

New Mexico Higher Education Department  
Adult Education Division (NMHED AE)  
Local AE Program Provider Probation Procedures

To ensure the overall integrity and equity of adult education program providers throughout New Mexico, NMHED AE has determined performance and accountability standards for programs receiving funds from NMHED AE to provide adult education services.

These standards are derived from the following state and federal acts, policies and guideline documents:

- Workforce Innovation and Opportunity Act- Title II: Adult Education and Family Literacy
- National Reporting System (NRS) Implementation Guidelines
- Federal Programs General Assurances
- New Mexico WIOA Combined State Plan
- Agreement for the Operation of an Approved AE Program
- RFA and/or Extension Documents

Standards for accountability for AE program service providers include, but are not limited to:

- Program administrators and staff must operate within all federal, NRS and state policies, requirements and guidelines.
- All program activity/data must be accurately collected, recorded, documented and reported according to federal, NRS and state policies, requirements and guidelines.
- Reports and other state required and/or requested documents must be submitted accurately and by the designated due dates.
- Program activities must be guided by a strategic plan that is outlined in the program's RFP and/or extension request documents.
- Programs must request technical assistance from NMHED AE when needed (for example, when reporting shows program performance falling below standards).
- Program administrators and staff must appropriately and fully participate in NMHEDAE sponsored conferences and training.
- AE program administrative responsibilities must be covered by at least one full-time equivalent (FTE) employee. Administrative responsibilities include planning, facilities, fiscal management, instruction, staffing, and data.

## **Probation**

When NMHED AE determines that a program does *not* meet required accountability standards, the program may be placed on probation for six months. The probation period will provide the program with time and the opportunity to improve its performance and/or correct any deficiencies in program management.

NMHED AE may place a local program on probation when:

- NMHED AE finds the program is not in compliance with any program management area: administration; curriculum and instruction; data quality and measurements; staff; fiscal concerns;
- NMHED AE has cause to be concerned about the program performance and/or management.

Within seven days of receiving probation status notification, the program must work with NMHED AE to develop a written Corrective Action Plan (CAP). The CAP must address and resolve all noted deficiencies.

The probation period will last for six months. Programs on probationary status will be allowed to complete extensions of funding and/or new grant funding applications provided the terms of the CAP are being met.

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During the probation period, the program will be expected to

- Improve program management to ensure that all performance and accountability standards are met;
- Send NMHED AE Program Improvement Coordinator weekly reports that describe actions taken and the degree to which progress is achieved on the CAP; and
- Respond to NMHED AE inquiries and/or requests for information in a timely manner.

During the probation period, NMHED AE will complete

- At least one site visit at the program to check on and discuss progress;
- Monthly checks on program data and measures;
- Monthly checks on program fiscal activities; and
- Such other measures as may be required by the circumstances causing the probation.

At the end of the probation period, based upon NMHED AE evaluation of program activities and performance, NMHED AE will

- Release the program from probation status;
- Extend program probation for an additional six months; or
- Discontinue funding to the program.

While on probation, program funding eligibility will be determined by NMHED AE. A variety of factors and information will be used to arrive at state and federal allocation decisions, including, but not limited to: program activity and performance as reported in mid-year and annual reports, data and fiscal audits, and site visits. While on probation, the program will have the opportunity to participate in all available RFA and/or extension processes.

### **Program Termination**

Local AE programs may be terminated and may be required to return funding received from NMHED AE if the program engages in illegal activities, makes unallowable expenditures of grant funding, or fails to provide services as outlined in their approved grant application.