

**Planned Colorado Comments on Title II NPRM**  
**May 22, 2015**

**§ 463.1 What is the purpose of the Adult Education and Family Literacy Act?**

WIOA “retains and expands” the purposes of AEFLA, which implies that the new purposes of WIOA (assisting adults to transition to postsecondary education and training) are in addition to the original purposes, which included “becoming self-sufficient” and “supporting the educational development of their children.”

AND

**§ 463.30 What are adult education and literacy programs, activities, and services?**

WIOA “retains adult education, literacy, workplace adult education and literacy, and *family literacy* [italics added] as adult education and literacy activities.”

AND

**§ 463.31 What is an English language acquisition program?**

“Under WIOA, the program of instruction must also lead to attainment of a secondary school diploma or its recognized equivalent and transition to postsecondary education or training or lead to employment.”

**Comment:** We strongly support maintaining AEFLA funding for programs that serve individuals with the primary goals of achieving self-sufficiency and of supporting the educational development of their children, and who may not have goals related to employment or postsecondary education. Individuals with self-sufficiency and family literacy goals often serve as primary caregivers to children and may not be interested in, able to pursue work or post-secondary education goals. The ability of these individuals to improve their English language skills is critical to their ability to help their children succeed in school and, ultimately, to succeed as integral members of our future workforce. (According to the U. S. Census Bureau, immigrants are responsible for more than half of the total growth of the U.S. labor force in past decade<sup>1</sup>.)

In addition to allowing individuals to support the educational development of their children, improving English language skills among such individuals further strengthens our communities, and decreases dependency on social services, by enabling them to engage effectively with other important sectors of the community, including doctors and pharmacists, law enforcement representatives, and community leaders. The small investment in AEFLA-funded ELA classes for such individuals is more than compensated for in the savings that come from providing individuals the ability to communicate effectively in these settings without costly interpretation or misunderstandings. An inability to communicate can lead to untreated health conditions and use of emergency room facilities rather than preventive care, as well as interactions with police and other public servants that are more time consuming and, potentially dangerous.

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<sup>1</sup> Matthew Denhart, “Growth and Immigration”; U.S. Census Bureau: Annual Social and Economic Supplement 2012.

We recommend § 463.31 be amended to state, “Under WIOA, the program of instruction must also lead to documented improvement in literacy levels for the purposes of family literacy or the attainment of a secondary school diploma or its recognized equivalent and transition to postsecondary education or training or lead to employment.”

**§ 463.22 What must be included in the eligible provider’s application for a grant or contract?**

Under the new application requirements, eligible providers must “meet performance levels based on the newly established primary indicators of performance and collect data to report on performance indicators.”

**Comment:** We strongly support the emphasis on program funding that is held to account according to strong performance indicators, but are concerned that the primary indicators of performance will unnecessarily restrict the participation of *key target* populations in AEFLA-funded programs.

As such, we recommend that § 463.22 be amended to allow providers to apply for AEFLA funding to support activities that also meet additional performance indicators relevant to the goals of self-sufficiency and family literacy. For example, an indicator for ELA class provision could include demonstrated improvement of at least one literacy level for program participants after exit from the program.

Additionally, for those individuals who have employment or postsecondary education as their primary goals but who have lower levels of English-language or numeracy proficiency, indicators that measure only percentages of program participants in unsubsidized employment during either the second or fourth quarters after exit from the program, or that measure the percentage of participants who received a secondary school diploma or equivalent, are unrealistic. The result of exclusively measuring program performance by such indicators will be a shift in AEFLA-funded programs that target only those individuals already advanced in English language and numeracy literacy. Such a shift would be a mistake. While it is also important to serve individuals with higher starting levels of proficiency, it would leave individuals eager to improve their economic self-sufficiency without affordable adult education options. Moreover, it would also deprive employers of a better-qualified workforce willing and eager to work in lower paid positions in key growth sectors, such as the restaurant and hospitality industry, transportation, infrastructure development and repair, and agriculture<sup>2</sup>. It would also limit the ability of immigrants and refugees with the goal of opening their own businesses to access adult education. Given the important role of small business in our economic growth and given

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<sup>2</sup> According to the “2015 Colorado Business Economic Outlook” report published by the Leeds School of Business at the University of Colorado, the top four growth sectors for Colorado are in the professional and business services sector (partly related to infrastructure development and repair); the leisure and hospitality sector; education and health services sector; and the trade, transportation, and utilities sector with agriculture, natural resources and mining, and construction as other key growth industries.

that immigrants start up a disproportionate number of small businesses in the United States, their access to adult education is a worthwhile investment<sup>3</sup>.

As such, we recommend that **Section §463.22** further be amended to allow providers to apply for AEFLA funding to support activities designed to meet the needs of individuals with primary goals of job or educational advancement that meet performance indicators based on the participants' starting level of English-language or numeracy literacy. For example, an indicator could include percentages of program participants that increased annual employment income by a certain percentage.

**§ 463.26 What activities are considered local administrative costs?**

**Local administrative costs under Title II of WIA have been kept at 5% with an approved waiver at 10% for administration of programs.** Proposed § 463.26 would clarify that local administrative costs may include costs associated with fulfilling required one-stop responsibilities, including contributions to the infrastructure costs of the one-stop delivery system.

**Comment:** Many providers require the use of least 10% of administration costs to run the AEFLA program. The challenge of sharing a portion of those funds to support the infrastructure of the “one-stop shop” would provide limitation in the delivery and management of the program. We recommend that the administration costs percentage be increased to include the required costs associated with fulfilling the required commitment to the one-stop responsibilities.

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<sup>3</sup> According to David Dyssegaard Kallick's 2012 report, “Immigrant Small Business Owners: A Significant and Growing Part of the Economy,” immigrants owned 18% of all small businesses in 2010, while comprising just 12.9% of the population.