

**Kansas WIOA Title II**

**Policy Manual**

**July 1, 2025 – June 30, 2030**

***Kansas Adult Education empowers learners to elevate their quality of life through education, training, and personal growth.***

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# About This Manual

The Kansas WIOA Title II policies described in this manual are based on federal or state laws, statutes, regulations, or guidance. These policies will not change during the 2025 – 2030 grant unless changes are made at the federal or state level. In the case of such changes, local providers will be informed as soon as possible.

## Updates To This Manual

### Updates August 8, 2025

[4.1 Eligible Individuals](#_4.1_Eligible_Individuals) – A sentence was added to emphasize Kansas WIOA Title II will follow all mandated eligibility requirements.

[5.10 Record Retention](#_5.10_Record_Retention) – The retention period was updated.

# Part 1: WIOA Title II Overview

## 1.1 Purpose of Adult Education

Adult Education programs need to provide high-quality services and develop innovative opportunities to serve adult learners, collaborating with WIOA partners and others to create and support career pathways, accelerate transition to postsecondary education and the workforce, and build vital literacy and numeracy skills among participants.

See [34 CFR 463.1](https://www.ecfr.gov/current/title-34/section-463.1) for more information about the purpose of the Adult Education and Family Literacy Act (AEFLA).

## 1.2 Workforce Innovation and Opportunity Act (WIOA)

The Workforce Innovation and Opportunity Act (WIOA) was signed into law in July 2014, a revision of the Workforce Investment Act of 1998 (WIA). WIOA supports innovative strategies to keep pace with changing economic conditions and seeks to improve coordination between the primary federal programs that support employment services, workforce development, adult education, and vocational rehabilitation activities. The four core programs under WIOA are: (1) the Adult, Dislocated Worker, and Youth formula programs administered by the Department of Labor (DOL) under Title I; (2) the Adult Education and Literacy program administered by the Department of Education (ED) under Title II; (3) the Wagner-Peyser Act employment services program administered by DOL under Title III; and (4) the programs under the Vocational Rehabilitation Act administered by ED under Title IV.

[29 U.S. Code 3101](https://www.law.cornell.edu/uscode/text/29/3101), et seq

In Kansas, core partners for Title I and Title III are administered under the Department of Commerce; Title II is administered under the Kansas Board of Regents (KBOR); and Title IV is administered under the Department for Children and Families (DCF).

See [34 CFR Part 463](https://www.ecfr.gov/current/title-34/part-463) for federal regulations related to WIOA Section 231, the Adult Education and Family Literacy Act (AELFA); WIOA Section 225, Programs for Corrections Education and the Education of Other Institutionalized Individuals; and WIOA Section 243, the Integrated English Literacy and Civics Education Program (IELCE).

### 1.2.1 Considerations

The Workforce Innovation and Opportunity Act (WIOA) prioritizes 13 considerations when states award grants to eligible providers.

(1) The degree to which the eligible provider would be responsive to—

(i) Regional needs as identified in the local workforce development plan; and

(ii) Serving individuals in the community who were identified in such plan as most in need of adult education and literacy activities, including individuals who—

(A) Have low levels of literacy skills; or

(B) Are English language learners;

(2) The ability of the eligible provider to serve eligible individuals with disabilities, including eligible individuals with learning disabilities;

(3) The past effectiveness of the eligible provider in improving the literacy of eligible individuals, especially those individuals who have low levels of literacy, and the degree to which those improvements contribute to the eligible agency meeting its State-adjusted levels of performance for the primary indicators of performance described in [§ 677.155](https://www.ecfr.gov/current/title-34/section-677.155);

(4) 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;

(5) Whether the eligible provider's program—

(i) Is of sufficient intensity and quality, and based on the most rigorous research available so that participants achieve substantial learning gains; and

(ii) Uses instructional practices that include the essential components of reading instruction;

(6) 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, including scientifically valid research and effective educational practice;

(7) 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;

(8) 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;

(9) Whether the eligible provider's activities are delivered by 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;

(10) Whether the eligible provider coordinates 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 WDBs, one-stop centers, job training programs, and social service agencies, business, industry, labor organizations, community-based organizations, nonprofit organizations, and intermediaries, in the development of career pathways;

(11) Whether the eligible provider's activities offer the 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;

(12) Whether the eligible provider maintains a high-quality information management system that has the capacity to report measurable participant outcomes (consistent with section [§ 666.100](https://www.ecfr.gov/current/title-34/section-666.100)) and to monitor program performance; and

(13) Whether the local area in which the eligible provider is located has a demonstrated need for additional English language acquisition programs and civics education programs.

[34 CFR 463.20(d)](https://www.ecfr.gov/current/title-34/part-463#p-463.20(d))

### *1.2.2 WIOA Section 225*

Corrections Education and the Education of other Institutionalized Individuals, WIOA Section 225, describes priority of service. “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.”

[34 CFR 463.62](https://www.ecfr.gov/current/title-34/section-463.62)

The state is required to report on the progress of programs and activities conducted under WIOA Section 225, including the recidivism rate of criminal offenders served. To meet this requirement, the state may request additional data from providers serving individuals in correctional facilities.

## 1.3 WIOA State Plan

WIOA increases coordination of core programs through submission of a Unified State Plan or Combined State Plan. Kansas submits a Combined State Plan every four years, with modifications every two years. Plans are available at <https://wioaplans.ed.gov>.

## 1.4 Oversight

WIOA Title II funds are granted to the state. As the passthrough agency, the Kansas Board of Regents (KBOR) distributes federal and state funds to subgrantees and is responsible to ensure all subgrantees operate in compliance with all relevant statutes, regulations, and guidance.

Kansas WIOA Title II follows all requirements detailed in the Workforce Innovation and Opportunity Act (WIOA) of 2014.

All grants must adhere to the Uniform Grant Guidance (2 CFR Part 200) for federal awards and the Education Department General Administrative Regulations (EDGAR) in CFR Title 34, including 34 CFR Part 462 and 34 CFR Part 463, Adult Education and Family Literacy Act (AEFLA).

WIOA Title II grantees adhere to all applicable regulations from the Department of Education’s Office of Career, Technical, and Adult Education (OCTAE), including policies set forth by the National Reporting System (NRS).

Kansas WIOA Title II follows all applicable Kansas Statutes.

Kansas WIOA Title II subgrantees must follow all policies set forth in this manual. In the case of changes in federal or state regulation necessitating policy changes, updates will be announced to subgrantees and an updated manual published as quickly as possible.

For more information on specific practices or procedures, subgrantees should refer to any relevant written guidance provided by the Kansas Board of Regents (KBOR). Local providers are encouraged to develop local policies and procedures. All local policies and procedures developed by local providers must operate within federal and state policies and guidance.

## 1.5 Award Period

The period of performance for Kansas WIOA Title II subawardees is July 1, 2025, through June 30, 2026, renewable annually for four (4) additional years for a total of five (5) years, to end June 30, 2030. All awards are subject to the availability of federal and state funds. Award amounts are dependent upon federal and state allocations.

### 1.5.1 Continuation of Funding

Continued funding is contingent on the availability of funds as well as program performance. Selected providers will be continued for subsequent years, through the end date of June 30, 2030, if WIOA is continued by Congress. Providers are required to complete an annual noncompeting continuation application provided by the state.

### 1.5.2 Discontinued Funding

Obligations of the Kansas Board of Regents (KBOR), as the state eligible agency, shall cease immediately if the Kansas State Legislature or the Governor fails to appropriate or otherwise make available funds for the contract. KBOR will use its best efforts to secure sufficient funding to cover the proposed grant and will notify providers immediately of any funding insufficiency.

### 1.5.3 Grant Termination

Once a grant is awarded, any adjustments and/or modifications to the activities or budget amounts must be approved by the Kansas Board of Regents (KBOR) prior to the change occurring. Failure to request grant changes in advance may result in the returning of funds expended without approval and/or termination of the grant.

KBOR reserves the right to terminate any grant award and cease payment to the recipient for failure to comply with applicable laws, regulations, and/or terms of the grant assurances. Further, KBOR may seek reimbursement of any or all grant funds and may reclaim any equipment, durable goods, and other property purchased with these grant funds if the recipient fails to perform in accordance with the terms of the grant assurances and reporting requirements.

If satisfactory progress and documentation are not made regarding the intended outcomes of this application or if the institution/program fails to comply with applicable laws, regulations, assurances, and/or terms of this grant, the application becomes null and void and all funds must be returned.

The grantee or sponsoring institution has the right to terminate the grant at the end of a fiscal period (i.e., June 30 of a year within the grant period.). Notice of intent to terminate should be provided to the state no less than 90 days prior to the end of the fiscal year. A consortium member may terminate membership in the consortium, if allowed under the consortium agreement, with appropriate notice to the consortium and notice to the state. For any terminating grantee, any unexpended funds must be returned.

## 1.6 Consortia Subgrantees

A WIOA Title II subawardee that is a consortium has a lead agency that serves as the agency of record, the legally recognized fiscal agent for the grant project, and the single point of contact. The lead agency is responsible for overseeing the implementation of all aspects of the grant, including project plan, grant project monitoring and data reporting, and fiscal management. All consortium members are subject to the terms and conditions of the grant award, federal requirements, and state policies.

# Part 2: Funding and Fiscal Activities

## 2.1 Fiscal Agents and Reporting

The institution awarded a WIOA Title II subgrant is the fiscal agent for the award received. All funding is contingent on federal and state allocations. Official federal Grant Award Notifications (GANs) are usually sent to the state in July. The state then sends GANs to local providers

Fiscal agents are responsible for drawing down funds on a monthly basis. Any unexpended and unencumbered funds must be returned by the deadline designated by the state.

Subgrantees will submit reports of expenditures as required by the state per the schedule published by the state.

## 2.2 Proofs of Expenditures

It is the responsibility of the subgrantee, as fiscal agent, to maintain fiscal records to the degree required under Uniform Grant Guidance (UGG) and in accordance with Generally Accepted Accounting Practices (GAAP).

### 2.3 Acceptable Proofs of Expenditures

Acceptable proofs of expenditures include sufficient detail to determine the use and purpose of WIOA Title II funds. They include relevant personnel, dates, descriptions, and costs.

Examples of acceptable proofs include, but are not limited to:

* Detailed receipts that include, as applicable, a description of the product/service purchased, the cost, the date, the supplier’s name, and canceled check copies or credit card receipts.
* Timesheets, detailed pay stubs, and/or payroll reports that include name, position, pay period, hours, gross pay, deductions, taxes paid, and employer costs.
* Travel receipts that include the traveler’s name, the event name, the event dates, the event locations, and the event purpose.

This is not an exhaustive list of acceptable proofs of expenditures.

### 2.4 Unacceptable Proofs of Expenditures

Unacceptable proofs of expenditures lack information necessary to determine the use and purpose of WIOA Title II funds.

Documents that are unacceptable on their own as proof of expenditure might be combined with other documents for acceptable proof. Examples of documents unacceptable on their own include, but are not limited to:

* Purchase orders (does not prove items purchased were received)
* Purchase requests (does not prove items purchased were received)
* Quotes (does not prove items purchased were received)
* Order confirmations (does not prove items purchased were received)
* Travel reservations (does not prove travel occurred)
* Hotel receipts with the same name for multiple rooms on the same days (does not indicate the specific employee using the cost)
* Travel receipts lacking trip details (lacks information)
* Non-detailed credit card receipts (lacks information)
* Credit card statement without detailed receipts (lacks information)
* Airline receipts without travel details (lacks information)
* Balance forward statements (lacks information)

This is not an exhaustive list of unacceptable proofs of expenditures.

## 2.5 Audits

When it is expected that an eligible provider’s federal award expended during a fiscal year equaled or exceeded $1,000,000 in federal grant funds, the eligible provider must have a single or program-specific audit conducted for that year.

[2 CFR 200.501](https://www.ecfr.gov/current/title-2/section-200.501)

## 2.6 Budgets

All subgrantees must submit an initial projected budget and a final year-end budget per the schedule provided by the state.

Throughout a fiscal year, budget modification of 10% of greater must be submitted to and approved by the state.

### 2.6.1 Budget Categories

Subgrantees will track expenditures from each funding source for the budget categories provided by the state.

Individual budget categories that must be reported federally include Career Services, Training Services, One-Stop Infrastructure contributions, and Program Income. Subgrantees must have local procedures to track these expenditures.

The state sets the maximum spending on Supplies at 25% of funding, unless the provider has an approved waiver from the state prior to expending greater than 25% of funds for supplies.

### 2.6.2 Funding for Administrative Activities

Not more than five percent (5%) of a local grant to an eligible provider can be expended to administer a grant or contract under Title II. In cases where five percent is too restrictive to allow for administrative activities, the eligible agency may increase the amount that can be spent on local administration. In such cases, the eligible provider must negotiate with the eligible agency to determine an adequate level of funds to be used for non-instructional purposes.

[34 CFR 463.25](https://www.ecfr.gov/current/title-34/section-463.25)

## 2.7 Equipment and Supplies

### 2.7.1 Physical Inventory

A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years ([2 CFR 200.313(d)(2)](https://www.ecfr.gov/current/title-2/part-200/subject-group-ECFR8feb98c2e3e5ad2#p-200.313(d)(2))), unless more stringent requirements exist, to verify account balances in the accounting records. In addition, there must be follow-up if any equipment is missing.

### 2.7.2 Equipment Property Records

Specific records must be maintained to document the location and use of equipment, not supplies, purchased with federal funds. In accordance with [2 CFR 200.313(d)(1)](https://www.ecfr.gov/current/title-2/part-200/subject-group-ECFR8feb98c2e3e5ad2#p-200.313(d)(1)), property records must include:

1. A description of the property;
2. A serial number or other identification number;
3. The source of funding for the property, including the Federal Award Identification Number (FAIN);
4. Who holds title;
5. The acquisition date and cost of the property;
6. The percentage of federal participation in the project costs for the federal award under which the property was acquired;
7. The location, use, and condition of the property; and
8. Any ultimate disposition data, including the date of disposal and sale price of the property.

It is essential that all of this information is maintained for equipment purchased with federal funds. The equipment tag itself does not need to include all of this information; rather, the identifying tag could be scanned to an online system that maintains the detailed data. Grantees must ensure inventory records are updated and accurate to account for all items purchased with federal funds at any given time.

### 2.7.3 Supplies Property Records

Generally, supplies do not cost much and are used fairly quickly because they are consumable items (e.g., books, pens, paper, and printer toner). As a result, supplies do not need to be recorded in an inventory management system and do not require formal inventory. However, grantees must maintain information about purchases and protect and use the supplies in the program that paid for them in order to prove all costs are necessary, reasonable, and allocable to the grant.

### 2.7.4 Labeling and Safeguarding

Internal Control Property Management requires equipment purchased with federal funds to be labeled with grant source, grant year, school name, and program name. An identification tag crosswalk may be used for small items.

It is highly recommended that grantees tag “small and attractive” or “easily stolen” items that fall below the equipment threshold, such as tablets, laptops, cameras, etc. The tag should consist of a physical label with an inventory number, funding source, and name of the entity that holds title to the property. This would be an effective mechanism for demonstrating proper recordkeeping when monitors or auditors conduct onsite visits. If tagging and inventorying do not occur, these “easily walkable” items must be otherwise safeguarded. Other options to safeguard computing devices include, but are not limited to, sign in/sign out sheets for devices; maintaining devices in a secured (locked) location when not in use; and adding technology safeguards, such as tracking the device location via GPS and enabling external controls over the device that limit functionality, review use, and/or access stored data. If these supplies are not properly safeguarded and are regularly lost or stolen, it will be questioned whether the items are reasonable and necessary since the grantee will go without the items for a considerable period of time unless replacements are purchased. Safeguarding of items helps ensure that purchasing the items is considered allowable.

### 2.7.5 Control System

A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of property. Any loss, damage, or theft must be investigated ([2 CFR 200.313(d)(3)](https://www.ecfr.gov/current/title-2/part-200/subpart-D#p-200.313(d)(3))). This means there must be procedures in place in the event of any loss, damage, or theft. For example, procedures should identify who to contact if loss, damage, or theft occurs and provide necessary forms to complete. Procedures can vary depending on the value of the item lost or stolen. For example, items above a certain cost threshold could be referred to insurance and/or the police for investigation.

### 2.7.6 Use of Equipment

Equipment must be used by the non-federal entity in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the federal award, and the non-federal entity must not encumber the property without prior approval of the federal awarding agency. The federal awarding agency may require the submission of the applicable common form for equipment. When no longer needed for the original program or project, the equipment may be used in other activities supported by the federal awarding agency, in the following order of priority:

1. Activities under a federal award from the federal awarding agency which funded the original program or project, then
2. Activities under federal awards from other federal awarding agencies. This includes consolidated equipment for information technology systems.

[2 CFR 200.313(c)(1)](https://www.ecfr.gov/current/title-2/part-200/subpart-D#p-200.313(c)(1))

During the time that equipment is used on the project or program for which it was acquired, the non-federal entity must also make equipment available for use on other projects or programs currently or previously supported by the federal government, provided that such use will not interfere\* with the work on the project or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by the federal awarding agency that financed the equipment and second preference must be given to programs or projects under federal awards from other federal awarding agencies. Use for non-federally-funded programs or projects is also permissible. User fees should be considered if appropriate.

[2 CFR 200.313(c)(2)](https://www.ecfr.gov/current/title-2/part-200/subpart-D#p-200.313(c)(2))

*\*“Interfere” is interpreted broadly by the U.S. Department of Education and generally includes regular, planned use by another program or project, even if there is no overlap in time. For example, if equipment purchased with federal funds for an after-school federal program is regularly used during the school day for non-federal purposes, this regular use “interferes” with the federally funded project by shortening the lifespan of the equipment. Therefore, this type of regular use should contribute to the purchase price so that the programs all contribute proportionally according to use.*

### 2.7.7 Maintenance of Equipment

Adequate maintenance procedures must be developed to keep the property in good condition ([2 CFR 200.313(d)(4)](https://www.ecfr.gov/current/title-2/part-200/subpart-D#p-200.313(d)(4))). Assuming they are necessary, reasonable, and properly allocated, maintenance costs can generally be charged to federal grants if they:

* Keep property in efficient operating condition;
* Do not add to the permanent value of the property or appreciably prolong its intended life; and
* Are not otherwise included in rental fees or other charges for space.

[2 CFR 200.452](https://www.ecfr.gov/current/title-2/section-200.452)

### 2.7.8 Trade-In and Sales Procedures

When acquiring replacement equipment or computing devices, the grantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.

[2 CFR 200.313(c)(4)](https://www.ecfr.gov/current/title-2/part-200/subpart-D#p-200.313(c)(4))

### 2.7.9 Disposition of Equipment

If required by the terms and conditions of the federal award, the grantee must request disposition instructions from the federal awarding agency. When a grantee no longer needs equipment for the original program for which it was purchased, the grantee may use the equipment for other programs that are currently, or were previously, supported with federal funds, unless otherwise provided in federal statutes, regulations, or federal awarding agency disposition instructions. If such a disposition is made, the transfer must be recorded in the property management system. If there are no federally supported programs that need the equipment, the disposal rules depend on the current fair market value of equipment. If the equipment has a current per-unit fair market value of $10,000 or less, the grantee may keep equipment, sell it, or otherwise dispose of it with no further obligation to the federal awarding agency. If the equipment has a current per-unit fair market value in excess of $10,000, the grantee may keep or sell the equipment but must pay the federal awarding agency a share based on the percentage of federal funds used in the initial acquisition.

[2 CFR 200.313(e)](https://www.ecfr.gov/current/title-2/part-200/subpart-D#p-200.313(e))

### 2.7.10 Disposition of Supplies

If a grantee has unused supplies that, in the aggregate, have a fair market value of more than $10,000 at the end of grant award period, including computing devices and equipment no longer over the market value of $10,000 per unit, the grantee should use the supplies for another project that is supported with federal funds. If the supplies are not needed for another federally supported project, the grantee must compensate the federal awarding agency for its share of the value of supplies.

[2 CFR 200.314](https://www.ecfr.gov/current/title-2/section-200.314)

## 2.8 Federal and State Funds

Under the Adult Education and Family Literacy Act (AEFLA), the state receives funding for Adult Education activities and services from the Office of Career, Technical, and Adult Education (OCTAE). Per WIOA Sec. 222(b)(1)(B), the state must provide funding for Adult Education equal to no less than 25% of the total amount of funds expended for adult education and literacy activities in the state.

## 2.9 Local Match Funds

Local Match includes only non-federal funds that are used for adult education and literacy activities in a manner that is consistent with AEFLA's purpose. Local Match funding is subject to the same spending regulations as all WIOA Title II funds.

Kansas requires sponsoring institutions to provide annual funding for WIOA Title II equal to no less than 50% of WIOA Section 231 (AEFLA) funding. Kansas also requires no less than 10% of WIOA Section 231 funding be matched in cash, with the rest of the 50% match either in cash or in kind.

In-kind contributions must be fairly evaluated. Examples of in-kind contributions include, but are not limited to:

• Infrastructure, facilities, and utilities costs

• Custodial services

• Copying and printing costs

• Phone, internet, and other technology costs

Amounts reported for acceptable matching must:

• be properly documented and verifiable from recipient records;

• be necessary and reasonable to accomplish program objectives;

• be allowable under the Uniform Guidance cost principles;

• not be included as contribution for other federally assisted programs; and

• have the value supported by appropriate documentation of fair market value.

### 2.9.1 Maintenance of Effort

Kansas requires “maintenance of effort” for the life of the grant, which means in addition to meeting 50% or more of WIOA Section 231 funding each year, the sponsoring institution must also have a dollar amount of Local Match funding equal to or greater than the previous year of the grant cycle.

Sponsoring institutions have the freedom to provide funding or in-kind contributions above and beyond the required Local Match and have the option to report such additional funds as Local Match. Additional funds not reported as Local Match would be subject to relevant regulations and oversight but would not be subject to WIOA Title II regulations

Maintenance of effort applies to Local Match as a whole and does not look at cash versus in-kind contributions. The sponsoring institution is only obligated to provide a minimum of 10% of WIOA Section 231 funding in cash each year, even if the sponsoring institution chose to provide greater than 10% in cash the previous year.

## 2.10 Program Income and Program Fees

Program Income means gross income received by the grantee or subgrantee directly generated by a grant-supported activity or earned only as a result of the grant agreement during the grant period. ([29 CFR 1470.25](https://www.law.cornell.edu/cfr/text/29/1470.25)) Program Income may be added to the grant and used for the purposes and under the conditions of the grant agreement. WIOA Title II Program Income can be used only for Adult Education and not for any other activities, services, or costs.

WIOA Title II providers have the authority to charge fees to learners for enrollment, services, or materials, if the local program or the sponsoring institution has a local policy allowing or recommending the collection of such fees.

Such fees

* must be necessary
* must be reasonable
* must not impose a barrier to participation that might exclude economically disadvantaged learners

Providers must have standard processes to reduce or waive fees based on the need of eligible individuals, including plans for funding such waivers.

Fees charged to learners are Program Income and are subject to the same WIOA Title II regulations as other funding. Student fees paid by a sponsoring business or organization are included as part of Program Income.

Services provided for a fee to non-participants are included as part of Program Income. Examples include, but are not limited to, permitting non-participants to pay a fee to join Adult Education participants in an AEFLA-funded class or permitting a WIOA partner to pay for a certain number of non-participants to join Adult Education participants in IELCE-funded service activities.

Program Income is not part of Local Match funding. Program Income is a separate category and must be accurately managed and reported to the state.

Program Income must be expended on costs allowable under WIOA Title II. Program Income must be expended in the same fiscal year in which it is received.

## 2.11 Special Project Funds

The state may provide opportunities for additional funding for special projects, additional professional development, or other activities. These opportunities are dependent upon funding availability and are at the sole discretion of the state. Information about applying for additional funding will be provided to grantees if and when such opportunities are available.

## 2.12 Non-WIOA Funding

WIOA Title II providers have the freedom to apply for other grants or receive donations, if such grants and donations do not interfere with the provider’s ability to abide by federal and state regulations for WIOA Title II activities. These additional funds, if any, are subject to relevant regulations and oversight but are not reported under Adult Education to the state and are not subject to WIOA Title II regulations. Time and effort spent applying for, managing, or reporting for other grants cannot be supported by WIOA Title II funding and must be funded through another funding stream.

WIOA Title II providers have the freedom to enter into contracts with partners, if such contracts do not interfere with the provider’s ability to abide by federal and state regulations for WIOA Title II activities. Such contracts, if any, are subject to relevant regulations and oversight, but any partner funding contributed under a contract is not reported under Adult Education to the state and is not subject to WIOA Title II regulations.

## 2.13 WIOA Section 231 Funding Formula

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| --- |
| **WIOA Section 231 (AEFLA) FY2026 – FY2030 Funding Formula** |
| ***Category*** | ***Percentage*** | ***Description*** |
| **Base Funding** | **18%** |  |
| Institutional Grant | 10% | Funding is divided evenly among all WIOA Section 231 subrecipients. |
| Need in Service Area | 5% | Need is calculated at the beginning of the five-year award period and includes adults without a high-school diploma, adults speaking English “less than very well,” and individuals with income at or below 125% of poverty level. |
| System Services | 3% | Funding is used to support services for all Kansas WIOA Title II providers. |
| **Performance Funding** | **82%** |  |
| Enrollment | 40% | Enrollment is calculated annually at the end of the third (3rd) quarter and averaged by quarter. |
|  All Participants |  | All participants will be counted once per fiscal year for enrollment. |
|  IET Participants |  | Participants enrolled in an IET pathway will be counted once per fiscal year for an additional “participant point.” |
| ABE Levels 1 and 2 and ESL Levels 1 and 2 Participants |  | Participants entering in the lowest levels of ABE and ESL will be counted once per fiscal year for an additional “participant point.” |
| Participants Receiving Ongoing Accommodations |  | Participants receiving ongoing accommodations for disabilities, including learning disabilities, will be counted once per fiscal year for an additional “participant point.” |
| Past Effectiveness | 42% | Effectiveness is calculated annually at the end of the third (3rd) quarter and averaged by quarter. |
| Employment 2nd Qtr After Exit |  | The number of exited participants achieving this outcome. |
| Employment 4th Qtr After Exit |  | The number of exited participants achieving this outcome. |
| Credential Attainment |  | The number of exited participants achieving this outcome. |
| Measurable Skill Gains |  | One (1) MSG is counted per participant per Period of Participation (PoP). |
| Effectiveness in Serving Employers |  | The number of exited participants achieving this outcome, if used for WIOA Title II. |
| Number of Risk Points |  | The number of points assessed for the program on the annual risk assessment. |
| Kansas Quality Measures |  | The number of points on state-defined measures, if used. |

WIOA Section 231 (AEFLA) funding is provided to AEFLA grantees and can be used to serve eligible individuals in activities described under WIOA Section 231.

## 2.14 WIOA Section 225 Funding Formula

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| **WIOA Section 225 (Corrections) FY2026 – FY2030 Funding Formula** |
| ***Category*** | ***Percentage*** | ***Description*** |
| Need in Service Facilities | 20% | Need is calculated based on partner report of adults in the served facilities. |
| Enrollment | 80% | Enrollment is calculated annually at the end of the third (3rd) quarter and averaged by quarter. |

WIOA Section 225 (Corrections) funding is provided to Corrections grantees and can only be used to serve eligible individuals in activities described under WIOA Section 225.

## 2.15 WIOA Section 243 Funding Formula

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| **WIOA Section 243 (IELCE) FY2026 – FY2030 Funding Formula** |
| ***Category*** | ***Percentage*** | ***Description*** |
| Institutional Grant | 20% | Funding is divided evenly among all WIOA Section 243 subrecipients. |
| Projected Enrollment | 80% | WIOA Section 243 grantees will annually project enrollment for the following year on the continuation application. |

WIOA Section 243 (IELCE) funding is provided to IELCE grantees and can only be used to serve eligible individuals in activities described under WIOA Section 243.

## 2.16 Fiscal Responsibility

### 2.16.1 Accounting System

The grantee must maintain a record of actual expenditures of federal, state, and local match funds, including program income, for reasonable, allowable, and allocable costs under WIOA Title II. Federal, state, and local match funds must be maintained as separate line items to maintain their separate identities for reporting and auditing purposes. Commingling of these separate sources of funding is not allowed. The accounting system must be capable of tracking these separate sources for individual line items and of generating required reports.

### 2.16.2 Cash Management Policies

Written cash management policies and procedures must comply with [2 CFR Part 200](https://www.ecfr.gov/current/title-2/part-200), including 2 CFR 200.302 and 2 CFR 200.305 (excerpts below).

Each state must expend and account for the federal award in accordance with state laws and procedures for expending and accounting for the state’s own funds. In addition, the state’s and the other non-federal entity’s (i.e., subgrantee’s) financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the federal statutes, regulations, and the terms and conditions of the federal award.

[2 CFR 200.302(a)](https://www.ecfr.gov/current/title-2/part-200/subpart-D#p-200.302(a))

For non-federal entities other than states, payments methods must minimize the time elapsing between the transfer of funds from the United States Treasury or the pass-through entity and the disbursement by the non-federal entity whether the payment is made by electronic funds transfer, or issuance or redemption of checks, warrants, or payment by other means. See also § 200.302(b)(6). Except as noted elsewhere in this part, federal agencies must require recipients to use only OMB-approved, governmentwide information collection requests to request payment.

[2 CFR 200.305(b)](https://www.ecfr.gov/current/title-2/part-200/subpart-D#p-200.305(b))

### 2.16.3 Reimbursement

It is normal practice for each subgrantee in Kansas awarded WIOA Title II funds to drawdown funds from the Kansas Higher Education Data System (KHEDS) each month to reimburse itself for allowable expenses incurred in the period. This is to ensure expenses have both been incurred and paid for before funds are drawn. See [2 CFR 200.305(b)(3)](https://www.ecfr.gov/current/title-2/part-200/subpart-D#p-200.305(b)(3)).

### 2.16.4 Advance Payment

While it is normal practice to drawdown funds from the Kansas Higher Education Data System (KHEDS) to reimburse for payments already made, there may be situations in which the subgrantee may draw funds in advance of making payments. In this case, the subgrantee is drawing funds to pay for its obligations. To remain in compliance with [2 CFR 200.305(b)](https://www.ecfr.gov/current/title-2/part-200/subpart-D#p-200.305(b)), the subgrantee must ensure the following:

* The amount drawn from the system as an advance payment is limited to the minimum amount needed for actual, immediate cash required to pay for invoices that are due and payable.
* The timing and amount of advance payments must be as close as administratively feasible to the actual disbursements of the funds. For WIOA Title II funds, Kansas limits the time elapsing between the advance of the funds to the disbursement of the funds to no more than three (3) business days.
* An exception is granted for the final drawdown of the fiscal year, which occurs in June and should be used to draw down the amount needed for expenditures through June 30.

### 2.16.5 Grant Fund Availability

No grant funds can be disbursed until official budgets for the fiscal year have been received and approved, which is after Grant Award Notifications (GANs) are received. Funds cannot be used to pay for expenses resulting from budget modifications of 10% or more unless and until the budget modification has been approved by the state.

### 2.16.6 Allowable Costs

Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under federal awards:

1. Be necessary and reasonable for the performance of the federal award and be allocable thereto under these principles.
2. Conform to any limitations or exclusions set forth in these principles or in the federal award as to types or amount of cost items.
3. Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the non-federal entity.
4. Be accorded consistent treatment. A cost may not be assigned to a federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the federal award as an indirect cost.
5. Be determined in accordance with generally accepted accounting principles (GAAP), except, for state and local governments and Indian tribes only, as otherwise provided for in this part.
6. Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period. See also § 200.306(b).
7. Be adequately documented. See also §§ 200.300 through 200.309 of this part.
8. Cost must be incurred during the approved budget period. The federal awarding agency is authorized, at its discretion, to waive prior written approvals to carry forward unobligated balances to subsequent budget periods pursuant to § 200.308(e)(3).

[2 CFR 200.403](https://www.ecfr.gov/current/title-2/section-200.403)

See [2 CFR 200.404](https://www.ecfr.gov/current/title-2/section-200.404) for more information about reasonable costs and [2 CFR 200.405](https://www.ecfr.gov/current/title-2/section-200.405) for more information about allocable costs. For more guidance regarding the allowability of specific costs, see [2 CFR 200.420](https://www.ecfr.gov/current/title-2/section-200.420) et seq.

## 2.17 Supplement Not Supplant

Funds made available for adult education and literacy activities shall supplement and not supplant other state or local public funds expended for adult education and literacy activities.

[29 U.S. Code 3331a](https://www.law.cornell.edu/uscode/text/29/3331)

*Supplanting* occurs when a state or unit of local government reduces state or local funds for an activity, specifically because federal funds are available (or expected to be available) to fund that same activity. This is prohibited under the Workforce Innovation and Opportunity Act (WIOA).

*Supplementing* occurs when federal funds are used to enhance existing state or local funds for program activities.

Supplemental federal funds are used to increase the level of funds made available to the WIOA Title II program. Federal funding is only in support of the program offered. To supplant funds means to take the place of the original funding stream and replace it with the supplemental federal funding stream.

To determine whether a supplanting violation might occur, the provider must ask these two questions:

* Is the program or activity the provider wants to fund required under state mandate or local board policy?
* Were state or other non-federal funds used in the previous year to pay for this program or activity?

If the answer is “yes” to either question, the provider is at risk of supplanting if using federal funds for these activities. The provider is advised to seek other methods of funding activities, to consult with financial advisers, and/or to maintain documentation to rebut the presumption of supplanting.

# Part 3: Staff

## 3.1 Staff Requirements

Funding from sources outside WIOA Title II that is not used as matching funds will not be reported to the state, but all personnel working with WIOA Section 231 participants will be required to abide by all applicable federal, state, and local policies, including state requirements for professional development, to ensure high-quality service to eligible individuals.

## 3.2 Staff Roles

Four (4) types of paid employee roles for subgrantees are reported federally: Local Administrator, Local Teacher, Local Counselor, and Local Paraprofessional. Subgrantees must report each employee as full-time or part-time. For Local Teachers, subgrantees must additionally report years of experience in Adult Education and possession of any of the federally reported certifications (listed in the state data management system).

All subgrantees are required to have Local Administrators and Local Teachers. Local Counselors are strongly recommended. Subgrantees might or might not have Local Paraprofessionals, depending on the structure of the organization.

Local Administrators include program leaders, data specialists, and administrative assistants.

Local Teachers include instructors and teaching specialists.

Local Counselors include career navigators and success coaches.

See the Practitioner Roles Descriptions for more information about each role.

## 3.3 Volunteers

Subgrantees might or might not use volunteers to support the services and activities of the agency. Volunteers must be reported federally and can be tracked in the state data management system.

Subgrantees using volunteers must have an onboarding process that includes training regarding student privacy and confidentiality, along with any other relevant training. Subgrantees must also have a method of supervising volunteers.

## 3.4 Staff Qualifications

Minimum qualifications for each role are included in the Practitioner Roles Descriptions. Local programs may request a waiver for a potential hire with less than the required educational level. The state will provide the process for requesting an educational waiver.

## 3.5 Communication

The state will regularly communicate with all subgrantees to provide updates and needed information. The state will also communicate with individual subgrantees as needed to collect data, offer technical assistance, or for other purposes.

Subgrantees must carefully review any information shared by the state and must engage in timely communication. This includes prompt responses when information is requested and notification of extended time out of the office, along with alternate points of contact in the absence of the program leader(s).

## 3.6 System Access

In the course of their duties, employees of WIOA Title II providers might need access to various systems, such as the state data management system, the state testing system for NRS-approved assessments, and the high school equivalency system. Program leaders have the authority to determine which employees should have access and the level of access appropriate for each employee. The Kansas Board of Regents (KBOR) will provide instructions for managing or requesting access. Employees must have a valid work email to access systems used by Kansas WIOA Title II.

## 3.7 Required Electronic and Digital Resources

The state requires subgrantees to have, at minimum, email, an office suite (e.g., Google, Microsoft), a PDF reader, a means to provide electronic signatures, and stable internet with sufficient speed to participate in virtual meetings. Ideally, the email system will be capable of sending and receiving encrypted email. Additional recommendations include, but are not limited to, a PDF editor, means to upload or share videos, one or more video conferencing platforms, and a secure faxing system.

## 3.8 Time and Effort Reporting

Time and effort must be reported for all employees paid fully or partially with WIOA Title II funds (federal, state, local match, or program income). Reports must be based on actual time spent on activities, not on estimates or projections.

## 3.9 Professional Development and Travel

The state encourages ongoing, relevant, high-quality professional development for all personnel working with WIOA Title II eligible individuals. Grantees must participate in all professional development required by the state, which may include in-person and remote opportunities and may require travel.

Kansas does not permit WIOA Title II funds to be used for travel outside the United State of America. Travel outside Kansas must have prior approval from the state.

# Part 4: Learners

## 4.1 Eligible Individuals

WIOA Title II subgrantees can serve eligible individuals who desire services the subgrantee can provide.

The term “eligible individual” means 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—

i. is basic skills deficient;

ii. does not have a secondary school diploma or its recognized equivalent, and has not achieved an equivalent level of education; or

iii. is an English language learner.

[29 USC 3272(4)](https://www.law.cornell.edu/uscode/text/29/3272#4)

Kansas WIOA Title II will abide by all applicable federal and state laws, statutes, regulations, policies, and guidance in determining eligibility for services.

Eligible individuals with an entry level based on a valid, approved pretest or a valid, approved alternative placement method are considered “participants” after 12 hours of attendance. Eligible individuals with less than 12 hours who have taken an action that demonstrates intent to use program services are “reportable individuals” or “learners.”

## 4.2 Participants and Periods of Participation

Eligible individuals who receive approved services achieve “participant” status and are reportable as enrollees on federal tables upon reaching 12 hours with the program and having a valid entry level.

Participants who exit the program for 90 days or longer begin a new Period of Participation (PoP) upon return. See the [NRS Technical Assistance Guide](https://nrsweb.org/policy-data/nrs-ta-guide) for more information about Periods of Participation.

## 4.3 Minors

WIOA Title II subgrantees can serve eligible individuals who are 16 or 17 years of age only if these individuals are not enrolled in secondary school. Minors (eligible individuals who are 16 or 17 years of age) must provide subgrantees with documentation of non-enrollment in secondary school at entry or shortly thereafter. This documentation might be a “compulsory attendance waiver” form, a “compulsory attendance exemption” form, a “drop record,” or another approved document verifying the minor’s non-enrollment in secondary school.

## 4.4 Disability Accommodations

It is the responsibility of each subgrantee to provide opportunities for learners to self-disclose disabilities in an environment that is secure and supportive. When learners disclose disabilities, trained staff will individually discuss options with the learner to determine what accommodations, if any, would support the learner’s success. Ongoing accommodations must be tracked in the state data management system.

## 4.5 Approved Services

Subgrantees can provide approved adult education and literacy activities using WIOA Title II funds.

The term “adult education and literacy activities” means programs, activities, and services that include:

(a) Adult education,

(b) Literacy,

(c) Workplace adult education and literacy activities,

(d) Family literacy activities,

(e) English language acquisition activities,

(f) Integrated English literacy and civics education,

(g) Workforce preparation activities, or

(h) Integrated education and training.

[34 CFR 463.30](https://www.ecfr.gov/current/title-34/section-463.30)

See [29 USC 3272(2)](https://www.law.cornell.edu/uscode/text/29/3272#2) for definitions of activities.

## 4.6 Unapproved Services

WIOA Title II funds cannot be used to participate in, support, or encourage unapproved activities. Examples of unapproved activities include, but are not limited to:

* Providing continuing education or enrichment classes that do not promote the objectives of the Workforce Innovation and Opportunity Act (WIOA) to assist eligible individuals in meeting education and career goals
* Providing religious instruction, conducting worship services, or engaging in any form of proselytization
* Assisting, promoting, or deterring union organizing
* Financing directly or indirectly any activity designed to influence the outcome of an election to any public office
* Impairing existing contracts for services or collective bargaining agreements
* Conducting high school equivalency testing, including using WIOA Title II funds to support costs associated with the testing proctor, the testing location, official test fees, or the delivery of tests to test-takers

## 4.7 Distance Education

The state requires all Adult Education providers under Section 231 (AEFLA) or Section 243 (IELCE) to offer distance education opportunities to eligible individuals. Such opportunities include, but are not limited to, participating in Cross-TREK, offering fully online classes, offering hybrid or HyFlex classes, offering online assignments or additional learning tasks outside class, and offering other remote options. Providers under Section 225 (Corrections) are encouraged to use distance education opportunities when feasible and beneficial. Distance education must follow all applicable policies and procedures from the state.

### 4.7.1 Cross-TREK

Cross-Teaching Remote Education in Kansas (Cross-TREK) is an initiative to provide distance education while addressing instructional shortages in the state. An instructor in one location is paid through Cross-TREK funds to provide a specific class for eligible individuals. WIOA Title II providers across the state can enroll eligible individuals in the Cross-TREK class. The “home” location of each individual is responsible for pre- and posttesting according to policy, and any Measurable Skill Gains (MSGs) obtained by that participant will be included in the “home” program’s outcomes. “Home” locations are encouraged to provide physical space, equipment and supplies, and technical support, as needed. Paraprofessionals providing technical support can be paid through Cross-TREK funds.

## 4.8 Counties of Service and Locations

During the life of the grant, subgrantees will confer with the state prior to adding or removing any counties of service and will follow a state-defined process for adding or removing a county of service. Funding for each year of the grant will be calculated based on the counties of service for that year, which might be different from prior years if grantees have added or removed counties following the state-defined process.

It will be the responsibility of the grantee to maintain an updated list of locations, including addresses, services provided at each location, and personnel for each location, including supervisors. This updated list of locations will be submitted annually to the state or upon request from the state. Any location changes during a fiscal year, such as the closing of a site or opening of a new location, must be submitted to the state using the documentation procedure provided to grantees.

## 4.9 Provider Website

The state requires that all WIOA Title II providers in Kansas have a public-facing website, or a dedicated webpage within a sponsoring institution’s website, which provides relevant information about WIOA Title II services to eligible individuals, partners, and community members. Information must be updated annually, at minimum. The website or webpage must be compliant with Section 508 of the Rehabilitation Act of 1973 (29 U.S. Code 794d) for accessibility. Example elements of the website include, but are not limited to, instructions for enrolling, links to online enrollment forms, explanations of services, calendars of events such as orientation and classes, information about program policies, notice of any costs and any available procedures for waiving or reducing these costs, profiles of staff members, success stories of students, maps to the provider location(s), data demonstrating program success, and other information that might be useful to eligible individuals, partners, or community members. In designing the website or webpage, providers are strongly encouraged to consider an audience that might have low levels of literacy or might have limited English proficiency.

## 4.10 Intake, Enrollment, and Orientation

A student portal is provided through the state’s data management system to intake prospective learners. This initial entry may be done by prospective learners on their own or at a WIOA Title II provider’s location. Initial entry does not mean the individual is officially enrolled or is actively receiving services. All eligible individuals who provide sufficient information to complete federal- and state-required fields must be entered in the state data management system immediately, even if this occurs prior to the eligible individual enrolling in a class or receiving services.

Local providers should develop program policies and procedures for enrolling prospective learners. The goal should be to reduce barriers and ensure the smoothest and most efficient program entry possible while gathering all necessary information for federal, state, and local reporting and while providing learners with information and resources needed for success, which will likely be conducted during a group or individual orientation.

The intake, enrollment, and orientation process must include a method of determining the learner’s entry level, either by pretesting with the state’s NRS-approved assessment or by eligibility for an Alternative Placement usage. The process might include assessment of skill levels in literacy, numeracy, and English language proficiency; the assessment of aptitudes, abilities, and supportive services needed; referrals to and coordination of activities with other programs and services; provision of performance information and program cost information on eligible providers of education, training, and workforce services; and provisions of information on availability of support services or assistance and appropriate referrals.

## 4.11 Advising and Transition

Throughout a learner’s educational journey, local providers must offer individualized support and coaching or advising to the extent possible. The local provider must determine the personnel who will be engaged in coaching or advising and the regular schedule for these activities to occur. Local providers are encouraged to work with postsecondary institutions, employers, and other organizations to support WIOA Title II participants in transitioning to postsecondary education and training, progressing in careers, and obtaining credentials.

## 4.12 Assessment Policy

Per NRS Guidelines, the state has discretion to establish the standardized assessment method used within the state and procedures for progress assessment and must develop a written statewide assessment policy describing assessments and procedures. The state must annually submit its assessment policy for federal review and approval. All WIOA Title II providers must abide by the approved statewide assessment policy, published annually.

## 4.13 Managed Enrollment and Attendance

The state requires the use of managed enrollment, which means instructional programs have defined entry points and durations, and learners join at scheduled times and abide by the local WIOA Title II provider’s attendance policy. Some instructional programs, activities, or sites might be exempted from this requirement; the grantee must request this exemption from the state prior to beginning non-managed enrollment.

The state requires that grantees have a written attendance policy. This policy must be fully explained to learners, with requirements clearly described. An attendance policy might include excused versus unexcused absences, procedures for missing class, options for joining class virtually when unable to attend in person, options for making up hours missed at other times, the limit of periods/hours that can be missed before learning progress becomes unlikely, the steps the program will take to support the learner, the steps that will be taken if the learner violates the attendance policy, when a learner can return in a future session, and/or other relevant information. In developing this policy, WIOA Title II providers must demonstrate respect for the life experience, priorities, and needs of adult learners. Policies must be as flexible as possible and must be restrictive *only* to the extent necessary to support learners in achieving their learning goals.

## 4.14 Alternative Placement

Kansas WIOA Title II gives local providers the option of using Alternative ABE Placement and Alternative ESL Placement. Grantees must follow state policies and procedures if using Alternative Placement entry levels.

## 4.15 Curriculum and Instruction

### 4.15.1 College and Career Readiness Standards (CCRS)

Kansas uses the College and Career Readiness Standards to communicate clear expectations for adults, to improve curriculum and instruction, and to create professional development to help staff develop the expertise to implement standards. Curriculum developed or used for WIOA Title II programs will align with the CCRS, and required staff will engage in professional development related to these standards. WIOA Title II providers can also refer to the English Language Proficiency (ELP) Standards for Adult Education when working with English language learners.

### 4.15.2 Digital Literacy Instruction

The state requires that all WIOA Title II grantees provide instruction in digital literacy skills, whenever feasible, to eligible individuals who would benefit from such instruction. The term “digital literacy skills” means the skills associated with using existing and emerging technologies to find, evaluate, organize, create, communicate information, and to complete tasks. If standards for digital literacy skills are shared with grantees, curriculum must align with standards provided. The state will allow ample time for local providers to align curriculum after standards are disseminated, if such standards are adopted.

### 4.15.3 High School Equivalency (HSE) Preparation

The term “high school equivalency preparation” means activities, programs, or services designed to help an individual acquire the skills necessary to complete and obtain a high school equivalency diploma or credential. Adults without a high school diploma can earn a Kansas State High School Diploma by achieving passing scores on all GED® subject tests or by completing the requirements of Kansas Pathway to Career, the state’s alternative high school equivalency option for adults.

HSE preparation activities can be offered in the languages approved by the state. In Kansas, HSE preparation can be provided in English and/or in Spanish. Instruction in Spanish should be provided only when demonstrated need exists in the local area, when such instruction does not inhibit equitable access to or participation in program services, and when participants receiving HSE instruction in Spanish also have the opportunity to receive services to increase English language ability.

## 4.16 Created Resources

Resources created using WIOA Title II funds will, upon request and when feasible, be shared with the state or with other Kansas WIOA Title II providers. Grantees embarking on large-scale curriculum development or other projects that will benefit multiple WIOA Title II providers are encouraged to request Special Project funding, as available.

# Part 5: Accountability

## 5.1 FERPA, Student Privacy and Confidentiality, Consent

All staff members must abide by the [Family Educational Rights and Privacy Act (FERPA)](https://studentprivacy.ed.gov/ferpa) and are responsible for protecting student privacy and confidentiality.

All personnel working with eligible individuals are required to ensure student privacy and confidentiality. Subgrantees may be required by the state to demonstrate that signed confidentiality agreements for each staff member are available.

Prior to discussing or sharing learner information, staff members must ensure appropriate consent from the learner has been obtained. The state will provide forms for obtaining learner consent. WIOA Title II providers must track which learners have provided each type of consent.

## 5.2 Data

All subgrantees will use the Kansas data management system to collect and report on programmatic and student data, including the program’s progress in performance levels for primary measures of performance, the standardized use of state-approved assessments, and all hours of attendance. All information on eligible individuals required in federal reporting will be collected and entered in the state data management system.

Data quality begins at initial data collection. Checks and diagnostics are to be performed regularly to ensure accuracy.

For the purposes of determining funding and attainment of performance targets, data from all sites, locations, classes, and/or consortium members will be aggregated for the grantee. When producing state NRS reports to submit to the Office of Career, Technical, and Adult Education (OCTAE), data from all grantees is aggregated for statewide outcomes.

The state will provide training for using the statewide data management system. It is the responsibility of each grantee to ensure staff are fully trained and have full understanding of NRS policies and state policies, including the assessment policy. The state will offer ongoing training; it is the responsibility of each grantee to request additional support as needed.

## 5.3 Data Security

Every individual working with learners or with access to learner data is responsible for safeguarding personal information. This includes reports, physical files or documents, electronic files or records, conversations, phone calls, messages, and all other situations and methods which could result in a learner being identified by non-approved individuals based on the information shared.

## 5.4 Performance Measures

WIOA establishes common performance measures across core programs:

* percentage of program participants in unsubsidized employment during the second quarter after exit
* percentage of program participants in unsubsidized employment during the fourth quarter after exit
* median earnings
* percentage of participants who obtain a postsecondary credential or diploma during participation or within one year after exit
* participants achieving measurable skill gains
* effectiveness in serving employers

Performance measures (also called primary indicators or outcomes) have performance targets, negotiated every two years between the state and the Office of Career, Technical, and Adult Education (OCTAE). These targets are published in the WIOA State Plan at [https://wioaplans.ed.gov](https://wioaplans.ed.gova) and will be shared with subgrantees.

## 5.5 Follow Up

At least quarterly, grantees will contact exited participants to collect information for the post-exit performance measures (Employment Second Quarter After Exit, Employment Fourth Quarter After Exit, Median Earnings, and Credential Attainment) and will report collected information. States have the option to collect post-exit data via data matching, follow-up surveys, or both. Kansas uses both data matching and follow-up surveys to collect and report the most outcomes possible.

## 5.6 Reporting

Subgrantees will be required to submit reports to the state. A calendar of required reports will be provided annually. Reports might include data audits, budget and expenditure reports, and other reports as requested by the state.

The state annually submits federal reports, including financial reports, assessment policy, and narrative reports. The state might request information from grantees outside other reporting to assist in providing complete information on federal reports.

## 5.7 Continuation Funding Application

Annually, all subgrantees must submit a continuation application to continue to receive funding the following fiscal year. This noncompetitive application, in combination with assessment of risk as required by the state, will determine if subgrantees continue to receive funding. The state will provide application materials annually, along with instructions for completing these materials.

## 5.8 Risk Assessment

Annually, the state will conduct a risk assessment of each grantee to evaluate the subrecipient’s risk of noncompliance with federal statutes, regulations, and the terms and conditions of the subaward. Assessments may include consideration of factors such as the subrecipient’s prior experience with the same or similar subawards; the results of previous audits including whether or not the subrecipient receives a Single Audit and the extent to which the same or similar subaward has been audited as a major program; whether the subrecipient has new personnel or new or substantially changed systems; and the extent and results of federal awarding agency monitoring if the subrecipient also receives federal awards directly from a federal awarding agency. The results of the risk assessment might indicate a need for technical assistance, remediation, or, if issues are not resolved, termination of grant funding.

[2 CFR 200.332(c)](https://www.ecfr.gov/current/title-2/part-200/section-200.332#p-200.332(c))

## 5.9 Monitoring

The state will conduct multiple types of monitoring throughout the grant to ensure that the subaward is used for authorized purposes, in compliance with federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Monitoring includes onsite visits, desk audits, fiscal audits, data reviews, and other oversight to ensure funds are used to serve eligible individuals in high-quality eligible services. It is not guaranteed that all grantees will receive all types of monitoring.

[2 CFR 200.332(e)](https://www.ecfr.gov/current/title-2/part-200/section-200.332#p-200.332(e))

## 5.10 Record Retention

The state requires that financial records, supporting documents, statistical records, and all other entity records pertinent to the WIOA Title II subgrant must be retained for a period of seven (7) years from the date of submission of the final annual report to the state. In addition, records must be retained until all litigations, claims, or audit findings involving the records have been resolved and final action taken if any litigation, claim, or audit is started before the expiration of the seven-year period and extends beyond the end of the seven-year period.

# Part 6: Partnerships

## 6.1 Statewide Collaboration

After award, the state requires that all grantees cooperatively and collaboratively join together to the fullest extent feasible and reasonable to serve eligible individuals across the state and to help meet statewide performance targets. Examples of cooperation and collaboration include, but are not limited to, referring eligible individuals to other WIOA Title II providers closer to the individuals’ physical locations; mentoring, training, or otherwise supporting staff employed by other WIOA Title II providers; engaging with other WIOA Title II providers in workgroups, professional learning communities, or other regional or statewide opportunities; sharing physical and digital resources, including curriculum, that were purchased or developed with WIOA Title II funds; coordinating and communicating with other WIOA Title II providers in the same workforce area; and requesting or organizing regional professional development opportunities for WIOA Title II providers within a reasonable distance.

## 6.2 One-Stop Responsibilities

Alignment of adult education and literacy activities with other one-stop required partners to implement the strategies in the Unified or Combined State Plan as described in section 223(a)(1)(A) is required of all WIOA Title II subgrantees.

### 6.2.1 Roles and Responsibilities of Required One-Stop Partners

Each required partner must:

(a) Provide access to its programs or activities through the one-stop delivery system, in addition to any other appropriate locations;

(b) Use a portion of funds made available to the partner's program, to the extent consistent with the Federal law authorizing the partner's program and with Federal cost principles in [2 CFR parts 200](https://www.ecfr.gov/current/title-2/part-200) and [3474](https://www.ecfr.gov/current/title-2/part-3474) (requiring, among other things, that costs are allowable, reasonable, necessary, and allocable), to:

(1) Provide applicable career services; and

(2) Work collaboratively with the State and Local WDBs to establish and maintain the one-stop delivery system. This includes jointly funding the one-stop infrastructure through partner contributions that are based upon:

(i) A reasonable cost allocation methodology by which infrastructure costs are charged to each partner based on proportionate use and relative benefit received;

(ii) Federal cost principles; and

(iii) Any local administrative cost requirements in the Federal law authorizing the partner's program. (This is further described in [§ 463.700](https://www.ecfr.gov/current/title-34/section-463.700).)

(c) Enter into an MOU with the Local WDB relating to the operation of the one-stop delivery system that meets the requirements of [§ 463.500(b)](https://www.ecfr.gov/current/title-34/section-463.500#p-463.500(b));

(d) Participate in the operation of the one-stop delivery system consistent with the terms of the MOU, requirements of authorizing laws, the Federal cost principles, and all other applicable legal requirements; and

(e) Provide representation on the State and Local WDBs as required and participate in Board committees as needed.

[34 CFR 463.420](https://www.ecfr.gov/current/title-34/section-463.420)

### 6.2.2 One-Stop Memorandum of Understanding (MOU)

Grantees must coordinate with local one-stop systems with a one-stop Memorandum of Understanding (MOU).

(a) The MOU is the product of local discussion and negotiation, and is an agreement developed and executed between the Local WDB and the one-stop partners, with the agreement of the chief elected official and the one-stop partners, relating to the operation of the one-stop delivery system in the local area. Two or more local areas in a region may develop a single joint MOU, if they are in a region that has submitted a regional plan under sec. 106 of WIOA.

(b) The MOU must include:

(1) A description of services to be provided through the one-stop delivery system, including the manner in which the services will be coordinated and delivered through the system;

(2) Agreement on funding the costs of the services and the operating costs of the system, including:

(i) Funding of infrastructure costs of one-stop centers in accordance with [§§ 463.700](https://www.ecfr.gov/current/title-34/section-463.700) through [463.755](https://www.ecfr.gov/current/title-34/section-463.755); and

(ii) Funding of the shared services and operating costs of the one-stop delivery system described in [§ 463.760](https://www.ecfr.gov/current/title-34/section-463.760);

(3) Methods for referring individuals between the one-stop operators and partners for appropriate services and activities;

(4) Methods to ensure that the needs of workers, youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials that are available through the one-stop delivery system;

(5) The duration of the MOU and procedures for amending it; and

(6) Assurances that each MOU will be reviewed, and if substantial changes have occurred, renewed, not less than once every 3-year period to ensure appropriate funding and delivery of services.

(c) The MOU may contain any other provisions agreed to by the parties that are consistent with WIOA title I, the authorizing statutes and regulations of one-stop partner programs, and the WIOA regulations.

(d) When fully executed, the MOU must contain the signatures of the Local WDB, one-stop partners, the chief elected official(s), and the time period in which the agreement is effective. The MOU must be updated not less than every 3 years to reflect any changes in the signatory official of the Board, one-stop partners, and chief elected officials, or one-stop infrastructure funding.

(e) If a one-stop partner appeal to the State regarding infrastructure costs, using the process described in [§ 463.750](https://www.ecfr.gov/current/title-34/section-463.750), results in a change to the one-stop partner's infrastructure cost contributions, the MOU must be updated to reflect the final one-stop partner infrastructure cost contributions.

[34 CFR 463.500](https://www.ecfr.gov/current/title-34/section-463.500)

### 6.2.3 Infrastructure Funding Agreement (IFA)

Required elements regarding infrastructure funding that must be in the one-stop MOU include:

(a) The period of time in which this infrastructure funding agreement is effective. This may be a different time period than the duration of the MOU.

(b) Identification of an infrastructure and shared services budget that will be periodically reconciled against actual costs incurred and adjusted accordingly to ensure that it reflects a cost allocation methodology that demonstrates how infrastructure costs are charged to each partner in proportion to its use of the one-stop center and relative benefit received, and that complies with [2 CFR part 200](https://www.ecfr.gov/current/title-2/part-200) (or any corresponding similar regulation or ruling).

(c) Identification of all one-stop partners, chief elected officials, and Local WDB participating in the infrastructure funding arrangement.

(d) Steps the Local WDB, chief elected officials, and one-stop partners used to reach consensus or an assurance that the local area followed the guidance for the State funding process.

(e) Description of the process to be used among partners to resolve issues during the MOU duration period when consensus cannot be reached.

(f) Description of the periodic modification and review process to ensure equitable benefit among one-stop partners.

[34 CFR 463.755](https://www.ecfr.gov/current/title-34/section-463.755)

## 6.3 Community Partnerships

Local providers are encouraged to seek and build relationships with community agencies, employers, and other organizations that will benefit learners and the program. Examples include, but are not limited to, presence at job fairs and community events, and partnerships with libraries, parent-teacher groups, and nonprofit organizations. Such partnerships might assist with supportive services for learners, might help with outreach to potential learners, might offer space or other resources to deliver services, or might provide other benefits.