



# Kansas Board of Regents

## Adult Education

Request for Proposals (RFP)

July 1, 2020 – June 30, 2025

**Due Date: March 13, 2020**

### Part 1: Application Cover Sheet

Organization Information	
Legal Name of Applicant (Organization Name):	
Address with Zip+4 code:	
Phone Number & Email:	
Federal DUNS Number:	
Identified Official with Authority to Sign	
Name and Title:	
Address with Zip+4 code:	
Phone Number & Email:	
Program Contact Information	
Name and Title:	
Address:	
Phone Number & Email:	
Business Manager/Finance Contact Information	
Name:	
Address:	
Phone Number & Email:	
Submission Checklist	
<input type="checkbox"/> Application Signature (Page 1)	<input type="checkbox"/> President/Superintendent Signature on Certifications (Page 21)
<input type="checkbox"/> Completed Part 2	<input type="checkbox"/> List of Sites on Drug-Free Workplace Certification (Page 21)
<input type="checkbox"/> Completed Application Narrative	<input type="checkbox"/> Date on Contractual Provisions Attachment (Page 22)

\_\_\_\_\_ Date: \_\_\_\_\_  
 Authorized Administrator – Original Signature

**STATE USE ONLY – DO NOT WRITE BELOW THIS LINE**

Eligible to be reviewed:  ___ YES    ___ NO	_____ Approved Grant Award Amount  _____ Date: _____ Authorized KBOR Representative
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## Part 2: Provider(s)

If this application is a consortium, identify all members.	
Provider Name(s)	
1.	
2.	
3.	
4.	
5.	

Add additional lines, where necessary.

Indicate the counties where adult education services are provided.		
County	Local Area	Adult Education Services (indicate number)
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Add additional lines, where necessary.

### **ADULT EDUCATION ALLOWABLE ACTIVITIES (34 CFR § 436.30.a-h):**

Adult Education and Literacy activities are programs, activities, and services that include:

1. Adult education; ([29 USC § 3272.1](#))
2. Literacy; ([29 USC § 3272.13](#))
3. Workplace adult education and literacy activities; ([29 USC § 3272.16](#))
4. Family literacy activities; ([29 USC § 3272.9](#))
5. English language acquisition activities; ([34 CFR § 436.31](#))
6. Integrated English literacy and civics education; ([34 CFR § 436.33](#))
7. Workforce preparation activities; or ([34 CFR § 436.34](#))
8. Integrated education and training. ([34 CFR § 436.35](#))

Applicants must operate programs that provide one or more of these activities concurrently.

## **Adult Education Allowable Activity Definitions**

1. Adult education; ([29 USC § 3272.1](#))

The term “adult education” means academic instruction and education services below the postsecondary level that increase an individual’s ability to

- a. read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent;
- b. transition to postsecondary education and training; and
- c. obtain employment.

2. Literacy; ([29 USC § 3272.13](#))

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

3. Workplace adult education and literacy activities; ([29 USC § 3272.16](#))

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

4. Family literacy activities; ([29 USC § 3272.9](#))

*Special Rule: Subgrantees shall not use any funds made available under title II for adult education and literacy activities for the purpose of supporting or providing programs, services, or activities for individuals who are not eligible individuals described in section 203(4), except that subgrantee may use such funds if the programs, services, or activities are related to family literacy activities. In providing family literacy activities under title II, the subgrantee shall attempt to coordinate with non-AEFLA programs and services prior to using AEFLA funds for these programs, services, or activities.*

The term “family literacy activities” means activities that are of sufficient intensity and quality, to make sustainable improvements in the economic prospects for a family and that better enable parents or family members to support their children’s learning needs, and that integrate all the following activities:

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

5. English language acquisition activities; ([34 CFR § 436.31](#))

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.
- 6. Integrated English literacy and civics education; ([34 CFR § 436.33](#))
  - 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.
- 7. Workforce preparation activities; or ([34 CFR § 436.34](#))

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.
- 8. Integrated education and training. ([34 CFR § 436.35](#))

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

## Part 3: Demonstrated Effectiveness

Eligible providers are organizations that have demonstrated effectiveness in providing adult education and literacy activities and may include:

- A. Local educational agencies;
- B. Community-based organizations or faith-based organizations;
- C. Volunteer literacy organizations;
- D. Institutions of higher education;
- E. Public or private nonprofit agencies;
- F. Libraries;
- G. Public housing authorities;
- H. Nonprofit institutions that are not described above and have the ability to provide adult education and literacy activities to eligible individuals;
- I. Consortia or coalitions of the agencies, organizations, institutions, libraries, or authorities described above; and
- J. Partnerships between an employer and an entity described above.

(34 CFR § 463.23)

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. (34 CFR § 463.24.a)

\*KBOR does not require *organizations to submit student level outcome data with the application, but applicants must make this data available for review and verification upon the state's request.*

### Important Definitions:

**Eligible Individual** – An individual—

- A. who has attained 16 years of age;
- B. who is not enrolled or required to be enrolled in secondary school under State law; and
- C. who—
  1. is basic skills deficient;
  2. does not have a secondary school diploma or its recognized equivalent, and has not achieved an equivalent level of education; or
  3. is an English language learner.

29 USC § 3272.4

**Participant** – An individual in an Adult Education and Family Literacy Act (AEFLA) program who has completed at least 12 contact hours.

34 CFR 463.150(a)(3)

**Program Exit** – The last day of service cannot be determined until at least 90 days have elapsed since the participant last received services; services do not include self-service, information-only services or activities, or follow-up services. This also requires that there are no plans to provide the participant with future services. 34 CFR 463.150(c)(i)

**Measurable Skill Gain (MSG)** – A program participant who, during a program year, is in an education or training program that leads to a recognized postsecondary credential or employment and who is achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment. Depending on the type of education or training program, documented progress is defined as one of the following:

- i. Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;
- ii. Documented attainment of a secondary school diploma or its recognized equivalent;

34 CFR 463.155(c)(5)(i-ii)

### **Employment Outcomes:**

**Employment 2<sup>nd</sup> Quarter After Exit** – the percentage of participants who are in unsubsidized employment during the second quarter after exit from the program.

34 CFR 463.155(a)(1)(i)

**Employment 4<sup>th</sup> Quarter After Exit** – the percentage of participants who are in unsubsidized employment during the fourth quarter after exit from the program.

34 CFR 463.155(a)(1)(ii)

**Median Wage 2<sup>nd</sup> Quarter After Exit** – median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program.

34 CFR 463.155(a)(1)(iii)

### **State Indicators of Performance:**

**Transition to Postsecondary Education** – The percentage of participants who transition to postsecondary education while enrolled or within three years of exit from the program.

### 3.1 Demonstrated Effectiveness for Current Providers

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. (34 CFR § 463.24.b.1)

If the application is for a consortium, each consortium member must submit a separate demonstrated effectiveness table.

Measure	Percentage of Eligible Individuals Improving Skills or Achieving Outcome			
	FY16	FY17	FY18	3-Year Average
Reading				
Writing				
Mathematics				
English Language Acquisition (if applicable)*				
Attainment of Secondary School Diploma or its recognized equivalent				
Transition to postsecondary education and training				
Employment				

### 3.2 Demonstrated Effectiveness for Applicants who are not Current Providers

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.

(34 CFR § 463.24.b.1)

If the application is for a consortium, each consortium member must submit a separate demonstrated effectiveness table.

Measure	Percentage of Eligible Individuals Improving Skills or Achieving Outcome			
	FY16	FY17	FY18	3-Year Average
Reading				
Writing				
Mathematics				
English Language Acquisition (if applicable)*				
Attainment of secondary school diploma or its recognized equivalent				
Transition to postsecondary education and training				
Employment				



### 3.3 State Determination of Demonstrated Effectiveness

An applicant who has demonstrated effectiveness will have a greater than zero three-year average performance for any of the participant outcomes.

If an applicant is found not to have demonstrated effectiveness, the applicant is determined not eligible to apply, and the grant application will not be reviewed or scored. Ineligible applicants will receive notification of their application status no later than June 19, 2020.

## Part 4: Application Narrative

Each application must include a narrative component that includes the following sections:

### A. Executive Summary (Maximum 2 Pages)

Briefly describe the proposed Adult Education (AE) program, including:

- i. Geographic area of service and special population(s) served
- ii. Overview of current services, student population, and key initiatives or partnerships
- iii. Overview of planned services, student population, and key initiatives or partnerships

### B. General Education Provisions Act (GEPA) Statement

The Department of Education's General Education Provisions Act (GEPA) 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).

Describe the steps the program has taken to ensure equitable access to, and equitable participation in, the project. Address the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

### C. Consideration 1 Sec. 231 (e)(1)

#### What the law says:

The degree to which the eligible provider would be responsive to—

- a. regional needs as identified in the local plan under section 108; and
- b. serving individuals in the community who were identified in such plan as most in need of adult education and literacy activities, including individuals—
  - (i) who have low levels of literacy skills; or
  - (ii) who are English language learners;

#### Required Narrative

- 1) Describe how your program, and the services your program provides, align to the needs laid out in the local workforce development plan for your local area.
- 2) Describe how your program is designed to serve individuals who have low levels of literacy skills.
- 3) Describe how your program is designed to serve individuals who are English language learners.

**D. Consideration 2** Sec. 231 (e)(2)

<b>What the law says:</b>
The ability of the eligible provider to serve eligible individuals with disabilities, including eligible individuals with learning disabilities;
<b>Required Narrative</b>
1) Describe how your program is designed to serve individuals with disabilities. 2) Describe how your program is designed to serve individuals with learning disabilities.

**E. Consideration 3** Sec. 231 (e)(3)

<b>What the law says:</b>						
Past effectiveness of the eligible provider in improving the literacy of eligible individuals, to meet state-adjusted levels of performance for the primary indicators of performance described in section 116, especially with respect to eligible individuals who have low levels of literacy;						
<b>Required Narrative</b>						
1) Provide detail as to the effectiveness of your program in improving the literacy of eligible individuals.						
2)						
<table border="1"><thead><tr><th colspan="2">State Adjusted Levels of Performance</th></tr><tr><th>Performance Measure</th><th>2019-2020 Expected Level of Performance</th></tr></thead><tbody><tr><td>Measurable Skill Gain</td><td>61%</td></tr></tbody></table>	State Adjusted Levels of Performance		Performance Measure	2019-2020 Expected Level of Performance	Measurable Skill Gain	61%
State Adjusted Levels of Performance						
Performance Measure	2019-2020 Expected Level of Performance					
Measurable Skill Gain	61%					
A. (Current Providers)						
Describe how your program has historically met state-adjusted levels of performance for the primary indicators of performance described in WIOA Sec. 116.						
B. (New Providers)						
Describe your program's past performance and how your program expects to meet state-adjusted levels of performance for the primary indicators of performance described in WIOA Sec. 116.						
3) Describe how your program has worked to improve the literacy of eligible individuals who have low levels of literacy.						
<b>Required Data</b>						
Applicants are required to submit data regarding their past effectiveness for fiscal years 2017 (July 1, 2016 – June 30, 2017) and 2018 (July 1, 2017 – June 30, 2018) using the tables on the pages 12 and 13. The levels of performance submitted on the tables will be used to determine the quality of performance of the applicants.						

<b>Fiscal Year 2017</b>			
<b>Primary Indicators of Performance</b>	<b>Number of Participants who Exited</b>	<b>Number of Participants who Exited Achieving Outcome or Median Earnings Value</b>	<b>Percentage of Participants Achieving Outcome</b>
Measurable Skill Gain			
Employment Second Quarter After Exit			
Employment Fourth Quarter After Exit			
Median Earnings Second Quarter after Exit			
Attained a Secondary School Diploma/Recognized Equivalent and Enrolled in Postsecondary Education or Training within one year of exit			
Attained a Secondary School Diploma/Recognized Equivalent and Employed within one year of exit			
Attained a Postsecondary Credential while enrolled or within one year of exit			
Attained any credential (unduplicated)			

<b>Fiscal Year 2018</b>			
<b>Primary Indicators of Performance</b>	<b>Number of Participants who Exited</b>	<b>Number of Participants who Exited Achieving Outcome or Median Earnings Value</b>	<b>Percentage of Participants Achieving Outcome</b>
Measurable Skill Gain			
Employment Second Quarter After Exit			
Employment Fourth Quarter After Exit			
Median Earnings Second Quarter after Exit			
Attained a Secondary School Diploma/Recognized Equivalent and Enrolled in Postsecondary Education or Training within one year of exit			
Attained a Secondary School Diploma/Recognized Equivalent and Employed within one year of exit			
Attained a Postsecondary Credential while enrolled or within one year of exit			
Attained any credential (unduplicated)			

**F. Consideration 4** Sec. 231 (e)(4)

<b>What the law says:</b>
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;
<b>Required Narrative</b>
<ol style="list-style-type: none"><li>1) Explain how your program aligns its activities to the strategies and goals of the local WIOA plan.</li><li>2) Explain how your program aligns with the activities and services of the one-stop partners in your designated local area(s).</li><li>3) Describe how the eligible provider has input on the local workforce development board.</li></ol>

**G. Consideration 5** Sec. 231 (e)(5)

<b>What the law says:</b>
Whether the eligible provider's program— <ol style="list-style-type: none"><li>a. is of sufficient intensity and quality, and based on the most rigorous research available so that participants achieve substantial learning gains; and</li><li>b. uses instructional practices that include the essential components of reading instruction;</li></ol>
<b>Required Narrative</b>
<ol style="list-style-type: none"><li>1) Describe how your program provides sufficient intensity and quality to allow students to make substantial learning gains.</li><li>2) Describe how your program design incorporates the most rigorous research available so that participants achieve substantial learning gains.</li><li>3) Describe how your program uses instructional practices that include the essential components of reading instruction.</li></ol>

**H. Consideration 6** Sec. 231(2)(c)(6)

<b>What the law says:</b>
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 and appropriate, including scientifically valid research and effective educational practice;
<b>Required Narrative</b>
<ol style="list-style-type: none"><li>1) Reading, Writing, and Speaking Instruction<ol style="list-style-type: none"><li>(A) Describe how your program delivers reading, writing, and speaking instruction.</li><li>(B) Describe how your program's instruction is based on the best practices derived from the most rigorous and appropriate research available.</li><li>(C) Describe how your program incorporates scientifically valid research and effective educational practice.</li></ol></li><li>2) Mathematics Instruction</li></ol>

- (A) Describe how your program delivers mathematics instruction.
  - (B) Describe how your program's instruction is based on the best practices derived from the most rigorous and appropriate research available.
  - (C) Describe how your program incorporates scientifically valid research and effective educational practice.
- 3) English Language Acquisition Instruction
- (A) Describe how your program delivers English language acquisition instruction.
  - (B) Describe how your program's instruction is based on the best practices derived from the most rigorous and appropriate research available.
  - (C) Describe how your program incorporates scientifically valid research and effective educational practice.

**I. Consideration 7** Sec. 231(2)(c)(7)

<b>What the law says:</b>
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;
<b>Required Narrative</b>
<ul style="list-style-type: none"> <li>1) Describe how your program uses technology to enhance programming and increase the quality of learning. <ul style="list-style-type: none"> <li>(A) Describe how your program's use of technology leads to improved performance.</li> </ul> </li> <li>2) Describe how your program uses distance education to enhance programming and increase the quality of learning. <ul style="list-style-type: none"> <li>(A) Describe how your program's use of distance education leads to improved performance.</li> </ul> </li> </ul>

**J. Consideration 8** Sec. 231(2)(c)(8)

<b>What the law says:</b>
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;
<b>Required Narrative</b>
<ul style="list-style-type: none"> <li>1) Describe how your program offers contextualized learning opportunities, including integrated education and training, so that an individual acquires the skills needed to: <ul style="list-style-type: none"> <li>(A) transition to and complete postsecondary education and training programs.</li> <li>(B) obtain and advance in employment leading to economic self-sufficiency.</li> <li>(C) exercise the rights and responsibilities of citizenship.</li> </ul> </li> </ul>

**K. Consideration 9** Sec. 231(2)(c)(9)

**What the law says:**

Whether the eligible provider's activities are delivered by well-trained 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;

**Required Narrative**

- 1) Do all of your program's instructional staff possess a bachelor's degree?
- 2) How do your instructional positions align with the Kansas Adult Education Practitioner Standards?
- 3) Describe the face-to-face and electronic professional development available to your staff.
- 4) Describe the face-to-face and electronic professional development in which your staff participates.

**L. Consideration 10** Sec. 231(2)(c)(10)

**What the law says:**

Whether the eligible provider's activities coordinate 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 workforce investment boards, one-stop centers, job training programs, and social service agencies, business, industry, labor organizations, community-based organizations, nonprofit organizations, and intermediaries, for the development of career pathways;

**Required Narrative**

- 1) Describe how your program coordinates the development of career pathways with other available education, training, and social service resources in the community, such as by establishing strong links with:
  - (A) Elementary and secondary schools;
  - (B) Postsecondary educational institutions;
  - (C) Institutions of higher education;
  - (D) Local workforce development boards;
  - (E) One-stop centers;
  - (F) Job training programs;
  - (G) Social services agencies;
  - (H) Business and industry;
  - (I) Labor organizations;
  - (J) Community-based organizations;
  - (K) Nonprofit organizations.

**M. Consideration 11** Sec. 231(2)(c)(11)

**What the law says:**

Whether the eligible provider’s activities offer 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;

**Required Narrative**

- 1) Describe how your program offers flexible schedules necessary to enable individuals to attend and complete programs.
- 2) Describe how your program offers flexible schedules necessary to enable individuals with disabilities or other special needs to attend and complete programs.
- 3) Describe how your program coordinates with federal, state, and local entities to provide the following services necessary to enable individuals to attend and complete programs:
  - (A) child care;
  - (B) transportation;
  - (C) mental health services;
  - (D) career planning.
  - (E) With what other federal, state, or local support services does your program coordinate?
- 4) Describe how your program coordinates with federal, state, and local entities to provide the following services necessary to enable individuals with disabilities or other special needs to attend and complete programs:
  - (A) child care;
  - (B) transportation;
  - (C) mental health services;
  - (D) career planning.
  - (E) With what other federal, state, or local support services does your program coordinate?

**N. Consideration 12** Sec. 231(2)(c)(12)

**What the law says:**

Whether the eligible provider maintains a high-quality information management system that has the capacity to report measurable participant outcomes (consistent with section 116) and to monitor program performance.

**Required Narrative**

Funded programs must commit to using Kansas’s Adult Education Student Information System (AESIS) to allow for the recording, monitoring, and reporting of measurable participant outcomes (**state requirement**).

- 1) Describe the processes in place to ensure the accurate recording of student information including, but not limited to, demographics, testing, attendance, and outcome data.
- 2) Describe the process in place to ensure **weekly** (**state requirement**) entry of applicable student data into the KBOR data system.



**O. Consideration 13** Sec. 231(2)(c)(13)

**What the law says:**

Whether the local areas in which the eligible provider is located have a demonstrated need for additional English language acquisition programs and civics education programs.

**Required Narrative**

- 1) Describe the need for English language acquisition and civics education programs in the area(s) in which your program is located.
  - (A) What data sources indicate the need?

**P. (Optional) Integrated English Literacy and Civics Education** Sec. 243(c); 34 CFR 463.33, 70-.75;

Only complete this section if your program is applying for IELCE funds.

**What the law says:**

Eligible providers receiving funds through the Integrated English Literacy and Civics Education (IELCE) program must provide IELCE services concurrently with Integrated Education and Training (IET) activities 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 function to carry out the activities of the program.

**What the regulations say:**

The Integrated English Literacy and Civics Education (IELCE) 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, 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. IELCE 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.

**Required Narrative**

- 1) Describe your program’s English language acquisition instruction and how your program instructs on the rights and responsibilities of citizenship and civic participation.
- 2) Describe how your program is designed to prepare English languages learners for occupations in in-demand industries and occupations that lead to economic self-sufficiency.
- 3) Describe how your program places English languages learners into in-demand industries and occupations that lead to economic self-sufficiency.
- 4) Describe how your program integrates with the local workforce development system and its functions to carry out the activities of the Integrated English Literacy and Civics Education program.
- 5) Describe how your program plans to meet the requirement to use funds for IELCE in combination with IET activities. Your program may meet the requirement by co-enrolling participants in IET that is provided within the local or regional workforce development area from sources other than Sec. 243 or by using funds provided under Sec. 243 to support IET activities.
- 6) Describe who is eligible to receive IELCE services in your program, including professionals with degrees and credentials obtained in their native countries.

**Q. (Optional) Programs for Corrections Education and Other Institutionalized Individuals** Sec. 225

Only complete this section if your program is applying for corrections funding under section 225.

**What the law says:**

- (a) From funds made available under section 222(a)(1) for a fiscal year, each eligible agency shall carry out corrections education and education for other institutionalized individuals.
  
- (b) The funds described in subsection (a) shall be used for the cost of educational programs for criminal offenders in correctional institutions and for 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.
  
- (c) Each eligible agency that is using assistance provided under this section to carry out a program for criminal offenders within a correctional institution shall give priority to serving individuals who are likely to leave the correctional institution within 5 years of participation in the program.

**Required Narrative**

- 1) Describe how your program shall carry out corrections education and education for other institutionalized individuals.
- 2) Describe how the funds requested for the delivery of corrections education and education for other individuals shall include academic programs for one or more of the following:
  - (A) Adult education and literacy activities;
  - (B) Special education, as determined by the eligible agency;
  - (C) Secondary school credit;
  - (D) Integrated education and training;
  - (E) Career pathways;
  - (F) Concurrent enrollment;
  - (G) Peer tutoring; and
  - (H) Transition to re-entry initiatives and other post release services with the goal of reducing recidivism.
- 3) Has the applicant reviewed the State plan to ensure that all state approved activities are included in corrections education programs?

Amount requested for services in correctional education and other institutionalized individuals under WIOA Sec. 225: \$\_\_\_\_\_.

This amount is not guaranteed and is subject to approval and verification of the applicant's ability to deliver services within the correctional system.

## **Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters, and Drug-Free Workplace Requirements**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

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### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) 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 any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) 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 grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

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### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application 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 (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

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### 3. DRUG-FREE WORKPLACE

(GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant 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 on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) 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:

(1) Abide by the terms of the statement; and

(2) 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 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. 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 subparagraph (d)(2), with respect to any employee who is so convicted:

(1) 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

(2) 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).

B. The grantee 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)

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

DRUG-FREE WORKPLACE

(GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as

defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Adult Education and Family Literacy Act Local Grant Program
Name of Applicant:
Name and Title of Authorized Representative:
Signature: Date:

D 80-001

**CONTRACTUAL PROVISIONS ATTACHMENT**

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 07-19), which is attached hereto, are hereby incorporated in this contract and made a part thereof.

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

1. **Terms Herein Controlling Provisions:** It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated. Any terms that conflict or could be interpreted to conflict with this attachment are nullified.
2. **Kansas Law and Venue:** This contract shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this contract shall reside only in courts located in the State of Kansas.
3. **Termination Due to Lack Of Funding Appropriation:** If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least thirty (30) days prior to the end of its current fiscal year and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to ninety (90) days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of the State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.
4. **Disclaimer of Liability:** No provision of this contract will be given effect that attempts to require the State of Kansas or its agencies to defend, hold harmless, or indemnify any contractor or third party for any acts or omissions. The liability of the State of Kansas is defined under the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*).
5. **Anti-Discrimination Clause:** The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001, *et seq.*) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111, *et seq.*) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101, *et seq.*) (ADA), and Kansas Executive Order No. 19-02, and to not discriminate against any person because of race, color, gender, sexual orientation, gender identity or expression, religion, national origin, ancestry, age, military or veteran status, disability status, marital or family status, genetic information, or political affiliation that is unrelated to the person's ability to reasonably perform the duties of a particular job or position; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the contract may be canceled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) Contractor agrees to comply with all applicable state and federal anti-discrimination laws and regulations; (g) Contractor agrees all hiring must be on the basis of individual merit and qualifications, and discrimination or harassment of persons for the reasons stated above is prohibited; and (h) if it is determined that the contractor has violated the provisions of any portion of this paragraph, such violation shall constitute a breach of contract and the contract may be canceled, terminated, or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.
6. **Acceptance of Contract:** This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.
7. **Arbitration, Damages, Warranties:** Notwithstanding any language to the contrary, no interpretation of this contract shall find that the State or its agencies have agreed to binding arbitration, or the payment of damages or penalties. Further, the State of Kansas and its agencies do not agree to pay attorney fees, costs, or late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect that attempts to exclude, modify, disclaim or otherwise attempt to limit any damages available to the State of Kansas or its agencies at law, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose.
- a. **Representative's Authority to Contract:** By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.
9. **Responsibility for Taxes:** The State of Kansas and its agencies shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.
10. **Insurance:** The State of Kansas and its agencies shall not be required to purchase any insurance against loss or damage to property or any other subject matter relating to this contract, nor shall this contract require them to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*), the contractor shall bear the risk of any loss or damage to any property in which the contractor holds title.
11. **Information:** No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101, *et seq.*
12. **The Eleventh Amendment:** "The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the State to reiterate that nothing related to this contract shall be deemed a waiver of the Eleventh Amendment."
13. **Campaign Contributions / Lobbying:** Funds provided through a grant award or contract shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this contract shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.