



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

Guidance Related to Coronavirus (COVID-19): Workforce Innovation and Opportunity Act (WIOA), Title II, Adult Education, and Family Literacy Act Frequently Asked Questions

(May 4, 2020)

Background

As a part of the District's response to the coronavirus (COVID-19) outbreak in the United States, OSSE AFE is offering this guidance document, alongside other relevant guidance documents, to support local program providers in the provision of Integrated Education and Training (IE&T) services to District residents. Also see guidance issued by the U.S. Department of Education (USED), Office of Career and Technical Education relative to the Adult Education and Family Literacy Act and COVID-19 Frequently Asked Questions, which can be accessed [here](#), and COVID-19 Support for Adult Educators available [here](#).

Scope

This document contains guidance on OSSE AFE local program provider responsibilities under the Workforce Innovation and Opportunity Act (WIOA), Title II, Adult Education and Family Literacy Act (AEFLA). This document generally constitutes informal guidance and does not impose any additional requirements beyond those included in applicable federal and local law and regulations.

Effective Date

This guidance was issued on May 4, 2020 and will remain in effect until further notice.

Frequently Asked Questions

OSSE AFE acknowledges that local program providers are operating in a rapidly changing environment under unprecedented circumstances. We are committed to being flexible and accommodating where possible, and offer the following guidance as we seek to provide continuity of Integrated Education and Training (IE&T) programs and services for adult learners in the District of Columbia due to COVID-19.

Q1: What steps will the OSSE AFE take to account for a decrease in local program provider performance in Program Year (PY) 2019-20 because of COVID-19? Will local program providers be penalized for performance issues? What are OSSE AFE's expectations regarding local program provider performance in light of COVID-19?

A: While the current OSSE AFE PY 2019-20 state performance targets relative to projected enrollment and measurable skills gains will remain the same, OSSE AFE will not make any determinations of each local program provider's performance success or failure in meeting these performance targets based on PY 2019-20 performance data as a result of the COVID-19 pandemic.

OSSE AFE local program providers are expected to provide IE&T, supportive and transition services to District residents at a distance. OSSE AFE will also work with local program providers to update their Action Research Distance Learning Plans, if applicable, and/or to develop an interim plan to offer distance education.

Please refer to the [“DC Distance Education Policy for Workforce Innovation and Opportunity Act \(WIOA\), Title II Providers and Partners”](#) (Aug. 2019). Additionally, please note, that if you are planning to use a curriculum that has not been approved by OSSE AFE to offer distance education, please submit an Adult and Family Education Application to Request Approval for Distance Education Curricula. Additional guidance can be found in the distance education policy.

OSSE AFE local program providers that are licensed by OSSE’s Higher Education Licensure Commission (HELIC) are required to submit an amendment to their HELC application to offer workforce training at a distance education. For additional information, contact [HELIC](#).

Q2: Will OSSE AFE conduct its PY 2020-21 grant competition as planned, or delay the grant competition and extend grants to its current local program providers for one year due to COVID-19?

A: OSSE AFE will conduct its PY 2020-21 grant competition as planned. OSSE AFE, in collaboration with the Workforce Investment Council (WIC), released the FY 2020-21 Adult and Family Education Consolidated Competitive Grant Request for Application (RFA), the paper-based application and other related documents on March 30, 2020 at <https://osse.dc.gov/publication/fy-2020-21-osse-afe-consolidated-competitive-grant>.

The web-based grant application will open in OSSE’s Enterprise Grants Management System (EGMS) by May 1, 2020. The deadline for the submission of the web-based grant application in EGMS is 3:00 pm on Thursday, May 21, 2020. Awardees will be announced by June 30, 2020.

Based on the availability of funding, OSSE expects to award up to \$5.5 million in funding (AEFLA, AFE State, AFE Local, WIC Career Pathways and Gateways to Careers) to eight to 12 eligible providers of demonstrated effectiveness to provide Integrated Education and Training, supportive and transition services to District residents beginning July 1, 2020 – June 30, 2021. Due to COVID-19, DC local revenue has been severely impacted and may result in a reduction in funding for this consolidated grant.

Current PY 2019-20 OSSE AFE local program providers will be funded through June 30, 2020 (direct services) and July 31, 2020 (closeout activities).

Q3: What flexibilities will OSSE AFE allow in terms of assessment, as it relates to educational practices and the reporting of measurable skills gains, due to a local program provider’s inability to administer in-person tests to students due to COVID-19? Will local program providers be afforded the option to conduct CASAS pre- and post-testing at a distance?

A: OSSE AFE recognizes that local programs may not be able to conduct in-person testing of students enrolled in distance learning programs during program closures due to the COVID-19 outbreak. Local programs that are unable to conduct in-person testing may be able to report measurable skill gains (MSG) using other measures available to AEFLA programs under the MSG indicator, such as high school completion, credit completion or student transition from adult education to post-secondary education. The inability to post-test distance learning students may adversely impact the number of educational functioning level MSGs a local program can report in LACES.

Since March 2020, OSSE AFE and other state agencies have sought guidance from the US Department of Education, Office of Career and Technical Education (USDE OCTAE) and/or Comprehensive Adult Student

Assessment System (CASAS) National office regarding testing students at distance. Per the USDE OCTAE guidance, states have the flexibility to develop procedures to implement virtual testing proctoring that include the following three-criterion: (1) the student who is testing must be properly identified, (2) any approved test (i.e., any test determined suitable for use in the NRS) that is used must be properly secured, and (3) the virtual proctor must be able to properly administer the test. Test security measures require that only secure electronic versions of a test are administered by a virtual proctor and are deemed secure by the test publisher.

After conferring with USDE OCTAE, the CASAS National Office announced on April 20, 2020 that it has developed a process and guidance for state agencies and local program providers to administer CASAS assessments remotely. Pilot testing is occurring and CASAS intends to work with states to put plans in place so that local program providers can offer remote pre-and post-testing between a student and a certified proctor on a one to one basis beginning in May 2020. Three important considerations for CASAS, and ultimately states, in deciding local program providers' readiness to administer assessments to students at a distance include: (1) the technology available to students in their homes; (2) the technology available at the local agency level, including access to web-based platforms with advanced features; and (3) the availability of trained proctors to use technology to proctor remotely. Additional information and guidance are forthcoming.

OSSE AFE is also putting procedures in place to allow local program providers to identify students who were not tested due to an inability to conduct in-person testing, so that the impact of the COVID-19 outbreak can be appropriately documented in LACES, tracked and monitored.

OSSE AFE has asked Literacy Pro Systems, Inc., the developer and maintainer of LACES to include "Unable to Post-Test due to COVID-19" in the Student Tab > Comment(s) Tab in LACES. Local program providers that were unable to administer a Reading and/or Math post-test due to COVID-19 to students who have exited their programs are expected to:

- Indicate in each Student Tab > Comment(s) Tab > select "Unable to post-test due to COVID-19" from the drop-down menu for students who had 50+ hours between the date for which place-based CASAS assessment services ended and the date in which CASAS assessment services at a distance are approved and implemented.
- Include a written note in the text box, as applicable, if the local program provider would like to elaborate.

Additionally, to track the timeframe in which post-testing was impacted due to the local program provider's transition from placed-based instruction to distance learning due to COVID-19, local program providers must:

- Enter a **class end date** (the last date on which Instruction - place-based occurred) on the Class tab > Comments Tab for each place-based class that ended (e.g., March 13, 2020) in LACES.
- Enter a **class start date** (the first date on which Instruction – Distance Learning began) on the Class tab > Comments Tab for each distance learning class that started (e.g., March 16, 2020).

As previously stated above, OSSE AFE will not make any determinations of each local program provider's performance success or failure, including measurable skill gains, based on PY 2019-20 performance data as a result of the COVID-19 pandemic.

Q4: When is a student considered to be a “distance education participant”?

A: Per the [“DC Distance Education Policy for Workforce Innovation and Opportunity Act \(WIOA\), Title II Providers and Partners”](#) (August 2019), a distance education participant is a student who receives the majority of his/her instruction through approved distance education curricula. The distance education instruction and study are outside of the participants’ face-to-face interaction with an instructor, tutor or mentor. Participants may be placed into appropriate distance education curricula based on their educational functioning level and entry assessment scores. While both the face to face and distance learning hours will be reported, the individual becomes a distance education participant when 51% or more of his/her contact hours are delivered at a distance.

Q5: Will OSSE AFE waive the requirement that students participating in distance education have at least twelve (12) hours of instruction/contact hours to be counted for NRS reporting purposes for the remainder of the PY 2019-20?

A: OSSE AFE will not waive this requirement. Per the [“DC Distance Education Policy for Workforce Innovation and Opportunity Act \(WIOA\), Title II Providers and Partners”](#) (August 2019), students in distance education must have at least 12 hours of actual contact with the program before they can be counted for federal reporting purposes. Actual contact hours for distance learners can be a combination of in-person contact and contact through telephone, video, teleconference, or online communication, where student and program staff can interact and through which learner identity is verifiable.

Q6: How are contact hours assigned for students participating in distance education?

A: Per the [“DC Distance Education Policy for Workforce Innovation and Opportunity Act \(WIOA\), Title II Providers and Partners”](#) (August 2019), contact hours are defined as “hours of instruction or instructional activity the learner receives from the program. Instructional activity includes any program-sponsored activity designed to promote student learning in the program curriculum, such as classroom instruction, assessment, tutoring, or participation in a learning lab.” In distance education, the contact hours may occur synchronously in which participants interact with a staff member/instructor for orientation, pre- and post-testing, supplemental classroom instruction, tutoring conducted face-to-face or via Skype, and/or live webinars.

Proxy contact hours are defined as the time that distance education participants spend engaged in approved distance education activities. Proxy contact hours represent the equivalent of the time required for covering similar content if the instruction had occurred in a classroom. Proxy contact hours provide an average of the amount of instructional time participants are likely to spend on specific distance education activities. Proxy contact hours occur asynchronously when the participant works independently in State-approved distance education curricula. A participant may complete asynchronous activities at the program site, in a computer lab, at home, at a public library or any other suitable location. However, proxy contact hours are distinct from actual contact hours.

Proxy contact hours for each approved activity are assigned using one of the three models approved by the US Department of Education as outlined in the NRS Implementation Guidelines:

- **Clock Time Model** – This model can be used with software that tracks a participant's "time on task." Approved software must log out participants after a pre-determined period of inactivity. In this model, one hour in the program is equivalent to one proxy contact hour.
- **Teacher Verification Model** – This model may be used for situations in which a participant receives

instruction in a multimedia curriculum or from a variety of sources or in which the distance education activities are facilitated by an instructor. In this model, the proxy contact hours are awarded upon verification of the facilitator/instructor that the assignment(s) have been completed.

- **Learner Mastery Model** – This model awards proxy contact hours for content that the participant has mastered as evidenced by passing a test on the content of the lesson at a predetermined level. In this model, mastery, and the awarding of proxy contact hours, is generally set at passing a test at 80% or above.

Q7: How should the instructional hours for students engaged in distance education be reported in LACES (Literacy Adult and Community Education System)?

A: OSSE AFE local program providers are expected to use the following hours types designations in LACES, as applicable, to report student engagement in IE&T programs at a distance. **Only hours types with the following five designations are reportable on the National Reporting System (NRS) Tables:**

- **Instruction** (Place-based)
- **Instruction – Distance Learning** (Any method of learning that occurs outside of the actual classroom, including proxy hours, phone instruction, web-based instruction, virtual instruction, and asynchronous learning).
 - *Students are considered to be Distance Learning students if 51% or more of the student’s Current FY Instructional Hours were generated from Instruction-Distance Learning. If a student had Instruction-Distance Learning hours that total less than 51% of the student’s total, cumulative current FY instruction hours, then the student will not populate the NRS tables as a distance learning student.*
 - *Distance Learning students who are NRS participants (valid assessment and 12 or more hours) will populate all NRS tables and additionally populate 4C and 5A, which are tables specifically used for tracking Distance Learning.*
- **Instruction – Assessment** (Administration of OSSE's State-approved assessment CASAS, the Learning Needs Screening Tool, the NorthStar Digital Literacy Assessment, Career Assessments, student surveys and/or other designed to assess the education, training, or other related needs of student surveys)
- **Instruction – Intake** (Collection of intake and demographic information)
- **Instruction – Orientation** (Orienting students to online learning tools, norms, logging in to instructional software, Learning Management Systems, and other technology tools that support distance learning)

Q8: Can OSSE AFE grant funds be used to pay key personnel to provide IE&T services to students at a distance?

A: OSSE AFE grant funds may be used to compensate key personnel (administrators, program coordinators/managers, intake/assessment specialists, instructors, data managers and other key staff) performing work tasks at a distance that are necessary to fulfill the grant requirements. Local program provider leadership should consider ways that employees paid with grant funds can support continuing

IE&T program activities to students at a distance. OSSE AFE subgrantees must maintain appropriate records and costs documentation to substantiate the charging of any compensation costs related to the interruption of operations or services.

Q9: Can OSSE AFE grant funds be used to pay key personnel if the individuals are unable to work if the organization suspends services/closes due to COVID-19)?

A: OSSE AFE expects local program providers to provide IE&T, supportive and transition services to District residents at distance in response to COVID-19. OSSE AFE Consolidated Continuation Grant funds may be used to compensate all Key Personnel (administrators, program coordinators/managers, intake/assessment specialists, instructors, data managers and other key staff) performing work tasks at a distance that are necessary to fulfill the grant requirements. Local program provider leadership should consider ways that key personnel paid with grant funds can support continuing IE&T program activities to students at a distance.

If a local program provider plans to suspend all or part of its IE&T program activities at a distance as a result of COVID-19, a grant modification request form informing OSSE AFE of the closure and the key personnel impacted by the closure must be submitted to OSSE AFE for review and approval. Upon approval from OSSE, local program providers may continue to charge the compensation (including but not necessarily limited to salaries, wages, and fringe benefits) of its key personnel who are paid with OSSE AFE grant funds consistent with the organization's policies and procedures for paying compensation from all funding sources, Federal and non-Federal, under unexpected or extraordinary circumstances, such as a public health emergency like COVID-19.

If the local program provider pays, consistent with its policies and procedures, similarly situated employees whose compensation is paid with other non-federal funding during an extended closure, those paid with federal grant funds may also continue to be paid. However, an employee who is being paid with federal grant funds while the program grant activities are closed in whole or in part due to COVID-19 may not also be paid for the time during which the program is closed by the organization or another organization for working on other activities that are not closed down.

If a provider does not currently have in place a policy that addresses extraordinary circumstances such as those caused by COVID-19, the provider may amend or create a policy to put emergency contingencies in place for Federal and non-Federal similarly situated employees. If the conditions exist for charges to be made to the Federal grant, charges may also be made to any non-Federal sources that are used by a grantee or subgrantee to meet a matching requirement.

Local program providers must maintain appropriate records and costs documentation to substantiate the charging of all compensation costs, including those related to an interruption of the local program provider's operations or services.

Q10: If a conference, training, or other activity on the approved OSSE AFE budget is canceled due to COVID-19, may the grant funds be used to reimburse the nonrefundable travel e (e.g., conveyance or lodging) or registration costs that were properly chargeable to the OSSE AFE grant at the time of booking?

A: For conferences, trainings and other related activities charged to the grant that was canceled due to COVID-19, local program providers are expected to first: request a refund, credit, or other remedies for the travel cost losses (e.g., travel, registration fees, airline, hotel, conference organizer) from the business to

whom the fee was paid. Providers should review the content of the agreement or contract for an emergency or “act of God” provision and exercise this clause to the extent possible to recover the travel costs.

If a local program provider is unable to recover the travel costs, the cancellation costs may be charged to grant, provided the costs were reasonable and incurred to carry out an allowable activity under the grant. Providers should not assume additional funds will be available should the charging of cancellation or other fees result in a shortage of funds to eventually carry out the event or travel. Providers must maintain appropriate records and cost documentation as required by 2 CFR § 200.302 (financial management) and 2 CFR § 200.333 (retention requirements for records) to substantiate the charging of any cancellation or other fees related to the interruption of operations or services.

Q11: If an OSSE AFE local program provider is planning future travel that will be charged to the grant, may it purchase travel insurance with grant funds?

A: Due to health concerns related to COVID-19, OSSE-AFE supported travel by local program providers should not be occurring. However, if travel is permitted by Federal, State, and local directives and is the only means to carry out an essential grant function that must be undertaken on a time-sensitive basis during the COVID-19 pandemic, consistent with the local program provider’s travel policy, travel insurance is allowable provided the cost is reasonable and allocable to the grant consistent with the Federal cost principles described in 2 CFR Part 200 Subpart E of the Uniform Guidance.

Q12: If an OSSE AFE local program provider is planning to suspend all previously scheduled travel per its approved budget due to COVID-19, can the funds be used for another program expense?

A: OSSE AFE local program providers may submit a grant modification request form to obtain approval to reallocate funds for travel, conferences and other related activities to another budget and/or program category.

Q13. Can a local program provider make other modifications to its budget/program categories due to COVID-19?

A: OSSE AFE local program providers are expected to provide IE&T, supportive and transition services to District residents at a distance, submit monthly statistical reports and quarterly narrative reports, and participate in monitoring activities via webinar or desk review. As such, OSSE AFE local program providers may submit a grant modification request form to obtain approval to reallocate funds to another budget and/or program category to fulfill these grant requirements.

Questions?

OSSE AFE local program providers should complete an Adult and Family Education COVID-19 Question Submission Form at <https://osseafe.wufoo.com/forms/qh4noke14k881a/>. A confirmation notification will be sent indicating that your question(s) has been received. OSSE AFE will email the responses to the questions to local program providers after approval from OSSE’s Communication Review Team.