

Adult Education Corrective Action Processes

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Program Corrective Action

Board Rule R277-114 Corrective Action and Withdrawal or Reduction of Program Funds, defines the USOE's responsibility for program monitoring and corrective action for noncompliance with identified program requirements, program accountability standards and financial propriety.

The Education Department General Administrative Regulations (EDGAR) 34 CFR 80.43 (federal funding applications) applies not only to states but also extends to the local program level; if the local program "materially fails to comply with any term of an award whether stated in a federal statute or regulation, an assurance, in a state plan or application, a notice of award or elsewhere, the awarding agency may take any of five actions:

- withhold cash payments until a deficiency is corrected,
- disallow funds and matching credits for the activity,
- wholly or partly suspending or terminating the award,
- withhold further awards,
- take other legal remedies."

It is the intent of the USOE to maintain effective adult education programs. However, if through program reviews, desk monitoring and ongoing technical assistance, it is determined that a program is in need of corrective action the following remediation steps occur:

1. USOE adult education staff will provide technical assistance including:
 - Discussion as to why there is a lack of program performance.
 - Establishment of an agreed-upon improvement corrective action plan that includes:
 - Intense state technical assistance through further desk monitoring, conference calls and on-site review visits.
 - Establishing a reasonable timeframe to meet agreed upon performance standards
 - Sanctions that may occur if improvement and compliance with program standards are not met.
2. If after following the above process a program is deemed unable or unwilling to comply with corrective action components a formal process will be initiated with the USOE deputy/associate superintendent who supervises the respective program regarding the situation, findings, and proposed final actions following the process outlined in R277-114 3-7.
3. If a program's state funding is reduced or terminated, the remaining funds may be divided among currently funded grantees for the balance of the program year. If a program's federal funding (AEFLA) is reduced or terminated, the remaining funds may be divided among the currently funded grantees for the balance of the program year and the second/subsequent years as defined by the USOE. In either case, recaptured funds would be distributed based on the number of students served by other funded programs demonstrating intensity and rigor. Recaptured AEFLA or other federal funds cannot be awarded to a new grantee without a new competition.