



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF CAREER, TECHNICAL, AND ADULT EDUCATION

AUG 9 2019

The Honorable Katy Anthes Ph.D.
Commissioner of Education
Colorado Department of Education
201 East Colfax, Room 500
Denver, CO 80203

Dear Commissioner Anthes:

The purpose of this letter is to confirm receipt and acceptance of the Corrective Action Plan (CAP) submitted by the Colorado Department of Education (CDE) to the U.S. Department of Education's Division of Adult Education and Literacy (DAEL) on August 8, 2019. The plan addresses all required actions and recommendations from DAEL's State Program Review and Technical Assistance Report submitted to CDE on April 29, 2019. DAEL will monitor the CAP, and upon completion, forward a final letter to indicate that all actions have been completed and the plan is closed.

We appreciate the work and diligence that CDE has demonstrated in developing a well thought-out and comprehensive plan of action. We look forward to working with CDE as it implements the plan, achieves milestones, and improves adult education for the students of Colorado. Please feel free to contact Stephanie Washington at (202) 245-6952 or Stephanie.Washington@ed.gov should you have any question.

Sincerely,

Karla Ver Bryck Block
Monitoring and Administration Team Leader
Office of Career, Technical, and Adult Education
U.S. Department of Education

cc: Danielle Ongart
Stephanie M. Washington

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Colorado Program and Technical Assistance Monitoring Corrective Action Plan (CAP)

DATE OF VISIT: October 18-19, 2018

RECEIVED REPORT: April 29, 2019

Project Leads: Danielle Ongart, Director of the Colorado Department of Education’s (CDE) Office of Adult Education Initiatives (AEI)

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Finding 1: CDE incorrectly applied demonstrative effectiveness to determine an applicant’s eligibility to apply for funding.

Description of Required Action Number and Tasks	Strategy to Meet Required Action	Evidence of Action Completed	Projected Date for Completion	Assigned Staff, if Appropriate	Status of Action Completed / Pending
<p>Required Action 1(a): CDE must revise its AEFLA grant application to require applicants to address all factors necessary to establish demonstrated effectiveness, as described in 34 CFR §463.24.</p>	<p>1. Application questions in the new AEFLA grant application will require applicants to demonstrate their past effectiveness, using performance data, for the following: - Reading, writing, mathematics, and English language acquisition of individuals; - Participant outcomes related to employment, attainment of a high school diploma or its equivalent, and transition to postsecondary education and training.</p> <p>Only applications that are deemed eligible will be moved on for scoring consideration.</p> <p>2. The new AEFLA grant application will highlight the 13 federal evaluation factors in WIOA Sec. 231 (e). The application will clearly indicate that the 13 factors will be considered in the review process.</p>	<p>1. The new AEFLA grant application will be submitted to OCTAE for review by 08/30/19.</p> <p>2. CDE staff assigned to work on the new AEFLA grant application will be available for phone discussions so OCTAE may ask questions and provide further recommendations as needed.</p>	<p>11/04/19 (after OCTAE has reviewed the grant application and CDE has made changes)</p>	<p>- AEI Director - Adult Education Manager - Application Contractor - Pathways Division Executive Director (for review)</p>	<p>Completed (OCTAE first review completed 12/05/19, final review and approval 01/22/20)</p>
<p>Required Action 1(b): CDE must submit to OCTAE its revised AEFLA grant application, including all administrative procedures and documents related to the competitive application and awards process, for review and approval prior to release to the public for</p>	<p>1. CDE will develop a comprehensive timeline to ensure the AEFLA grant application, including all administrative procedures and documents related to the competitive application and awards process are thoroughly reviewed and revised in a timely manner by staff. After a final review from CDE staff, the required administrative procedures and documents related to the competitive application and awards process will be submitted to OCTAE for review.</p>	<p>1. CDE will submit the AEFLA grant application, including all administrative procedures and documents related to the competitive application and awards process to OCTAE by 08/30/19.</p> <p>2. OCTAE reviews as the team is able (tentatively 09/03/19 – 09/27/19).</p>	<p>11/04/19 (after OCTAE has reviewed the grant application and CDE has made changes)</p>	<p>- AEI Director</p>	<p>Completed (OCTAE first review completed 12/05/19, final review and approval 01/22/20)</p>

<p>the Program Year (PY) 2020 AEFLA competition.</p>		<p>3. AEI makes revisions within two weeks of receiving OCTAE’s feedback (tentatively 09/30/19 – 10/11/19).</p> <p>4. OCTAE reviews again as the team is able, (tentatively 10/14/19 – 10/25/19).</p> <p>5. CDE makes final revisions within one week of receiving OCTAE’s feedback (tentatively 10/28/19 – 11/01/19).</p>			
<p>Required Action 1(c): After obtaining review and approval of its revised AEFLA grant application, CDE must conduct a new grant competition and award grants no later than July 1, 2020, consistent with the conclusion of the grant period established in the PY 2017 competition, and must ensure that it properly considers demonstrated effectiveness of all applicants, consistent with 34 CFR § 463.24, during the process of determining applicant eligibility.</p>	<p>1. CDE will establish a timeline for the new AEFLA grant competition for the following events:</p> <ul style="list-style-type: none"> - Release of the AEFLA Grant Opportunity - AEFLA Informational Webinar - Letter of Intent Due - Applications Due - Call for Reviewers - Reviewer Training - Reviewers Review Period - Individual application scores due to the CDE Competitive Grants Office - AEFLA Review Day: Teams of reviewers come to consensus on application scores using the scoring rubric. - Intent to Awards Released <p>Current projections estimate the competition will begin by 11/04/19.</p> <p>2. The new AEFLA grant application CDE will use for the upcoming competition will include demonstrated effectiveness as a significant part</p>	<p>1. CDE will provide OCTAE with the new AEFLA grant competition timeline by 08/02/19.</p> <p>2. CDE staff will be available to discuss, explain, and answer any questions OCTAE has about the timeline over the phone at any point.</p> <p>3. See the dates in the cell above regarding gaining OCTAE approval of the grant application.</p>	<p>Original Date 05/17/20,</p> <p>Updated date 08/31/20, in agreement with OCTAE on a call on 05/06/20</p> <p>(All applicants notified of award status)</p>	<ul style="list-style-type: none"> - AEI Director - Adult Education Manager - CDE Competitive Grants Office - CDE Grants Fiscal Management Unit - CDE Communications Team 	<p>CDE provided the competition timeline via email to OCTAE on 08/06/19.</p> <p>OCTAE replied that there were no questions about the timeline on 08/16/19.</p> <p>In process; this item will be completed by the end of August 2020.</p>

	<p>of the application process and review since it is required by statute. The application is projected to be comprised of 10 sections; section 4 will include the demonstrated effectiveness factors (as described in 34 CFR § 463.24), and only applications that are deemed eligible according to demonstrated effectiveness will be moved on for scoring consideration.</p>				
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Finding 2: CDE did not include all 13 considerations in the selection criteria in the grant application used for scoring applications and awarding grants to subrecipients.

Description of Required Action Number and Tasks	Strategy to Meet Required Action	Evidence of Action Completed	Projected Date for Completion	Assigned Staff, if Appropriate	Status of Action Completed / Pending
<p>Required Action 2(a): CDE must indicate clearly in its application materials and application review panel criteria that all 13 required considerations in 34 CFR § 463.20(d) apply with respect to all applicants and must ensure that reviewers take all 13 considerations into account when reviewing each application.</p>	<p>1. The new AEFLA grant application include the 13 federal evaluation factors in WIOA Sec. 231 (e). The application will clearly indicate that the 13 factors will be considered in the review process.</p> <p>2. The review materials and training for the reviewers will contain the 13 federal evaluation factors in WIOA Sec. 231 (e).</p>	<p>1. The new AEFLA grant application will be submitted to OCTAE for review by 08/30/19.</p> <p>2. CDE will submit the reviewer templates (which is the evaluation rubric included in the new AEFLA grant application).</p>	<p>05/17/20</p>	<p>- AEI Director - Adult Education Manager - Application Contractor - CDE Competitive Grants Office</p>	<p>Completed (OCTAE first review completed 12/05/19, final review and approval 01/22/20)</p>
<p>Required Action 2(b): CDE must submit to OCTAE its revised AEFLA grant application, including all administrative procedures and documents related to the competitive application and awards process, for review and approval prior to being released to the public for the PY 2020 AEFLA competition (see also</p>	<p>1. CDE will develop a comprehensive timeline to ensure the AEFLA grant application, including all administrative procedures and documents related to the competitive application and awards process are thoroughly reviewed and revised in a timely manner by staff. After a final review from CDE staff, the required administrative procedures and documents related to the competitive application and awards process will be submitted to OCTAE for review.</p>	<p>1. CDE will submit the AEFLA grant application, including all administrative procedures and documents related to the competitive application and awards process to OCTAE by 08/30/19.</p> <p>2. OCTAE reviews as the team is able (tentatively 09/03/19 – 09/27/19).</p> <p>3. AEI makes revisions within two weeks of receiving</p>	<p>10/04/19</p> <p>Updated date 08/31/20, in agreement with OCTAE on a call on 05/06/20</p> <p>(after OCTAE has reviewed the grant application and CDE has made changes)</p>	<p>- AEI Director</p>	<p>In process; this item will be completed by the end of August 2020.</p>

<p>Required Action 1(b), under which CDE is also required to submit the revised grant application to OCTAE for review and approval).</p>		<p>OCTAE’s comments (tentatively 09/30/19 – 10/11/19).</p> <p>4. OCTAE reviews again, as the team is able, (tentatively) 10/14/19 – 10/25/19.</p> <p>5. CDE makes final revisions within one week of receiving OCTAE’s feedback (tentatively 10/28/19 – 11/01/19).</p>			
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Finding 3: CDE did not maintain sufficient documentation of its application review procedures, in accordance with the requirements of Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).

Description of Required Action Number and Tasks	Strategy to Meet Required Action	Evidence of Action Completed	Projected Date for Completion	Assigned Staff, if Appropriate	Status of Action Completed / Pending
<p>Required Action 3: CDE must provide evidence to OCTAE that it has developed, documented, and implemented internal controls that meet federal records retention requirements, including how it will retain all original competition materials including score sheets for the required period.</p>	<p>1. CDE will distribute a memo to staff describing the internal procedure for storing all financial records, supporting documents, statistical records, and all other non-Federal entity records relevant to a Federal award. The memo will emphasize that records need to be retained for three years from the submission of the final expenditure report in 2023.</p> <p>2. CDE will train adult education staff during a bi-weekly staff meeting on the internal procedures for electronically and physically retaining records. The training will cover the Uniform Guidance requirements and its importance to internal procedures.</p> <p>3. AEI will maintain the original paper competition materials in the locked basement storage space through 2026. AEI will maintain the original digital competition materials on both the shared CDE Office of Adult Education Initiatives drive and the shared CDE competitive grants drive (both drives are automatically backed up nightly, and by having the materials located in two places it minimizes the chance that the files would be accidentally, permanently deleted).</p>	<p>1. CDE will provide OCTAE the memo distributed to staff which describes the internal procedures for following Uniform Guidance requirements by 11/18/19. OCTAE may provide feedback.</p> <p>2. The memo will be distributed to staff by 01/31/20.</p> <p>3. Staff training will take place by 02/18/20.</p> <p>4. CDE staff will be available for OCTAE to interview them about the training they received on the internal procedures.</p>	<p>02/18/20</p> <p>Updated date 08/31/20, in agreement with OCTAE on a call on 05/06/20.</p>	<p>- AEI Director - Adult Education Manager - All AEI Staff - Competitive Grants Office - Grants Fiscal Management Unit</p>	<p>In process; this item will be completed by the end of August 2020.</p>

Finding 4: CDE did not properly identify State-imposed requirements and misidentified a federal requirement in its grant application materials.

Description of Required Action Number and Tasks	Strategy to Meet Required Action	Evidence of Action Completed	Projected Date for Completion	Assigned Staff, if Appropriate	Status of Action Completed / Pending
<p>Required action 4(a): CDE must submit to OCTAE its revised AEFLA grant application, including all administrative procedures and documents related to the competitive application and awards process, for review and approval prior to release to the public for the PY 2020 AEFLA competition (see also Required Actions 1(b) and 2(b), under which CDE is also required to submit the revised grant application to OCTAE for review and approval).</p>	<p>1. CDE will develop a comprehensive timeline to ensure the AEFLA grant application, including all administrative procedures and documents related to the competitive application and awards process are thoroughly reviewed and revised in a timely manner by staff. After a final review from CDE staff, the required administrative procedures and documents related to the competitive application and awards process will be submitted to OCTAE for review.</p>	<p>1. CDE will submit the AEFLA grant application, including all administrative procedures and documents related to the competitive application and awards process to OCTAE by 08/30/19.</p> <p>2. OCTAE reviews as the team is able (tentatively 09/03/19 – 09/27/19).</p> <p>3. AEI makes revisions within two weeks of receiving OCTAE’s feedback (tentatively 09/30/19 – 10/11/19).</p> <p>4. OCTAE reviews again as the team is able, (tentatively 10/14/19 – 10/25/19).</p> <p>5. CDE makes final revisions within one week of receiving OCTAE’s feedback (tentatively 10/28/19 - 11/01/19).</p>	<p>11/04/19 (after OCTAE has reviewed the grant application and CDE has made changes)</p>	<p>- AEI Director - Adult Education Manager - All AEI Staff - Competitive Grants Office - Grants Fiscal Management Unit</p>	<p>Completed (OCTAE first review completed 12/05/19, final review and approval 01/22/20)</p>

<p>Required action 4(b): In its PY 2019 continuation process and materials, CDE must properly identify State-imposed requirements and correct inaccurate statements contained in its grant application pertaining to federal requirements and provide the revised documents to all subrecipients.</p>	<p>1. CDE staff will review the PY 2019 continuation process and materials, and if necessary, correct all inaccurate statements regarding federal requirements. Staff will be required to review the continuation process and materials alongside WIOA and AEFLA standards to ensure they align with federal statements. CDE will submit the PY 2019 continuation materials to OCTAE for review.</p> <p>2. Once the PY 2019 continuation materials are approved by OCTAE, a revised version of the materials will be sent to all current federal AEFLA subrecipients if needed.</p>	<p>1. CDE will submit the PY 2019 AEFLA continuation documents to OCTAE by 08/16/19.</p> <p>2. OCTAE reviews as the team is able (tentatively 08/19/19 – 09/10/19).</p> <p>3. AEI makes revisions within two weeks of receiving OCTAE’s feedback (tentatively 09/11/19 – 09/25/19).</p> <p>4. AEI provides revised documents to all subrecipients by 09/30/19 if needed.</p>	<p>09/30/19</p>	<p>- AEI Director - Adult Education Manager - Grants Fiscal Management Unit</p>	<p>Completed (AEI put the revised, OCTAE-approved GALs in Syncplicity folders and announced it in the 09/23/19 AEI Updates.)</p>
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Finding 5: CDE violated the AEFLA direct and equitable access requirements by requiring that applicants request a State-determined minimum funding level in the PY 2017 grant application in order to be considered eligible.

Description of Required Action Number and Tasks	Strategy to Meet Required Action	Evidence of Action Completed	Projected Date for Completion	Assigned Staff, if Appropriate	Status of Action Completed / Pending
<p>Required action 5(a): If CDE decides to set a requirement for a minimum budget request, which has the potential to affect eligible providers' direct and equitable access to apply for funds, its WIOA Unified State Plan or Combined State Plan, as applicable, and the AEFLA PY 2020 grant application must include information that provides a reasonable basis for the requirement, such that it is not limiting direct and equitable access (e.g., the WIOA State Plan and AEFLA grant application might include a description of the analysis of the State's differing workforce and/or population needs as support for requiring eligible providers to seek at least a specific minimum grant award).</p>	<p>1. If CDE decides to set a minimum requirements for the budget request, an explanation of the requirement will be included in the application documents and in the Colorado WIOA State Plan. CDE would make any revisions to the explanation that OCTAE requires.</p>	<p>1. CDE will submit the AEFLA grant application, including all administrative procedures and documents related to the competitive application and awards process and the relevant Colorado WIOA State Plan portions highlighted (if needed) to OCTAE by 08/30/19.</p> <p>2. OCTAE reviews as the team is able (tentatively 09/03/19 – 09/27/19).</p> <p>3. AEI makes revisions within two weeks of receiving OCTAE's feedback (tentatively 09/30/19 – 10/11/19).</p> <p>4. OCTAE reviews again as the team is able, (tentatively 10/14/19 – 10/25/19).</p> <p>5. CDE makes final revisions within one week of receiving OCTAE's feedback (tentatively 10/28/19 – 11/01/19).</p>	<p>11/04/19 (after OCTAE has reviewed the grant application and CDE has made changes)</p>	<p>- AEI Director - Application Contractor</p>	<p>Completed (OCTAE first review completed 12/05/19, final review and approval 01/22/20)</p>

<p>Required action 5(b): If CDE decides to set such requirement as described in Required Action 5(a), then CDE must submit to OCTAE its revised AEFLA grant application, including all administrative procedures and documents related to the competitive application and awards process, for review and approval prior to release to the public for the PY 2020 AEFLA competition (see also Required Actions 1(b), 2(b), and 4(a), under which CDE is also required to submit the revised grant application to OCTAE for review and approval).</p>	<p>1. If CDE decides to set a minimum requirements for the budget request, an explanation of the requirement will be included in the application documents. CDE would make any revisions to the explanation that OCTAE requires.</p>	<p>1. CDE will submit the AEFLA grant application, including all administrative procedures and documents related to the competitive application and awards process to OCTAE by 08/30/19.</p> <p>2. OCTAE reviews as the team is able (tentatively 09/03/19 – 09/27/19).</p> <p>3. AEI makes revisions within two weeks of receiving OCTAE’s feedback (tentatively 09/30/19 – 10/11/19).</p> <p>4. OCTAE reviews again as the team is able, (tentatively 10/14/19 – 10/25/19).</p> <p>5. CDE makes final revisions within one week of receiving OCTAE’s feedback (tentatively 10/28/19 – 11/01/19).</p>	<p>11/04/19 (after OCTAE has reviewed the grant application and CDE has made changes)</p>	<p>- AEI Director</p>	<p>Completed (OCTAE first review completed 12/05/19, final review and approval 01/22/20)</p>
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Finding 6: CDE did not issue grant award notifications to subrecipients in accordance with the requirements of the Uniform Guidance.

Description of Required Action Number and Tasks	Strategy to Meet Required Action	Evidence of Action Completed	Projected Date for Completion	Assigned Staff, if Appropriate	Status of Action Completed / Pending
<p>Required Action 6(a): CDE must revise its current program year grant award notifications to include all elements that are required in the Uniform Guidance.</p>	<p>CDE will revise the grant award notification to include all elements required in the Uniform Grant Guidance. Specifically, the revised grant award notification will include the federal restricted indirect cost and the local's indirect rate for the federal award and the annual grant continuation process that meets the requirements of Uniform Guidance at 2 CFR §200.331.</p>	<p>1. CDE will submit the revised grant award notification to OCTAE by 08/01/19.</p>	<p>08/27/19 (after OCTAE has reviewed the grant award notification and CDE has made changes)</p>	<p>- AEI Director - Adult Education Manager - Grants Fiscal Management Unit</p>	<p>Complete d (CDE submitted revised 2018-19 and 2019-20 Grant Award Letters on 08/08/19.</p>
<p>Required action 6(b): CDE must submit the draft revised grant award notification to OCTAE for review and approval.</p>		<p>2. OCTAE reviews as the team is able (tentatively 08/02/19 – 08/16/19).</p>			<p>OCTAE approved the revised GAL language for both program years on 8/19/19.)</p>
<p>Required Action 6(c): CDE must re-issue corrected grant award notifications for the current program year to all subrecipients.</p>		<p>3. AEI makes revisions within two days of receiving OCTAE’s feedback (tentatively 08/19/19 – 08/20/19).</p> <p>4. AEI provides revised grant award notifications to all subrecipients by 08/27/19.</p>			<p>Completed (AEI put the revised, OCTAE-approved GALs in Syncplicity folders and announced it in the 09/23/19 AEI Updates.)</p>

Finding 7: CDE improperly stated indirect cost terminology in its Frequently Asked Questions (FAQs) document.

Description of Required Action Number and Tasks	Strategy to Meet Required Action	Evidence of Action Completed	Projected Date for Completion	Assigned Staff, if Appropriate	Status of Action Completed / Pending
<p>Required action 7(a): CDE must revise its current program year FAQs and budget guidelines to reflect correct language about indirect costs and issue the guidelines to the local providers in the current program year.</p>	<p>1. AEI will review federal laws and guidelines concerning AEFLA indirect costs and budgets, in particular Education Department General Administrative Regulations 34 CFR §§ 76.563 - 76.564.</p> <p>2. AEI will review the current program year FAQs, grantee handbook and budget guidelines to identify incorrect language regarding indirect costs and revise the language.</p> <p>3. AEI will submit the language revisions to OCTAE for review and approval.</p> <p>4. AEI will release the revised, approved indirect costs and budget guidelines to subrecipients.</p>	<p>1. CDE will submit the revised guidelines to OCTAE by 09/13/19.</p> <p>2. OCTAE reviews as the team is able (tentatively 09/16/19 – 10/04/19).</p> <p>3. AEI makes revisions within one week of receiving OCTAE’s feedback (tentatively 10/07/19 – 10/11/19).</p> <p>4. AEI provides revised guidelines to all subrecipients by 10/29/19.</p>	<p>10/29/19</p> <p>(after OCTAE has reviewed the guidelines and CDE has made changes)</p> <p>Updated date 08/31/20, in agreement with OCTAE on a call on 05/06/20.</p>	<p>- AEI Director - Adult Education Manager - Grants Fiscal Management Unit</p>	<p>In process; this item will be completed by the end of August 2020 as application questions are still being submitted during the application process.</p>

Recommendation: CDE should clearly identify all of the eligible activities listed in Section 225 on the application form.

Description of Required Action Number and Tasks	Strategy to Meet Required Action	Evidence of Action Completed	Projected Date for Completion	Assigned Staff, if Appropriate	Status of Action Completed / Pending
<p>CDE included section 225 activities in the PY 2017 grant application. The eligible activities were described in the Purpose section of the grant application, however those activities were not provided in the application form. Whenever CDE is describing eligible AEFLA activities in the PY 2020 competition, OCTAE encourages CDE to be consistent in including and describing those activities throughout the grant application.</p>	<p>CDE will consistently describe eligible AEFLA activities throughout the application and ask for OCTAE’s recommendations regarding the descriptions.</p>	<ol style="list-style-type: none"> 1. CDE will submit the AEFLA grant application, including the descriptions of eligible AEFLA activities, to OCTAE by 08/30/19. 2. OCTAE reviews as the team is able (tentatively 09/03/19 – 09/27/19). 3. AEI makes revisions based on the suggestions within two weeks of receiving OCTAE’s feedback (tentatively 09/30/19 – 10/11/19). 4. OCTAE reviews again as the team is able, (tentatively 10/14/19 – 10/25/19). 5. CDE makes final revisions within one week of receiving OCTAE’s feedback (tentatively 10/28/19 – 11/01/19). 	<p>11/04/19 (after OCTAE has reviewed the grant application and CDE has made changes based on the suggestions)</p>	<p>- AEI Director</p>	<p>Completed (OCTAE first review completed 12/05/19, final review and approval 01/22/20)</p>