nebraska Adult Education will provide portions of the grant applications to each of Nebraska's three local workforce boards to review for alignment with the local workforce plan. Nebraska Adult Education will then, upon receipt of recommendations from each local area, consider the results of the review by the local board in determining the extent to which the application addresses the required considerations in §463.20

Compliance Review

All eligible grant applications will be read by a compliance review team and scored using a point system rubric. Total points awarded to each applicant will determine the funding level for each applicant based on predetermined funding ranges. Final awards are subject to the availability of Federal and State funds, and approval by the Nebraska State Board of Education.

Scoring Rubric

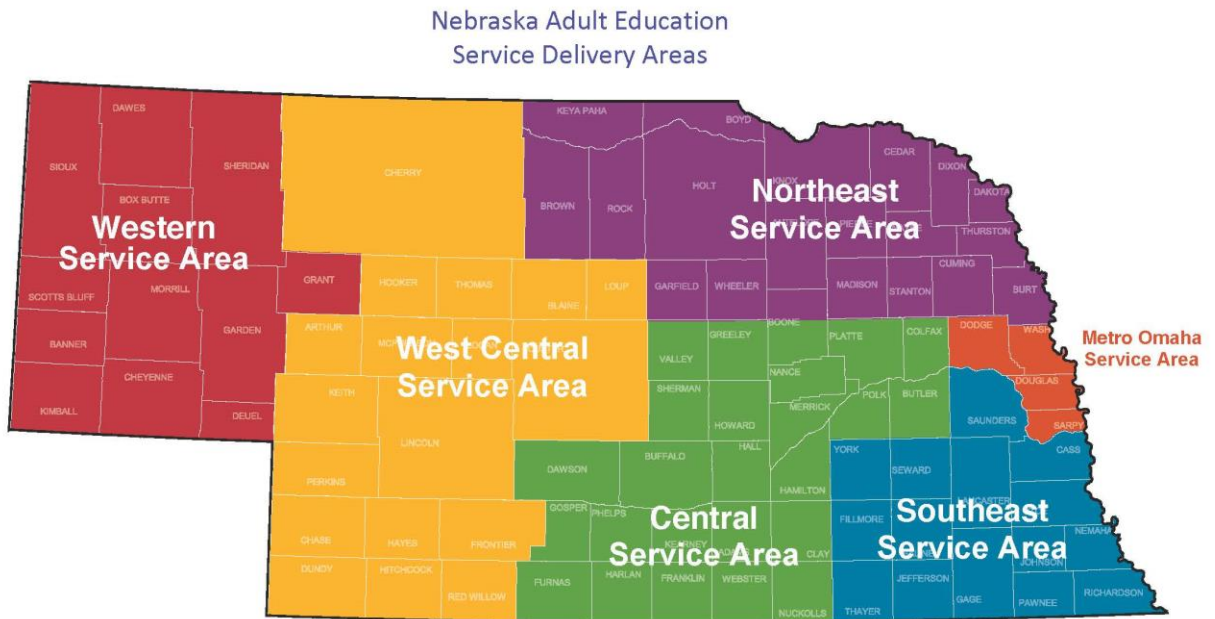
The scoring rubric for all grant submissions is based on a point system with each scored question rated on content, clarity and supporting information and documentation.

If applications are considered ineligible for funding consideration, applicants will be notified in writing.

Service Areas

Nebraska Adult Education operates in all counties across the State of Nebraska and has identified six distinct, geographic service delivery areas. See map for service area boundaries.

Applicants will identify by service area and by county or counties the specific service area included in the grant application.



Central Service Area

Dawson, Gosper, Furnas, Phelps, Harlan, Valley, Sherman, Buffalo, Kearney, Franklin, Greeley, Howard, Hall, Adams, Webster, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls, Platte, Polk, Colfax and Butler

Metro Omaha Service Area

Dodge, Washington, Douglas and Sarpy

Northeast Service Area

Keya Paha, Brown, Rock, Boyd, Holt, Garfield, Wheeler, Knox, Antelope, Boone, Pierce, Madison, Cedar, Wayne Stanton, Dixon, Dakota, Thurston, Cuming and Burt

Southeast Service Area

York, Fillmore, Thayer, Seward, Saline, Jefferson, Lancaster, Gage, Saunders, Cass, Otoe, Johnson, Pawnee, Nemaha and Richardson

West Central Service Area

Cherry, Hooker, Arthur, Keith, Perkins, Chase, Dundy, McPherson, Lincoln, Hayes, Hitchcock, Frontier, Red Willow, Thomas, Logan, Blaine, Loup, Custer

Western Service Area

Sioux, Scotts Bluff, Banner, Kimball, Dawes, Box Butte, Morrill, Cheyenne, Sheridan, Garden, Deuel, Grant

PROGRAM DELIVERY

Purpose 34 CFR §463.1

In accordance with 34 CFR Part 463.1, the purpose of the Adult Education and Family Literacy Act (AEFLA) is to create a partnership among Federal Government, States, and localities to provide, on a voluntary basis, adult education and literacy activities, in order to-

- (a) Assist adults to become literate and obtain the knowledge and skills necessary for employment and economic self-sufficiency;
- (b) Assist adults who are parents or family members to obtain the education and skills that—
 - (1) Are necessary to becoming full partners in the educational development of their children; and
 - (2) Lead to sustainable improvements in the economic opportunities for their family;
- (c) Assist adults in attaining a secondary school diploma or its recognized equivalent and in the transition to postsecondary education and training, through career pathways; and
- (d) Assist immigrants and other individuals who are English language learners in—
 - (1) Improving their—
 - (i) Reading, writing, speaking, and comprehension skills in English; and
 - (ii) Mathematics skills; and
 - (2) Acquiring an understanding of the American system of Government, individual freedom, and the responsibilities of citizenship.

Populations Served

The purpose of this funding opportunity is to assist local program providers to develop educational programs and services for Adult Learners who:

- have attained 16 years of age, are not enrolled or required to be enrolled in secondary school under state law; and
- are basic skills deficient, do not possess a secondary school diploma or its recognized equivalent, and have not achieved an equivalent level of education; or are an English language learner.

Nebraska Statute 79-201

Compulsory education; attendance required; exceptions; reports required.

(1) For purposes of this section, a child is of mandatory attendance age if the child (a) will reach six years of age prior to January 1 of the then-current school year and (b) has not reached eighteen years of age.

(2) Except as provided in subsection (3) of this section, every person residing in a school district within the State of Nebraska who has legal or actual charge or control of any child who is of mandatory attendance age or is enrolled in a public school shall cause such child to enroll in, if such child is not enrolled, and attend regularly a public, private, denominational, or parochial day school which meets the requirements for legal operation prescribed in Chapter 79, or a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements, each day that such school is open and in session, except when excused by school authorities or when illness or severe weather conditions make attendance impossible or impracticable.

(3) Subsection (2) of this section does not apply in the case of any child who:

(a) Has obtained a high school diploma by meeting the graduation requirements established in section 79-729;

(b) Has completed the program of instruction offered by a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements;

(c) Has reached sixteen years of age and has been withdrawn from school pursuant to section 79-202;

(d)(i) Will reach six years of age prior to January 1 of the then-current school year, but will not reach seven years of age prior to January 1 of such school year, (ii) such child's parent or guardian has signed an affidavit stating that the child is participating in an education program that the parent or guardian believes will prepare the child to enter grade one for the following school year, and (iii) such affidavit has been filed by the parent or guardian with the school district in which the child resides;

(e)(i) Will reach six years of age prior to January 1 of the then-current school year but has not reached seven years of age, (ii) such child's parent or guardian has signed an affidavit stating that the parent or guardian intends for the child to participate in a school which has elected or will elect pursuant to section 79-1601 not to meet accreditation or approval requirements and the parent or guardian intends to provide the Commissioner of Education with a statement pursuant to subsection (3) of section 79-1601 on or before the child's seventh birthday, and (iii) such affidavit has been filed by the parent or guardian with the school district in which the child resides; or

(f) Will not reach six years of age prior to January 1 of the then-current school year and such child was enrolled in a public school and has discontinued the enrollment according to the policy of the school board adopted pursuant to subsection (4) of this section.

(4) The board shall adopt policies allowing discontinuation of the enrollment of students who will not reach six years of age prior to January 1 of the then-current school year and specifying the procedures therefor.

(5) Each school district that is a member of a learning community shall report to the learning community coordinating council on or before September 1 of each year for the immediately preceding school year the following information:

(a) All reports of violations of this section made to the attendance officer of any school in the district pursuant to section 79-209;

(b) The results of all investigations conducted pursuant to section 79-209, including the attendance record that is the subject of the investigation and a list of services rendered in the case;

(c) The district's policy on excessive absenteeism; and

(d) Records of all notices served and reports filed pursuant to section 79-209 and the district's policy on habitual truancy.

Nebraska Statute 79-202

Compulsory attendance; withdrawal of child from school; exempt from mandatory attendance; exit interview; withdrawal form; validity; child at least sixteen years of age; other enrollment options; later enrollment; effect; Commissioner of Education; duties.

(1) A person who has legal or actual charge or control of a child who is at least sixteen years of age but less than eighteen years of age may withdraw such child from school before graduation and be exempt from the mandatory attendance requirements of section 79-201 if an exit interview is conducted and the withdrawal form is signed as required by subsections (2) through (5) of this section for a child enrolled in a public, private, denominational, or parochial school or if a signed notarized release form is filed with the Commissioner of Education as required by subsection (6) of this section for a child enrolled in a school that elects pursuant to section 79-1601 not to meet accreditation or approval requirements.

(2) Upon the written request of any person who has legal or actual charge or control of a child who is at least sixteen years of age but less than eighteen years of age, the superintendent of a school district or the superintendent's designee shall conduct an exit interview if the child (a) is enrolled in a school operated by the school district or (b) resides in the school district and is enrolled in a private, denominational, or parochial school.

(3) The superintendent or the superintendent's designee shall set the time and place for the exit interview which shall be personally attended by: (a) The child, unless the withdrawal is being requested due to an illness of the child making attendance at the exit interview impossible or impracticable; (b) the person who has legal or actual charge or control of the child who requested the exit interview; (c) the superintendent or the superintendent's designee; (d) the child's principal or the principal's designee if the child at the time of the exit interview is enrolled in a school operated by the school district; and (e) any other person requested by any of the required parties who agrees to attend the exit interview and is available at the time designated for the exit interview which may include, but need not be limited to, other school district personnel or the child's principal or such principal's designee if the child is enrolled in a private, denominational, or parochial school.

(4) At the exit interview, the person making the written request pursuant to subsection (2) of this section shall present evidence that (a) the person has legal or actual charge or control of the child and (b) the child would be withdrawing due to either (i) financial hardships requiring the child to be employed to support the child's family or one or more dependents of the child or (ii) an illness of the child making attendance impossible or impracticable. The superintendent or superintendent's designee shall identify all known alternative educational opportunities, including vocational courses of study, that are available to the child in the school district and how withdrawing from school is likely to reduce potential future earnings for the child and increase the likelihood of the child being unemployed in the future. Any other relevant information may be presented and discussed by any of the parties in attendance.

(5)(a) At the conclusion of the exit interview, the person making the written request pursuant to subsection (2) of this section may sign the withdrawal form provided by the school district agreeing to the withdrawal of the child or may rescind the written request for the withdrawal.

(b) Any withdrawal form signed by the person making the written request pursuant to subsection (2) of this section shall be valid only if (i) the child signs the form unless the withdrawal is being requested due to an illness of the child making attendance at the exit interview impossible or impracticable and (ii) the superintendent or superintendent's designee signs the form acknowledging that the interview was held, the required information was provided and discussed at the interview, and, in the opinion of the superintendent or the superintendent's designee, the person making the written request pursuant to subsection (2) of this section does in fact have legal or actual charge or control of the child and the child is experiencing either (A) financial hardships requiring the child to be employed to support the child's family or one or more dependents of the child or (B) an illness making attendance impossible or impracticable.

(6) A person who has legal or actual charge or control of the child who is at least sixteen years of age but less than eighteen years of age may withdraw such a child before graduation and be exempt from the mandatory attendance requirements of section 79-201 if such child has been enrolled in a school that elects pursuant to section 79-1601 not to meet the accreditation or approval requirements by filing with the State Department of Education a signed notarized release on a form prescribed by the Commissioner of Education.

(7) A child who has been withdrawn from school pursuant to this section may enroll in a school district at a later date as provided in section 79-215 or may enroll in a private, denominational, or parochial school or a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements. Any such enrollment shall void the withdrawal form previously entered, and the provisions of sections 79-201 to 79-210 shall apply to the child.

(8) The Commissioner of Education shall prescribe the required form for withdrawals pursuant to this section and determine and direct either that (a) withdrawal forms of school districts for any child who is withdrawn from school pursuant to this section and subdivision (3)(c) of section 79-201 shall be provided annually to the State Department of Education or (b) data regarding such students shall be collected under subsection (2) of section 79-528.

Process for Awarding Grants 34 CFR §463.20

(a) From grant funds made available under section 222(a)(1) of the Act, each eligible agency must award competitive multiyear grants or contracts to eligible providers within the State or outlying area to enable the eligible providers to develop, implement, and improve adult education and literacy activities within the State or outlying area.

(b) The eligible agency must require that each eligible provider receiving a grant or contract use the funding to establish or operate programs that provide adult education and literacy activities, including programs that provide such activities concurrently.

(c) In conducting the competitive grant process, the eligible agency must ensure that—

(1) All eligible providers have direct and equitable access to apply and compete for grants or contracts;

(2) The same grant or contract announcement and application processes are used for all eligible providers in the State or outlying area; and

(3) In awarding grants or contracts to eligible providers for adult education and literacy activities, funds shall not be used for the purpose of supporting or providing programs, services, or activities for individuals who are not eligible individuals as defined in the Act, except that such agency may use such funds for such purpose if such programs, services, or activities are related to family literacy activities. Prior to providing family literacy activities for individuals who are not eligible individuals, an eligible provider shall attempt to coordinate with programs and services that do not receive funding under this title.

(d) In awarding grants or contracts for adult education and literacy activities to eligible providers, the eligible agency must consider the following:

(1) The degree to which the eligible provider would be responsive to—

(i) Regional needs as identified in the local workforce development plan; and

(ii) Serving individuals in the community who were identified in such plan as most in need of adult education and literacy activities, including individuals who—

(A) Have low levels of literacy skills; or

(B) Are English language learners;

(2) The ability of the eligible provider to serve eligible individuals with disabilities, including eligible individuals with learning disabilities;

(3) The past effectiveness of the eligible provider in improving the literacy of eligible individuals, especially those individuals who have low levels of literacy, and the degree to which those improvements contribute to the eligible agency meeting its State-adjusted levels of performance for the primary indicators of performance described in §677.155;

(4) The extent to which the eligible provider demonstrates alignment between proposed activities and services and the strategy and goals of the local plan under section 108 of the Act, as well as the activities and services of the one-stop partners;

(5) Whether the eligible provider's program—

(i) Is of sufficient intensity and quality, and based on the most rigorous research available so that participants achieve substantial learning gains; and

(ii) Uses instructional practices that include the essential components of reading instruction;

(6) Whether the eligible provider's activities, including whether reading, writing, speaking, mathematics, and English language acquisition instruction delivered by the eligible provider, are based on the best practices derived from the most rigorous research available, including scientifically valid research and effective educational practice;

(7) Whether the eligible provider's activities effectively use technology, services and delivery systems, including distance education, in a manner sufficient to increase the amount and quality of learning, and how such technology, services, and systems lead to improved performance;

(8) Whether the eligible provider's activities provide learning in context, including through integrated education and training, so that an individual acquires the skills needed to transition to and complete postsecondary education and training programs, obtain and advance in employment leading to economic self-sufficiency, and to exercise the rights and responsibilities of citizenship;

(9) Whether the eligible provider's activities are delivered by instructors, counselors, and administrators who meet any minimum qualifications established by the State, where applicable, and who have access to high-quality professional development, including through electronic means;

(10) Whether the eligible provider coordinates with other available education, training, and social service resources in the community, such as by establishing strong links with elementary schools and secondary schools, postsecondary educational institutions, institutions of higher education, Local WDBs, one-stop centers, job training programs, and social service agencies, business, industry, labor organizations, community-based organizations, nonprofit organizations, and intermediaries, in the development of career pathways;

(11) Whether the eligible provider's activities offer the flexible schedules and coordination with Federal, State, and local support services (such as child care, transportation, mental health services, and career planning) that are necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs;

(12) Whether the eligible provider maintains a high-quality information management system that has the capacity to report measurable participant outcomes (consistent with section §666.100) and to monitor program performance; and

(13) Whether the local area in which the eligible provider is located has a demonstrated need for additional English language acquisition programs and civics education programs.

GRANT REQUIREMENTS

Grant Application Requirements 34 CFR §463.22

Each eligible provider seeking a grant or contract must submit an application to the eligible agency containing the information and assurance listed below, as well as any additional information required by the eligible agency, including:

- (1) A description of how funds awarded under this title will be spent consistent with the requirements of title II of AEFLA;
- (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 workforce development plan, 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 for the primary indicators of performance identified in the State's Combined State Plan, including how such provider will collect data to report on such performance indicators.
- (5) A description of how the eligible provider will fulfill, as appropriate, required one-stop partner responsibilities to-
 - i. Provide access through the one-stop delivery system to adult education and literacy activities;
 - ii. Use a portion of the funds made available under the Act to maintain the one-stop delivery system, including payment of the infrastructure costs for the one-stop centers, in accordance with the methods agreed upon by the Local Board and described in the memorandum of understanding or the determination of the Governor regarding State one-stop infrastructure funding;
 - iii. Enter into a local memorandum of understanding with the Local Board, relating to the operations of the one-stop system;
 - iv. Participate in the operation of the one-stop system consistent with the terms of the memorandum of understanding, and the requirements of the Act; and
 - v. Provide representation to the State board;
- (6) A description of how the eligible provider will provide services in a manner that meets the needs of eligible individuals;
- (7) Information that addresses the 13 considerations. (34 CFR §463.20)(d)(1)

Eligible Applicants 34 CFR §463.23

An organization that has demonstrated effectiveness in providing adult education and literacy activities is eligible to apply for a grant or contract. These organizations may include, but are not limited to:

- (a) A local educational agency;
- (b) A community-based organization or faith-based organization;
- (c) A volunteer literacy organization;
- (d) An institution of higher education;
- (e) A public or private nonprofit agency;
- (f) A library;
- (g) A public housing authority;
- (h) A nonprofit institution that is not described in any of paragraphs (a) through (g) of this section and has the ability to provide adult education and literacy activities to eligible individuals’
- (i) A consortium or coalition of the agencies, organizations, institutions, libraries, or authorities described in any of paragraphs (a) through (h) of this section; and
- (j) A partnership between an employer and an entity described in any of paragraphs (a) through (i) of this section.

Demonstrated Effectiveness 34 CFR §463.24

(a) For the purposes of this section, an eligible provider must demonstrate past effectiveness by providing performance data on its record of improving the skills of eligible individuals, particularly eligible individuals who have low levels of literacy, in the content domains of reading, writing, mathematics, English language acquisition, and other subject areas relevant to the services contained in the State's application for funds. An eligible provider must also provide information regarding its outcomes for participants related to employment, attainment of secondary school diploma or its recognized equivalent, and transition to postsecondary education and training.

(b) There are two ways in which an eligible provider may meet the requirements in paragraph (a) of this section:

- (3) An eligible provider that has been funded under title II of the Act must provide performance data required under section 116 to demonstrate past effectiveness.
- (4) An eligible provider that has not been previously funded under title II of the Act must provide performance data to demonstrate its past effectiveness in serving basic skills deficient eligible individuals, including evidence of its success in achieving outcomes listed in paragraph (a) of this section.

Applications will be considered eligible for review based on the data submitted to show demonstrated effectiveness.

ADULT EDUCATION COMPONENTS

Educational Functioning Levels

All eligible applicants of this Request for Proposals under AEFLA Title II of WIOA will be required to establish and operate Adult Education programs that serve ALL of the Federally Designated Educational Functioning Levels (EFL) to include six (6) English as a Second Language (ESL) Educational Functioning Levels as well as six (6) Adult Basic Education and Adult Secondary Education EFLs.

English as a Second Language (English Language Acquisition ELA)

Level 1: Beginning ESL Literacy

Level 2: Low Beginning ESL

Level 3: High Beginning ESL

Level 4: Low Intermediate ESL

Level 5: High Intermediate ESL

Level 6: Advanced ESL

Adult Basic and Secondary Education

Level 1: Beginning Literacy

Level 2: Beginning Basic

Level 3: Low Intermediate

Level 4: High Intermediate

Level 5: Low Adult Secondary

Level 6: High Adult Secondary

Please review **Appendix B of the Technical Assistance Guide for Performance Accountability under the Workforce Innovation and Opportunity Act** for detailed descriptions of each of the 12 Educational Functioning Levels required under this title.

Instruction must also include activities that prepare students for transition to postsecondary education and training or employment.

Instruction must be in English.

Applicants must focus all efforts on developing curriculum and instructional programs designed to assist students in improving their educational functioning level, improving English language acquisition, improving basic skills in math and reading, earning a high school equivalency credential or equivalent and transitioning to post-secondary education and training or employment.

Allowable Activities 34 CFR §463.30

Each eligible provider receiving a grant must use the grant funding to establish and operate programs providing adult education and literacy activities and services that include:

- (a) Adult education,
- (b) Literacy,
- (c) Workplace adult education and literacy activities,
- (d) Family literacy activities,
- (e) English language acquisition activities,
- (f) Integrated English literacy and civics education,
- (g) Workforce preparation activities, or
- (h) Integrated education and training.

English Language Acquisition 34 CFR §463.31

The term “English language acquisition program” means a program of instruction—

- (a) 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
- (b) That leads to—
 - (1) Attainment of a secondary school diploma or its recognized equivalent; and
 - (2) Transition to postsecondary education and training; or
 - (3) Employment.

To meet the requirement in §463.31(b) a program of instruction must:

- (a) Have implemented State adult education content standards that are aligned with State-adopted challenging academic content standards, as adopted under the Elementary and Secondary Education Act of 1965, as amended (ESEA) as described in the State's Unified or Combined State Plan and as evidenced by the use of a State or local curriculum, lesson plans, or instructional materials that are aligned with the State adult education content standards; or
- (b) Offer educational and career counseling services that assist an eligible individual to transition to postsecondary education or employment; or
- (c) Be part of a career pathway.

Corrections Education 34 CFR §463.60

(a) Authorized under section 225 of the Act, programs for corrections education and the education of other institutionalized individuals require each eligible agency to carry out corrections education and education for other institutionalized individuals using funds provided under section 222 of the Act.

(b) The funds described in paragraph (a) of this section must be used for the cost of educational programs for criminal offenders in correctional institutions and other institutionalized individuals, including academic programs for—

- (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.

Integrated English Literacy and Civics Education IELCE (34 CFR §463.70)

(a) The Integrated English Literacy and Civics Education program refers to the use of funds provided under section 243 of the Act for education services for English language learners who are adults, including professionals with degrees and credentials in their native countries.

(b) The Integrated English Literacy and Civics Education program delivers educational services as described in §463.33.

(c) Such educational services must be delivered in combination with integrated education and training activities as described in §463.36.

IELCE Requirements 34 CFR 463.73

Eligible providers receiving funds through the Integrated English Literacy and Civics Education program must provide services that—

(a) Include instruction in literacy and English language acquisition and instruction on the rights and responsibilities of citizenship and civic participation; and

(b) Are designed to:

(1) Prepare adults who are English language learners for, and place such adults in, unsubsidized employment in in-demand industries and occupations that lead to economic self-sufficiency; and

(2) Integrate with the local workforce development system and its functions to carry out the activities of the program.

IELCE Integrated Education and Training Requirement 34 CFR 463.74

An eligible provider that receives funds through the Integrated English Literacy and Civics Education program may meet the requirement to use funds for integrated English literacy and civics education in combination with integrated education and training activities by:

(a) Co-enrolling participants in integrated education and training as described in subpart D of this part that is provided within the local or regional workforce development area from sources other than section 243 of the Act; or

(b) Using funds provided under section 243 of the Act to support integrated education and training activities as described in subpart D of this part.

Eligible Participants 34 CFR §463.75

Individuals who otherwise meet the definition of “eligible individual” and are English language learners, including professionals with degrees and credentials obtained in their native countries, may receive Integrated English Literacy and Civics Education services.

Workforce Preparation Activities 34 CFR §463.34

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.

Integrated English Literacy and Civics Education Services 34 CFR §463.33

(a) Integrated English Literacy and Civics Education services are education services provided to English language learners who are adults, including professionals with degrees or credentials in their native countries, that enable such 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.

(b) Integrated English literacy and civics education services 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.

Career Pathways

As described in 34 CFR §463.1, Nebraska Adult Education requires all local providers to implement strategies to assist adults in attaining a secondary school diploma and in the transition to postsecondary education and training, including through Career Pathways.

Nebraska adult Education has a multi-step career pathways plan for all students entering Nebraska Adult Education funded through this title.

Key Steps Include:

1. Program Enrollment and Assessment
2. Education and Training
3. Retention Efforts
4. Transition

All eligible program providers will be required to comply with the Career Pathways plan and successfully implement the four key steps.

Program Enrollment and Assessment required elements include:

1. Initial Contact with Student
2. Student Registration
3. Orientation
4. Career Pathways Intake
5. Career Interest Inventory
6. Learning Styles Checklist
7. TABE / BEST Plus 2.0 Pre-Assessment

Student attendance hours accrued during Program Enrollment and Assessment are considered non-instructional hours and do not count towards the instructional hour requirements for post-testing. Post-testing hour requirements are outlined in the Nebraska Adult Education Assessment Policy.

Distance Education

Purpose

The purpose of Distance Education in Nebraska is to provide learning opportunities to a larger population of students across the State. Due to the large geographic area and the often challenging economic status of adult learners, distance education provides more students with the chance to enroll in basic skills improvement, high school equivalency test preparation and English language acquisition classes without the burden of traveling to and from class on a regular basis.

Although Distance Education activities are an optional service delivery model under Nebraska Adult Education, these activities are highly encouraged due to the large and varied geographic service areas in the State of Nebraska.

Students who are unable to attend class on a regular basis can benefit from distance education programs, which are intended to provide direct educational learning opportunities that incorporate face-to-face contact with the student along with the distance education approved curriculum.

Applicants under Nebraska Adult Education who plan to offer Distance Education must adhere to the Distance Education Policy found in the Nebraska Adult Education Assessment Policy.

BUDGETS

Local Administrative Costs Limits (§233) (§463.25)

(a) In general – subject to subsection (b), of the amount that is made available under this title to an eligible provider-

(1) not less than 95 percent shall be expended for carrying out adult education and literacy activities; and

(2) the remaining amount, not to exceed 5 percent shall be used for planning, administration, professional development and the activities described in paragraphs (3) and (5) of section 232.

(b) Special Rule – In cases here the cost limits described in subsection (a) are too restrictive to allow for the activities described in subsection (a)(2), the eligible provider shall negotiate with the eligible agency in order to determine an adequate level of funds to be used for non-instructional purposes.

Administrative Cost Activities 34 CFR §463.26

An eligible provider receiving a grant or contract under this part may consider costs incurred in connection with the following activities to be administrative costs:

(a) Planning;

(b) Administration, including carrying out performance accountability requirements;

(c) Professional development;

(d) Providing adult education and literacy services in alignment with local workforce plans, including promoting co-enrollment in programs and activities under title I, as appropriate; and

(e) Carrying out the one-stop partner responsibilities described in §678.420, including contributing to the infrastructure costs of the one-stop delivery system.

Supplement Not Supplant Section 241(a) of WIOA (Federal Requirement)

As described in Section 241(a) of WIOA funds made available for adult education and literacy activities under this title shall supplement, not supplant other State or local public funds expended for adult education and literacy activities.

Funding received under this title must be used supplement, or increase the level of funding made available to adult education programs that are already utilizing other local resources. The funding received from this title cannot replace this existing funding.

Maintenance of Effort (Federal Requirement, State Imposed)

Maintenance of Effort is the aggregate of expenditures based on state and/or local non-federal expenditures for adult education and literacy activities. All local program providers must report the non-federal contribution used to meet the Maintenance of Effort requirement. The non-federal contribution can be cash or in-kind contributions that are fairly evaluated and must include only non-federal funds used for adult education and literacy activities consistent with WIOA, Title II AEFLA.

Required Match (Federal Requirement, State Imposed)

All applicants must provide at least a 35 percent (35%) match of their federal grant award in non-federal expenditures for adult education and literacy activities. Documentation of match amounts and source of local funding for match will be entered into the budget worksheets that are part of the AEFLA RFP Application. Amounts reported for acceptable matching include:

Funds that are properly documented and verifiable from documentation records
Funds that are reasonable and necessary to accomplish program goals and objectives
Funds that are allowable under the applicable cost principles
Funds that are not included as contribution for other federal assisted programs
Funds that are fairly valued with supporting documentation of fair market value

Budget Worksheets

Sections 231, 225 and 243 funding sources require separate budgets. Each budget worksheet must be submitted along with the AEFLA Grant Application for consideration. The budget workbook (Excel File) includes the following worksheets:

- Budget Instructions

- Budget Summary

- Section 231 Proposed Budgets
- Section 231 Local Match Source
- Section 231 Instructional Worksheet
- Section 231 Administrative Worksheet

- Section 225 Proposed Budgets
- Section 225 Local Match Source
- Section 225 Instructional Worksheet
- Section 225 Administrative Worksheet

- Section 243 Proposed Budgets
- Section 243 Local Match Source
- Section 243 Instructional Worksheet
- Section 243 Administrative Worksheet

- Budget Categories

Reasonable Costs 2 CFR §200.404

A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. The question of reasonableness is particularly important when the non-Federal entity is predominantly federally-funded. In determining reasonableness of a given cost, consideration must be given to:

- (a) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the non-Federal entity or the proper and efficient performance of the Federal award.
- (b) The restraints or requirements imposed by such factors as: sound business practices; arm's-length bargaining; Federal, state, local, tribal, and other laws and regulations; and terms and conditions of the Federal award.
- (c) Market prices for comparable goods or services for the geographic area.
- (d) Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the non-Federal entity, its employees, where applicable its students or membership, the public at large, and the Federal Government.
- (e) Whether the non-Federal entity significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the Federal award's cost.

Program Income (State Requirement)

Nebraska Adult Education as the State Eligible Agency reserves the authority to allow local program providers receiving grant funding through the Adult Education and Family Literacy Act to generate local program income.

Nebraska Adult Education does not authorize local program providers (grant recipients) to generate program income by charging participants (students) any form of enrollment fee, registration fee, application fee or tuition entering any of the 12 Educational Functioning Levels of Adult Education, to include six (6) English as a Second Language EFLs and six (6) Adult Basic Education and Adult Secondary Education EFLs. This policy extends to transitional (bridge) programs for participants exiting ESL Level 6 and entering ABE Level 1. Students must naturally transition to the appropriate EFL and then on to postsecondary education, training or employment without cost.

Additionally, local program providers (grant recipients) may not charge for textbooks, books or other educational related materials and supplies or curricula to participate in Adult Education programs and classes sponsored under this title.

ACCOUNTABILITY

National Reporting System

The National Reporting System for Adult Education (NRS) is the accountability system for the Federally funded adult education program, authorized by Section 212 of the Workforce Innovation and Opportunity Act (WIOA). The NRS includes the WIOA primary indicators of performance, measures that describe adult education students and their program participation, methodologies for collecting performance data, and program reporting procedures.

<https://www.nrsweb.org/>

Please find the NRS Technical Assistance Guide at <https://www.education.ne.gov/aded/>

Compliance and Monitoring (Federal and State Requirements)

Local program providers receiving grant funding through this title are required to maintain compliance with the terms of the federal and state award, to include policy and procedure compliance and full implementation of all policies and procedures by the grantee in an efficient and timely manner. Local program providers ensure responsiveness to direct and indirect requests for compliance by Nebraska Adult Education as the State Eligible Agency for AEFLA.

Nebraska Adult Education will be directly responsible for providing:

- Local program compliance monitoring
- Technical assistance
- Professional development
- Targeted training
- Programmatic performance monitoring
- Fiscal compliance monitoring
- Corrective action plans
- Sanctions for non-compliance

Corrective Action and Sanctions (Federal Requirement)

Through ongoing, indirect and direct monitoring, technical assistance and professional development, Nebraska Adult Education will, if necessary issue a corrective action or a series of corrective actions to a non-compliant provider (grantee). Grantees are expected to fully comply with the terms of the corrective action in a timely manner or by the identified due date.

Per Uniform Guidance, failure to comply with Federal statutes, regulations, terms and conditions of the Federal award or the terms of a corrective action, Nebraska Adult Education may take one or more of the following actions, as appropriate in the circumstances:

- Temporarily withhold cash payments pending correction of the deficiency by the grantee
- Disallow all or part of the cost of the activity or action not in compliance
- Wholly or partially suspend or terminate the award
- Withhold future awards to the grantee under a continuation grant or new RFP
- Other remedies or actions deemed necessary

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

Grantees must comply with the terms of the Family Educational Rights and Privacy Act and its regulations in 34 CFR §99 to protect the privacy of enrolled program participants' (students) education records.

Reporting

The following is a list of reports that may be required by grantees as part of Nebraska Adult Education's compliance monitoring and program and performance improvement plan:

- Monthly Progress Reports
- Quarterly Program Reports
- Annual Performance Report
- Budget Status Reports
- Report of Expenditures
- Data Quality Checklist
- Class Lists
- Other Reports as Necessary

Assessment Policy 34 CFR §462.40

(a) A State must have a written assessment policy that its local eligible providers must follow in measuring educational gain and reporting data in the NRS.

(b) A State must submit its assessment policy to the Secretary for review and approval at the time it submits its annual statistical report for the NRS.

(c) The State's assessment policy must—

(1) Include a statement requiring that local eligible providers measure the educational gain of all students who receive 12 hours or more of instruction in the State's adult education program with a test that the Secretary has determined is suitable for use in the NRS;

(2) Identify the pre- and post-tests that the State requires eligible providers to use to measure the educational functioning level gain of ABE, ASE, and ESL students;

(3)(i) Indicate when, in calendar days or instructional hours, eligible providers must administer pre- and post-tests to students;

(ii) Ensure that the time for administering the post-test is long enough after the pre-test to allow the test to measure educational functioning level gains according to the test publisher's guidelines; and

(iii) Specify a standard for the percentage of students to be pre- and post-tested.

(4) Specify the score ranges tied to educational functioning levels for placement and for reporting gains for accountability;

(5) Identify the skill areas the State intends to require local eligible providers to assess in order to measure educational gain;

(6) Include the guidance the State provides to local eligible providers on testing and placement of an individual with a disability or an individual who is unable to be tested because of a disability;

(7) Describe the training requirements that staff must meet in order to be qualified to administer and score each test selected by the State to measure the educational gains of students;

(8) Identify the alternate form or forms of each test that local eligible providers must use for post-testing;

(9) Indicate whether local eligible providers must use a locator test for guidance on identifying the appropriate pre-test;

(10) Describe the State's policy for the initial placement of a student at each NRS educational functioning level using test scores;

(11) Describe the State's policy for using the post-test for measuring educational gain and for advancing students across educational functioning levels;

(12) Describe the pre-service and in-service staff training that the State or local eligible providers will provide, including training—

- (i) For staff who either administer or score each of the tests used to measure educational gain;
- (ii) For teachers and other local staff involved in gathering, analyzing, compiling, and reporting data for the NRS; and
- (iii) That includes the following topics:
 - (A) NRS policy, accountability policies, and the data collection process.
 - (B) Definitions of measures.
 - (C) Conducting assessments; and
- (13) Identify the State or local agency responsible for providing pre- and in-service training.

§462.41 How must tests be administered in order to accurately measure educational gain?

- (a) *General.* A local eligible provider must measure the educational gains of students using only tests that the Secretary has determined are suitable for use in the NRS and that the State has identified in its assessment policy.
- (b) *Pre-test.* A local eligible provider must—
 - (1) Administer a pre-test to measure a student's educational functioning level at intake, or as soon as possible thereafter;
 - (2) Administer the pre-test to students at a uniform time, according to the State's assessment policy; and
 - (3) Administer pre-tests to students in the skill areas identified in the State's assessment policy.
- (c) *Post-test.* A local eligible provider must—
 - (1) Administer a post-test to measure a student's educational functioning level after a set time period or number of instructional hours;
 - (2) Administer the post-test to students at a uniform time, according to the State's assessment policy;
 - (3)(i) Administer post-tests with a secure, parallel, equated form of the same test—either traditional paper and pencil or computer-administered instruments—for which forms are constructed prior to administration to examinees to pre-test and determine the initial placement of students; or
 - (ii) Administer post-tests with an adaptive test that uses computerized algorithms for selecting and administering items in real time; however, for such an instrument, the size of the item pool and the method of item selection must ensure negligible overlap in items across pre- and post-testing; and
 - (4) Administer post-tests to students in the same skill areas as the pre-test.
- (d) *Other requirements.* (1) A local eligible provider must administer a test using only staff who have been trained to administer the test.

(2) A local eligible provider may use the results of a test in the NRS only if the test was administered in a manner that is consistent with the State's assessment policy and the test publisher's guidelines.

§462.42 How are tests used to place students at an NRS educational functioning level?

(a) A local eligible provider must use the results of the pre-test described in §462.41(b) to initially place students at the appropriate NRS educational functioning level.

(b) A local eligible provider must use the results of the post-test described in §462.41(c)—

(1) To determine whether students have completed one or more educational functioning levels or are progressing within the same level; and

(2) To place students at the appropriate NRS educational functioning level.

(c)(1) States and local eligible providers are not required to use all of the skill areas described in the NRS educational functioning levels to place students.

(2) States and local eligible providers must test and report on the skill areas most relevant to the students' needs and to the programs' curriculum.

(d)(1) If a State's assessment policy requires a local eligible provider to test a student in multiple skill areas and the student will receive instruction in all of the skill areas, the local eligible provider must place the student in an educational functioning level that is equivalent to the student's lowest test score for any of the skill areas tested under §462.41(b) and (c).

(2) If a State's assessment policy requires a local eligible provider to test a student in multiple skill areas, but the student will receive instruction in fewer than all of the skill areas, the local eligible provider must place the student in an educational functioning level that is equivalent to the student's lowest test score for any of the skill areas—

(i) Tested under §462.41(b) and (c); and

(ii) In which the student will receive instruction.

GEPA

NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about the following provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Public Law (P.L.) 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

- 1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.
- 2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

4) An applicant that proposes a project to increase school safety might describe the special efforts it will take to address concern of lesbian, gay, bisexual, and transgender students, and efforts to reach out to and involve the families of LGBT students

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefit (Public Law 103-382. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20210-4537 or email ICDocketMgr@ed.gov and reference the OMB Control Number 1894-0005.

General Assurances and Certifications (State Requirement)

CIVIL RIGHTS

No person shall, on grounds of race, color, national origin, sex, disability, or age, be excluded from participation in or subjected to discrimination in any program or activity funded, in whole or in part, by federal funds. The subrecipient certifies there is compliance with the following:

- Title VI of the Civil Rights Act of 1964, as amended, 45 USC 2000d et seq., which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance;
- Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC 794, which prohibits discrimination on the basis of disability in programs and activities receiving Federal financial assistance;
- Title IX of the Education Amendments of 1972, as amended, 20 USC 1681 et seq., which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance;
- The Age Discrimination Act of 1975, as amended, 42 USC 6101 et seq., which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- All regulations, guidelines, and standards lawfully adopted under the above statutes by the United States Department of Education;
- The Americans with Disabilities Act, 42 USC 12101 et seq., is a civil rights law that prohibits discrimination against persons with disabilities in the areas of accessibility, employment, public services, public accommodations, transportation, and communications.

CONFLICT OF INTEREST

As the duly authorized representative of the subrecipient, I certify that the subrecipient will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

1. As required by Executive Order 12549 and implemented at 34 CFR Part 85, the subrecipient certifies that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
 - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

DRUG-FREE WORKPLACE REQUIREMENTS

1. Subrecipients Other Than Individuals

The subrecipient certifies that it will or will continue to provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing an ongoing drug-free awareness program to inform employees about –
 - i. The dangers of drug abuse in the workplace;
 - ii. The grantee's policy of maintaining a drug-free workplace;
 - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
 - i. Abide by the terms of the statement; and
 - ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- e. Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- f. Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted –
 - i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The subrecipient may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____ Check if there are workplaces on file that are not identified here.

2. Subrecipients Who Are Individuals

- a. The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- b. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to NDE.

ENVIRONMENTAL TOBACCO SMOKE

The Pro Children Act requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The subrecipient certifies that it will comply with the requirements of the Act and that it will require this certification in any subawards.

HATCH ACT

As the duly authorized representative of the subrecipient, I certify that the subrecipient will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

LOBBYING

The subrecipient certifies that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Program Assurances and Certifications

The grantee assures that funds will only be expended on eligible activities outlined in the Adult Education and Family Literacy Act (AEFLA) Title II of the Workforce Innovation and Opportunity Act (WIOA).

The grantee assures that funds made available for adult education and literacy activities under Title II Section 241 shall supplement and not supplant other State or local public funds expended for adult education and literacy activities.

The grantee will administer each AEFLA program in accordance with all statutes, regulations, program plans, policies and applications applicable to that program.

The grantee will adopt and use proper methods of administering each program, including (a) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program, and (b) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation.

The grantee will cooperate in carrying out any evaluation, monitoring review or audit of each program conducted by or for the Nebraska Department of Education, the United States Secretary of Education or other federal officials.

The grantee will retain all records relating to a program for which federal funds are received for a period of five years beyond the original grant period plus extensions or until such time as all pending reviews or audits have been completed and resolved, whichever is later.

None of the funds expended under any programs will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.

The grantee will maintain such records, including those pertaining to fiscal audit and program evaluation, and provide access to records upon request to representatives of the Nebraska Department of Education or the US Department of Education.

The grantee's governing body, and the undersigned official, has been duly authorized to file this application from and on behalf of said applicant, and otherwise to act as the authorized representative of the applicant in connection with this application.

The project will be operated in compliance with all applicable state and federal laws and in compliance with regulations and other policies and administrative directives of the Nebraska Department of Education.

Fiscal control and accounting procedures will be used to ensure proper disbursement of all funds awarded.

The Nebraska Department of Education reserves the exclusive right to use and grant the right to use and/or publish any part or parts of any summaries, abstracts, reports, publications, records and materials resulting from this project and this grant.

The grantee will protect and save harmless the Nebraska Department of Education from financial loss and expense, including legal fees and costs, if any, arising out of any breach of the duties, in whole or part, described in the application for the grant.

The grantee shall develop and maintain adequate documentation in a manner prescribed by the Nebraska Department of Education.

The grantee agrees to comply with the regulations referred to in this section as they exist on the date of this contract and as they may be adopted or amended from time to time during the term of this contract and any amendments thereto.

A continuing grant award is subject to the approval of the Nebraska Department of Education and availability of federal and state funds.

The grantee assures that funds will only be expended on eligible activities outlined in the Adult Education and Family Literacy Act (AEFLA) Title II of the Workforce Innovation and Opportunity Act (WIOA).

The grantee assures that funds will be used only for financial obligations incurred during the grant period.

The grantee assures that sub-grantees will not be used or contracted and that pass-through funding will not be delivered to any sub-grantee to deliver the services and activities outlined in the award.

The grantee will provide state and/or local (non-federal) matching contributions in order for the State to meet its maintenance of effort level equal to or greater than the aggregate amount expended at the State level during the preceding fiscal year.

The grantee assures if awarded funds to carry out a program for criminal offenders within a correctional institution, the grantee will give priority to serving individuals who are likely to leave the correctional institution within five years of participation in the program.

The grantee will offer instruction in English.

The grantee will offer instruction in collaboration with other organizations/agencies serving those individuals most in need of literacy services and those most at risk including: low income, housed in correctional facilities, needing basic literacy or English language acquisition, seeking a high school equivalency certificate, single parents, unemployed, etc.

The grantee will provide reading instruction programs designed to provide reading improvement for adults.

The grantee assures that the program will:

- Utilize qualified administrative personnel and instructional staff.
- Provide adequate instruction to meet the criteria for intensity and quality.
- Develop effective recruitment and retention strategies.
- Provide adequate ADA and 504 accessible facilities, equipment, and materials, meeting adult learners' needs.
- Provide services at a reasonable cost/student ratio.
- Provide service to students without a financial cost, including fees or tuition.

The grantee assures that resources will be available, and a process established, to develop a Career Pathway plan for each student that focuses specifically on the student's lowest literacy area as well as transition services to post-secondary education and training or employment.

Academic instruction will focus on the lowest Educational Functioning level between math and reading. Post-testing will be completed after reaching the minimum hours of academic instruction, which is defined in the Nebraska Adult Education Assessment Policy. The possibility of second year funding is partially contingent upon students served with AEFLA funds post-testing rates, level gains meeting or exceeding the state defined targets and compliance with state reporting requirements.

The grantee assures that requirements for demonstrated competencies of speaking, listening, reading, writing, computation (arithmetic), civics education, skills as a consumer, problem solving skills, and career/occupational skills development will be top priorities of the program.

As a state requirement, the grantee assures incorporation of the Nebraska Adult Education College and Career Ready Standards into all eligible instructional activities.

As a state requirement, the grantee assures that the Nebraska English Language Proficiency (ELP) standards will be used throughout the duration of the grant. ELP standards help ensure that adult English Language Learners (ELLs) receive the focused and effective instruction they need to access the state's adult education academic content standards.

The grantee assures that all program staff assigned to administer state approved assessments will obtain the required initial, ongoing, and/or recalibration training as required and defined in the Nebraska Adult Education Assessment Policy.

The grantee assures the adult education director represents Nebraska Adult Education as a WIOA Core Partner and within the Nebraska Workforce delivery system, which also includes community representatives, including employers, and WIOA core partners in a collaborative and positive manner.

The grantee assures that state-required program data (including students' social security numbers and student service identification numbers) will be collected and entered into the state-developed management information system (AIMS). Social security numbers are used for data matches with the Nebraska Department of Labor and the National Student Clearinghouse.

The grantee assures that no form of registration fee, application fee or tuition will be charged to any student entering the 12 EFLs of Nebraska Adult Education. This includes fees for participation in class or program activities or costs for books or materials for participation in Adult Education programs and activities. Students enrolled in transition (bridge programs) which includes the bridge between ESL Level 6 and ABE Level 1, may not be charged for enrollment or charged a registration fee or tuition of any kind.

The grantee assures if awarded the Integrated English Literacy and Civics Education under section 243(a) of WIOA, services will:

- Be delivered in combination with integrated education and training activities.

- Be designated to:

 - Prepare adults who are ELL for, and place such adults in, unsubsidized employment in in-demand industries and occupations that lead to economic self-sufficiency; and

 - Integrate with the local workforce system and its functions to carry out the activities of the program.

The program and services provided with Adult Education program funds will be operated so as not to discriminate on the basis of age, gender, race, national origin, ancestry, religion, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disabilities.

Administration of the program, activities, and services covered by this application will be in accordance with all applicable state and federal statutes, regulations, and policies.

The programs and services will serve adults most in need as indicated by a low level of income, a low level of adult literacy, or English language proficiency of the eligible adult, and other need-related indicators.

All projects will participate in the local, state, and/or national evaluation process. Evaluations will be used for continuous program improvements.

An updated inventory of all equipment and non-consumable materials will be available for review each year. The funds received under this grant will be used to address the needs set forth in the application and related fiscal information will be provided within the fiscal year timelines established for new, reapplying, and/or continuing programs.

Regulations 34 CFR § 463.2

The following regulations apply to the Adult Education and Family Literacy Act programs:

(a) The following Education Department General Administrative Regulations (EDGAR):

(1) 34 CFR part 75 (Direct Grant Programs), except that 34 CFR 75.720(b), regarding the frequency of certain reports, does not apply.

(2) 34 CFR part 76 (State-Administered Programs), except that 34 CFR 76.101 (The general State application) does not apply.

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR part 81 (General Education Provisions Act—Enforcement).

(6) 34 CFR part 82 (New Restrictions on Lobbying).

(7) 34 CFR part 86 (Drug and Alcohol Prevention).

(8) 2 CFR part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards), as adopted at 2 CFR part 3474.

(b) The regulations in 34 CFR part 462.

(c) The regulations in 34 CFR part 463.

Definitions 34 CFR §463.3

Definitions in the Workforce Innovation and Opportunity Act. The following terms are defined in Sections 3, 134, 203, and 225 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102, 3174, 3272, and 3305):

Adult Education
Adult Education and Literacy Activities
Basic Skills Deficient
Career Pathway
Core Program
Core Program Provision
Correctional Institution
Criminal Offender
Customized Training
Eligible Agency
Eligible Individual
Eligible Provider
English Language Acquisition Program
English Language Learner
Essential Components of Reading
Family Literacy Activities
Governor
Individual with a Barrier to Employment
Individual with a Disability
Institution of Higher Education
Integrated Education and Training
Integrated English Literacy and Civics Education
Literacy
Local Educational Agency
On-the-Job Training
Outlying Area
Postsecondary Educational Institution
State
Training Services
Workplace Adult Education and Literacy Activities
Workforce Preparation Activities

***Definitions in EDGAR.* The following terms are defined in 34 CFR 77.1:**

Applicant
Application
Award
Budget
Budget Period
Contract
Department
ED
EDGAR
Fiscal Year
Grant
Grantee
Nonprofit

Private
Project
Project Period
Public
Secretary
Subgrant
Subgrantee

Other Definitions. The following definitions also apply:

Act means the Workforce Innovation and Opportunity Act, Public Law 113-128.

Concurrent enrollment or co-enrollment refers to enrollment by an eligible individual in two or more of the six core programs administered under the Act.

Digital literacy means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.

Peer tutoring means an instructional model that utilizes one institutionalized individual to assist in providing or enhancing learning opportunities for other institutionalized individuals. A peer tutoring program must be structured and overseen by educators who assist with training and supervising tutors, setting educational goals, establishing an individualized plan of instruction, and monitoring progress.

Re-entry and post-release services means services provided to a formerly incarcerated individual upon or shortly after release from a correctional institution that are designed to promote successful adjustment to the community and prevent recidivism. Examples include education, employment services, substance abuse treatment, housing support, mental and physical health care, and family reunification services.

Title means title II of the Workforce Innovation and Opportunity Act, the Adult Education and Family Literacy Act, Public Law 113-128.