



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

PROGRAM MEMORANDUM OCTAE 20-5

DATE: May 29, 2020
TO: State Directors of Adult Education
FROM: Scott Stump /s/
Assistant Secretary
RE: Adult Education and Family Literacy Act and COVID-19 – Frequently Asked Questions, Part 3

Purpose

The purpose of this memorandum is to provide clarification, flexibilities, and support to States as they seek to provide continuity of services under the Adult Education and Family Literacy Act (AEFLA) for participants during the COVID-19 pandemic.

Earlier COVID-19 FAQ Documents¹

For previously released responses to questions, please see:

- Office of Career, Technical, and Adult Education (OCTAE) [Program Memorandum 20-3: Adult Education and Family Literacy Act and COVID-19 – Frequently Asked Questions](#), issued on March 30, 2020² (OCTAE Program Memorandum 20-3);
- U.S. Department of Education [Fact Sheet: Select Questions Related to Use of Department of Education Grant Funds During the Novel Coronavirus Disease 2019](#),³ issued on April 8, 2020; and

¹ U.S. Department of Education COVID-19 (“Coronavirus”) Information and Resources for Schools and School Personnel are available at: <https://www.ed.gov/coronavirus>.

² OCTAE Program Memorandum 20-3: Adult Education and Family Literacy Act and COVID-19 – Frequently Asked Questions is available at: <https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/octae-program-memo-20-3.pdf>.

³ U.S. Department of Education Fact Sheet: Select Questions Related to Use of Department of Education Grant Funds During the Novel Coronavirus Disease 2019 is available at: <https://www2.ed.gov/documents/coronavirus/factsheet-fiscal-questions.pdf>.

- [OCTAE Program Memorandum 20-4: Adult Education and Family Literacy Act and COVID-19 – Frequently Asked Questions, Part 2](#), issued on April 17, 2020 (OCTAE Program Memorandum 20-4).⁴

Frequently Asked Questions

Q1. During COVID-19 related program closures, many local providers are offering distance education services to students previously enrolled in classroom services. Local providers are indicating that new students are interested in enrolling in distance education programs, but a local program may not be able to administer a National Reporting System (NRS)-approved pre-test due to the widespread effects of the COVID-19 pandemic. Can local programs enroll new students without administering a pre-test that is approved for use in the NRS?

Yes, a local provider can enroll new students in distance education programs without administering an NRS-approved pre-test during the COVID-19 pandemic. However, this should be in accordance with the State’s program year (PY) 2019 assessment policy, revised to allow local programs to exempt students enrolled in distance education programs from pre- and post-testing, as discussed in Q2 in [OCTAE Program Memorandum 20-4](#). Also, the local provider still must determine if the student is eligible⁵ for AEFLA services. A State may provide guidance to its local providers on how eligibility can be determined or allow a local provider to follow its own procedures for determining eligibility in accordance with the statutory definition. If a student is determined to be an eligible individual under AEFLA, the local provider can enroll that student as a participant once he or she has accumulated 12 contact hours.⁶ All eligible individuals who have 12 contact hours must be reported in the NRS, regardless of whether an NRS-approved pre-test was administered. The local provider should administer an NRS-approved pre-test in accordance with the State assessment policy as soon as feasible.⁷

Q2. In order to meet the requirement to report new students who have accumulated 12 contact hours, we must place that student in an Education Functioning Level (EFL) in the NRS using an approved test. Can a local program place a student in an EFL without using an approved test during the national emergency and COVID-19 pandemic?

Yes, during the COVID-19 pandemic, a local program may use other assessment methods to provisionally assign an EFL for the purpose of placing students into the NRS when an approved

⁴ OCTAE Program Memorandum 20-4: Adult Education and Family Literacy Act and COVID-19 – Frequently Asked Questions, Part 2 is available at: <https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/octae-pm-20-4-covid-faqs-final.pdf>.

⁵ Section 203(4) of the [Workforce Innovation and Opportunity Act of 2014](#) (WIOA) defines “eligible individual” as “...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.” WIOA (Pub. L. 113-128) available at: <https://www.govinfo.gov/content/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf>.

⁶ 34 CFR § 463.150(a)(3)(i).

⁷ For more information about appropriately addressing pre- and post-testing issues arising from the COVID-19 pandemic, see Q1 and Q2 in [OCTAE Program Memorandum 20-4](#).

NRS test cannot be administered. As discussed in Q2 of [OCTAE Program Memorandum 20-4](#), a State may revise its assessment policy for PY 2019 to allow a local program to exempt students enrolled in distance education programs from pre- and post-testing if the local program is unable to conduct testing due to the COVID-19 pandemic. A State may consider a number of options for EFL placement of these exempted students. For example, a State may allow informal assessments that are content-driven or performance-driven such as locator tests, criterion referenced tests, or authentic assessments, or a State may choose to include crosswalks between informal assessment benchmarks to EFL levels. Local programs must administer NRS-approved pre-tests as soon as feasible and adjust the initial provisional EFL placement based on the pre-test score.

Q3. Can a participant achieve a Measurable Skill Gain (MSG) if the initial placement in the EFL was provisional and was not based on an NRS-approved test score?

A participant can achieve an MSG using several methods that may be available even if the participant was provisionally placed in an EFL.

First, a participant can achieve an EFL gain. This can be achieved based on (1) an NRS-approved pre- and post-test administered in accordance with a State's assessment policy, (2) earning Carnegie Unit credits or other State-recognized credits while enrolled in an adult education secondary program, or (3) exiting the adult education program and enrolling in postsecondary education.⁸

In the case of pre- and post-testing, a participant cannot achieve an MSG if the participant's EFL placement was provisionally assigned using an informal assessment method. MSG can only be achieved if the provisionally-assigned EFL is later adjusted based on an NRS-approved pre-test score. The participant may, however, achieve an MSG with a provisionally-assigned EFL under the other two methods.

Second, a participant can achieve an MSG by attaining a secondary school diploma or its recognized equivalent, as determined by the State.

Q4. [OCTAE Program Memorandum 20-3](#) indicates that States have flexibility with the types of instructional models that may be used to record proxy contact hours, in lieu of classroom instructional hours. Since correctional education programs are also transitioning to distance learning, can States use the same distance learning methods for instruction in correctional institutions?

Yes, States may use the same distance learning methods for adult education instruction in correctional facilities that they are using in the community, although this may be limited due to the lack of internet access inside of correctional facilities. OCTAE released a policy brief in 2015, titled *Educational Technology in Corrections*,⁹ that provides information and recommendations on using technology inside of correctional facilities.

⁸ [Measures and Methods for the National Reporting System for Adult Education](#) (OMB Control No. 1830-0027).

⁹ *Educational Technology in Corrections*, U.S. Department of Education (2015), available at: <http://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/policybriefedtech.pdf>.

Separately, the Department has provided guidance for institutions participating in the Second Chance Pell experiment regarding the opportunity to use distance learning to continue serving incarcerated students receiving Pell grants through this experiment.¹⁰ The Department reminded Second Chance Pell participants that distance learning requires regular and substantive interaction between instructors and students, and that telephonic communication or emails relayed by correctional program staff on behalf of students and from instructors to students are sufficient means to achieve the substantive interaction requirement as long as those interactions are provided regularly, on a scheduled basis, and initiated by the instructor.

¹⁰ “Reshaping Course Delivery in Response to COVID-19” webinar, U.S. Department of Education and Vera Institute of Justice (March 27, 2020). Available at: <https://www.vera.org/downloads/second-chance-pell-reshaping-course-delivery-in-response-to-covid-19-webinar-slides/SCP-ED-COVID-Financial-Aid-3.27.2020.pdf>.