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**Recommended Amendments to the  
ADULT EDUCATION AND FAMILY LITERACY ACT**

*(NCL recommendations are underlined and in blue type)*

**SEC. 201. SHORT TITLE.**

This title may be cited as the 'Adult Education and Family Literacy Act'.

**SEC. 202. PURPOSE.**

It is the purpose of this title to create a partnership among the Federal Government, States, and localities to provide, on a voluntary basis, adult education and literacy services, in order to--

- (1) assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency;
- (2) assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children; and
- (3) assist adults in the completion of a secondary school education.
- (4) assist immigrants and other individuals who are not proficient in English in improving their reading, writing, speaking, and math skills and the responsibilities of citizenship.

**SEC. 203. DEFINITIONS.**

In this subtitle:

- (1) ADULT EDUCATION- The term 'adult education' means services or instruction below the postsecondary level for individuals--
  - (A) who have attained 16 years of age;
  - (B) who are not enrolled or required to be enrolled in secondary school under State law; and
  - (C) who--
    - (i) lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society;
    - (ii) do not have a secondary school diploma or its recognized equivalent, and have not achieved an equivalent level of education; or
    - (iii) are unable to speak, read, or write the English language.
- (2) ADULT EDUCATION AND LITERACY ACTIVITIES- The term 'adult education and literacy activities' means activities described in section 231(b).
- (3) EDUCATIONAL SERVICE AGENCY- The term 'educational service agency' means a regional public multiservice agency authorized by State statute to develop

1 and manage a service or program, and to provide the service or program to a local  
2 educational agency.

3 (4) ELIGIBLE AGENCY- The term `eligible agency' means the sole entity or agency  
4 in a State or an outlying area responsible for administering or supervising policy for  
5 adult education and literacy in the State or outlying area, respectively, consistent with  
6 the law of the State or outlying area, respectively.

7 (5) ELIGIBLE PROVIDER- The term `eligible provider' means [an organization of](#)  
8 [demonstrated effectiveness that may be--](#)

9 (A) a local educational agency;

10 (B) a community-based organization ~~of demonstrated effectiveness;~~

11 (C) a volunteer literacy organization ~~of demonstrated effectiveness;~~

12 (D) an institution of higher education;

13 (E) a public or private nonprofit agency;

14 (F) a library;

15 (G) a public housing authority;

16 (H) a nonprofit institution that is not described in any of subparagraphs (A)  
17 through (G) and has the ability to provide literacy services to adults and  
18 families; and

19 (I) a consortium [or coalition](#) of the agencies, organizations, institutions,  
20 libraries, or authorities described in any of subparagraphs (A) through (H).

21 (6) ENGLISH LITERACY PROGRAM [LANGUAGE ACQUISITION PROGRAM-](#)  
22 The term `English literacy program' [language acquisition program](#) means a program  
23 of instruction designed to help individuals of limited English proficiency achieve  
24 competence in [reading, writing and speaking](#) the English language.

25 (7) [ESSENTIAL COMPONENTS OF READING INSTRUCTION-](#) The term  
26 [`essential components of reading instruction' has the meaning given to that terms. in](#)  
27 [Section 1208 of the Elementary and Secondary Education Act of 1965 \(20](#)  
28 [U.S.C.6368\).](#)

29 (8) FAMILY LITERACY SERVICES- The term `family literacy services' means  
30 services that are of sufficient intensity in terms of hours, and of sufficient duration, to  
31 make sustainable changes in a family, and that integrate all of the following activities:

32 (A) Interactive literacy activities between parents and their children.

33 (B) Training for parents regarding how to be the primary teacher for their  
34 children and full partners in the education of their children.

35 (C) Parent literacy training that leads to economic self-sufficiency.

36 (D) An age-appropriate education to prepare children for success in school  
37 and life experiences.

38 (9) GOVERNOR- The term `Governor' means the chief executive officer of a State or  
39 outlying area.

40 (10) INDIVIDUAL WITH A DISABILITY-

41 (A) IN GENERAL- The term `individual with a disability' means an  
42 individual with any disability (as defined in section 3 of the Americans with  
43 Disabilities Act of 1990 (42 U.S.C. 12102)).

1 (B) INDIVIDUALS WITH DISABILITIES- The term `individuals with  
2 disabilities' means more than one individual with a disability.

3 (11) INDIVIDUAL OF LIMITED ENGLISH PROFICIENCY- The term `individual  
4 of limited English proficiency' means an adult or out-of-school youth who has limited  
5 ability in speaking, reading, writing, or understanding the English language, and--

6 (A) whose native language is a language other than English; or

7 (B) who lives in a family or community environment where a language other  
8 than English is the dominant language.

9 (12) INSTITUTION OF HIGHER EDUCATION- The term `institution of higher  
10 education' has the meaning given the term in section 1201 of the Higher Education  
11 Act of 1965 (20 U.S.C. 1141).

12 (13) LITERACY- The term `literacy' means an individual's ability to read, write, and  
13 speak in English, compute, and solve problems, at levels of proficiency necessary to  
14 function on the job, in the family of the individual, and in society.

15 (14) LOCAL EDUCATIONAL AGENCY- The term `local educational agency' has  
16 the meaning given the term in section 14101 of the Elementary and Secondary  
17 Education Act of 1965 (20 U.S.C. 8801).

18 (15) OUTLYING AREA- The term `outlying area' has the meaning given the term in  
19 section 101.

20 (16) POSTSECONDARY EDUCATIONAL INSTITUTION- The term  
21 `postsecondary educational institution' means--

22 (A) an institution of higher education that provides not less than a 2-year  
23 program of instruction that is acceptable for credit toward a bachelor's degree;

24 (B) a tribally controlled community college; or

25 (C) a nonprofit educational institution offering certificate or apprenticeship  
26 programs at the postsecondary level.

27 (17) SECRETARY- The term `Secretary' means the Secretary of Education.

28 (18) STATE- The term `State' means each of the several States of the United States,  
29 the District of Columbia, and the Commonwealth of Puerto Rico.

30 (19) WORKPLACE LITERACY SERVICES- ~~PROGRAM~~- The term `workplace  
31 literacy ~~services~~' program means ~~literacy services~~ an educational program that ~~are~~ is  
32 offered in collaboration between eligible providers and employers or employee  
33 organizations for the purpose of improving the productivity of the workforce through  
34 the improvement of literacy skills.

## 35 **SEC. 204. HOME SCHOOLS.**

36 Nothing in this subtitle shall be construed to affect home schools, or to compel a parent  
37 engaged in home schooling to participate in an English literacy program, family literacy  
38 services, or adult education.

## 39 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

40 There is authorized to be appropriated to carry out this subtitle such sums as may be  
41 necessary for each of the fiscal years ~~1999~~ 2004 through ~~2003~~ 2009.

**Subtitle A--Adult Education and Literacy Programs**

**CHAPTER 1--FEDERAL PROVISIONS**

**SEC. 211. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.**

(a) RESERVATION OF FUNDS- From the sum appropriated under section 205 for a fiscal year, the Secretary--

(1) shall reserve up to ~~1.5~~ 5 percent to carry out section 242, ~~except that the amount so reserved shall not exceed \$8,000,000;~~

(2) shall reserve up to ~~1.5~~ 5 percent to carry out section 243, ~~except that the amount so reserved shall not exceed \$8,000,000; and~~

(3) shall ~~make available, to the Secretary of Labor, 1.72 percent for incentive grants under section 503~~ reserve up to 1.72 percent for incentive grants under Section 213.

(b) GRANTS TO ELIGIBLE AGENCIES-

(1) IN GENERAL- From the sum appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall award a grant to each eligible agency having a State plan approved under section 224 in an amount equal to the sum of the initial allotment under subsection (c)(1) and the additional allotment under subsection (c)(2) for the eligible agency for the fiscal year, subject to subsections (f) and (g), to enable the eligible agency to carry out the activities assisted under this subtitle.

(2) PURPOSE OF GRANTS- The Secretary may award a grant under paragraph (1) only if the eligible entity involved agrees to expend the grant for adult education and literacy activities in accordance with the provisions of this subtitle.

(c) ALLOTMENTS-

(1) INITIAL ALLOTMENTS- From the sum appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall allot to each eligible agency having a State plan approved under section 224(f)--

(A) \$100,000, in the case of an eligible agency serving an outlying area; and

(B) \$250,000, in the case of any other eligible agency.

(2) **ADDITIONAL ALLOTMENTS** placeholder for ESL formula- From the sum appropriated under section 205, not reserved under subsection (a), and not allotted under paragraph (1), for a fiscal year, the Secretary shall allot to each eligible agency that receives an initial allotment under paragraph (1) an additional amount that bears the same relationship to such sum as the number of qualifying adults in the State or outlying area served by the eligible agency bears to the number of such adults in all States and outlying areas.

(d) QUALIFYING ADULT- For the purpose of subsection (c)(2), the term `qualifying adult' means an adult who--

(1) is at least 16 years of age, ~~but less than 61 years of age;~~

(2) is beyond the age of compulsory school attendance under the law of the State or outlying area;

1 (3) does not have a secondary school diploma or its recognized equivalent (including  
2 recognized alternative standards for individuals with disabilities); and  
3 (4) is not enrolled in secondary school.

4 (e) SPECIAL RULE-

5 (1) IN GENERAL- From amounts made available under subsection (c) for the  
6 Republic of the Marshall Islands, the Federated States of Micronesia, and the  
7 Republic of Palau, the Secretary shall award grants to Guam, American Samoa, the  
8 Commonwealth of the Northern Mariana Islands, the Republic of the Marshall  
9 Islands, the Federated States of Micronesia, or the Republic of Palau to carry out  
10 activities described in this subtitle in accordance with the provisions of this subtitle  
11 that the Secretary determines are not inconsistent with this subsection.

12 ~~(2) AWARD BASIS- The Secretary shall award grants pursuant to paragraph (1) on a~~  
13 ~~competitive basis and pursuant to recommendations from the Pacific Region~~  
14 ~~Educational Laboratory in Honolulu, Hawaii.~~

15 ~~(3) 2) TERMINATION OF ELIGIBILITY- Notwithstanding any other provision of~~  
16 ~~law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the~~  
17 ~~Republic of Palau shall not receive any funds under this subtitle for any fiscal year~~  
18 ~~that begins after September 30, 2001.~~ shall be eligible to receive a grant under this title  
19 until an agreement for the extension of the United States education assistance under  
20 the Compact of Free Association for each of the Freely Associated States becomes  
21 effective.

22 (4 3 ) ADMINISTRATIVE COSTS- The Secretary may provide not more than 5  
23 percent of the funds made available for grants under this subsection to pay the  
24 administrative costs of the Pacific Region Educational Laboratory regarding activities  
25 assisted under this subsection.

26 (f) HOLD-HARMLESS PROVISIONS-

27 (1) IN GENERAL- Notwithstanding subsection (c)--

28 ~~(A) for fiscal year 1999, no eligible agency shall receive an allotment under this~~  
29 ~~(B) subtitle that is less than 90 percent of the payments made to the State or outlying~~  
30 ~~area of the eligible agency for fiscal year 1998 for programs for which funds were~~  
31 ~~authorized to be appropriated under section 313 of the Adult Education Act (as~~  
32 ~~such Act was in effect on the day before the date of the enactment of the~~  
33 ~~Workforce Investment Act of 1998); and~~

34 ~~(B) for fiscal year 2000 and each succeeding fiscal year, no eligible agency shall~~  
35 ~~receive an allotment under this subtitle that is less than 90 percent of the allotment~~  
36 ~~the eligible agency received for the preceding fiscal year under this subtitle.~~ and  
37 subject to paragraphs (2) and (3), for fiscal year 2004 and each succeeding fiscal  
38 year, no eligible agency shall receive an allotment under this title that is less than  
39 90 percent of the allotment the eligible agency received for the preceding fiscal  
40 year under this title.

41 (2) EXCEPTION- An eligible agency that receives for the preceding fiscal  
42 year only an initial allotment under subsection 211(c)(1) (and no

1 additional allotment under 211(c)(2)) shall receive an allotment equal to  
2 100 percent of the initial allotment.

3 (~~2~~ 3) RATABLE REDUCTION- If for any fiscal year the amount  
4 available for allotment under this subtitle is insufficient to satisfy the  
5 provisions of paragraph (1), the Secretary shall ratably reduce the  
6 payments to all eligible agencies, as necessary.

7 (g) REALLOTMENT- The portion of any eligible agency's allotment under this  
8 subtitle for a fiscal year that the Secretary determines will not be required for the  
9 period such allotment is available for carrying out activities under this subtitle, shall  
10 be available for reallocation from time to time, on such dates during such period as the  
11 Secretary shall fix, to other eligible agencies in proportion to the original allotments  
12 to such agencies under this subtitle for such year.

### 13 **SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.**

14 (a) PURPOSE- The purpose of this section is to establish a comprehensive performance  
15 accountability system, comprised of the activities described in this section, to assess the  
16 effectiveness of eligible agencies in achieving continuous improvement of adult education  
17 and literacy activities funded under this subtitle, in order to optimize the return on investment  
18 of Federal funds in adult education and literacy activities.

19 (b) ELIGIBLE AGENCY PERFORMANCE MEASURES-

20 (1) IN GENERAL- For each eligible agency, the eligible agency performance  
21 measures shall consist of--

22 (A)(i) the core indicators of performance described in paragraph (2)(A); and

23 (ii) ~~additional indicators of performance (if any)~~ employment performance  
24 indicators identified by the eligible agency under paragraph (2)(B); and

25 (B) an eligible agency adjusted level of performance for each indicator  
26 described in subparagraph (A).

27 (2) INDICATORS OF PERFORMANCE-

28 (A) CORE INDICATORS OF PERFORMANCE- The core indicators of  
29 performance shall include the following:

30 (i) ~~Demonstrated~~ Measurable-improvements in literacy skill levels in  
31 reading, writing, and speaking the English language, numeracy,  
32 problem solving, English language acquisition, and other literacy  
33 skills.

34 (ii) Placement in, ~~retention in, or completion of,~~ postsecondary  
35 education or other training, ~~unsubsidized employment or career~~  
36 ~~advancement~~ programs.

37 (iii) Receipt of a secondary school diploma or its recognized  
38 equivalent (including recognized alternative standards for individuals  
39 with disabilities).

40 (B) EMPLOYMENT PERFORMANCE INDICATORS- Consistent with  
41 applicable Federal and State privacy laws, an eligible agency shall identify in  
42 the State plan the following individual participant performance indicators—

1 (i) entry into employment; and

2 (ii) retention in employment

3 \_\_\_\_\_(C) ADDITIONAL INDICATORS- An eligible agency may identify in the  
4 State plan additional indicators for adult education and literacy activities  
5 authorized under this subtitle, such as:

6 (i) customer satisfaction; and

7 (ii) health or family literacy indicators

8 (D) INDICATORS FOR WORKPLACE LITERACY PROGRAMS-

9 Special accountability measures may be negotiated for workplace literacy  
10 programs because of their short duration and workplace objectives.

11 (c) ALTERNATIVE ASSESSMENT SYSTEMS- Eligible agencies may approve the use  
12 of assessment systems that are not commercially available standardized systems if they  
13 meet the standards for adult education alternative assessment that are promulgated by the  
14 National Research Council.

15 (3) LEVELS OF PERFORMANCE-

16 (A) ELIGIBLE AGENCY ADJUSTED LEVELS OF PERFORMANCE FOR  
17 CORE INDICATORS-

18 (i) IN GENERAL- For each eligible agency submitting a State plan,  
19 there shall be established, in accordance with this subparagraph, levels  
20 of performance for each of the core indicators of performance  
21 described in paragraph (2)(A) for adult education and literacy  
22 activities authorized under this subtitle. The levels of performance  
23 established under this subparagraph shall, at a minimum--

24 (I) be expressed in an objective, quantifiable, and measurable  
25 form; and

26 (II) show the progress of the eligible agency toward  
27 continuously improving ~~in~~ the agency's performance  
28 outcomes in an objective, quantifiable, and measurable form .

29 (ii) IDENTIFICATION IN STATE PLAN- Each eligible agency shall  
30 identify, in the State plan submitted under section 224, expected levels  
31 of performance for each of the core indicators of performance for the  
32 first 3 program years covered by the State plan.

33 (iii) AGREEMENT ON ELIGIBLE AGENCY ADJUSTED LEVELS  
34 OF PERFORMANCE FOR FIRST 3 YEARS- In order to ensure an  
35 optimal return on the investment of Federal funds in adult education  
36 and literacy activities authorized under this subtitle, the Secretary and  
37 each eligible agency shall reach agreement on levels of performance  
38 for each of the core indicators of performance, for the first 3 program  
39 years covered by the State plan, taking into account the levels  
40 identified in the State plan under clause (ii) and the factors described  
41 in clause (iv). The levels agreed to under this clause shall be  
42 considered to be the eligible agency adjusted levels of performance for

1 the eligible agency for such years and shall be incorporated into the  
2 State plan prior to the approval of such plan.

3 (iv) FACTORS- The agreement described in clause (iii) or (v) shall  
4 take into account--

5 (I) how the levels involved compare with the eligible agency  
6 adjusted levels of performance established for other eligible  
7 agencies, taking into account factors including the  
8 characteristics of participants when the participants entered the  
9 program, and the services or instruction to be provided; and

10 (II) the extent to which such levels ~~involved~~ promote  
11 continuous improvement in performance on the performance  
12 measures by such eligible agency and ensure optimal return on  
13 the investment of Federal funds.

14 (v) AGREEMENT ON ELIGIBLE AGENCY ADJUSTED LEVELS  
15 OF PERFORMANCE FOR ~~4TH AND 5TH~~ SECOND THREE  
16 YEARS- Prior to the fourth program year covered by the State plan,  
17 the Secretary and each eligible agency shall reach agreement on levels  
18 of performance for each of the core indicators of performance for the  
19 fourth ~~and fifth~~, and sixth program years covered by the State plan,  
20 taking into account the factors described in clause (iv). The levels  
21 agreed to under this clause shall be considered to be the eligible  
22 agency adjusted levels of performance for the eligible agency for such  
23 years and shall be incorporated into the State plan.

24 (vi) REVISIONS- If unanticipated circumstances arise in a State  
25 resulting in a significant change in the factors described in clause  
26 (iv)(H I), the eligible agency may request that the eligible agency  
27 adjusted levels of performance agreed to under clause (iii) or (v) be  
28 revised. The Secretary, after collaboration with the representatives  
29 described in section 136(j), shall issue objective criteria and methods  
30 for making such revisions.

31 (B) LEVELS OF EMPLOYMENT PERFORMANCE ~~FOR ADDITIONAL~~  
32 ~~INDICATORS~~- The eligible agency ~~may~~ shall identify, in the State plan,  
33 eligible agency levels of performance for each of the ~~additional~~ employment  
34 indicators described in paragraph (2)(B). Such levels shall be considered to be  
35 eligible agency adjusted levels of performance for purposes of this subtitle.

36 (c) REPORT-

37 (1) IN GENERAL- Each eligible agency that receives a grant under section 211(b)  
38 shall annually prepare and submit to the Secretary, the Governor, the State  
39 Legislature, eligible providers, and the general public within the State, a report on  
40 the progress of the eligible agency in achieving eligible agency performance  
41 measures, including ~~information on the levels of performance achieved by the~~  
42 ~~eligible agency with respect to the core indicators of performance~~ the following:

1           ` (A) Information on the levels of performance achieved by the eligible agency  
2           with respect to the core indicators of performance and, when all eligible  
3           agencies have access to Unemployment Insurance wage data, employment  
4           performance indicators.

5           ` (B) The number and type of each eligible provider that receives funding under  
6           such grant.

7           (2) INFORMATION DISSEMINATION- The Secretary, subject to the conditions of  
8           subparagraph (c)(1)(A) above --

9                   (A) shall make the information contained in such reports available to the  
10                   general public through publication and other appropriate methods;

11                   (B) shall disseminate State-by-State comparisons of the information; and

12                   (C) shall provide the appropriate committees of Congress with copies of such reports.  
13

## 14 **SEC. 213. INCENTIVE GRANTS FOR STATES.**

15           ` (a) IN GENERAL- From funds appropriated under section 211(a)(2), the Secretary may  
16           award grants to States for exemplary performance in carrying out programs under this title.  
17           Such awards shall be based on States meeting or exceeding the core indicators of  
18           performance established under section 212(b)(2)(A) and may be based on the performance of  
19           the State in serving populations, such as those described in section 224(b)(10), including the  
20           levels of service provided and the performance outcomes, and such other factors relating to  
21           the performance of the State under this title as the Secretary determines appropriate.

22           ` (b) USE OF FUNDS- The funds awarded to a State under this paragraph may be used to  
23           carry out any activities authorized under this title, including demonstrations and innovative  
24           programs for hard-to-serve populations.  
25

## 26 **CHAPTER 2--STATE PROVISIONS**

### 27 **SEC. 221. STATE ADMINISTRATION.**

28           Each eligible agency shall be responsible for the State or outlying area administration of  
29           activities under this subtitle, including--

30                   (1) the development, submission, and implementation, and monitoring of the State  
31                   plan;

32                   (2) consultation with other appropriate agencies, groups, and individuals that are  
33                   involved in, or interested in, the development and implementation of activities  
34                   assisted under this subtitle; and

35                   (3) coordination and avoidance of nonduplication with other Federal and State  
36                   education, training, corrections, public housing, and social service programs.

### 37 **SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING** 38 **REQUIREMENT.**

39           (a) STATE DISTRIBUTION OF FUNDS- Each eligible agency receiving a grant under this  
40           subtitle for a fiscal year--

- 1 (1) shall use not less than ~~82.5~~ 80 percent of the grant funds to award grants and  
2 contracts under section 231 and to carry out section 225, of which not more than 10  
3 percent ~~of the 82.5 percent~~ such amount shall be available to carry out section 225;  
4 (2) shall use not more than ~~42.5~~ 15 percent of the grant funds to carry out State  
5 leadership activities under section 223; and  
6 (3) shall use not more than 5 percent of the grant funds, or \$~~6~~ 75,000, whichever is  
7 greater, for the administrative expenses of the eligible agency.

8 (b) MATCHING REQUIREMENT-

9 (1) IN GENERAL- In order to receive a grant from the Secretary under section  
10 211(b) each eligible agency shall provide, for the costs to be incurred by the eligible  
11 agency in carrying out the adult education and literacy activities for which the grant is  
12 awarded, a non-Federal contribution in an amount at least equal to--

- 13 (A) in the case of an eligible agency serving an outlying area, 12 percent of  
14 the total amount of funds expended for adult education and literacy activities  
15 in the outlying area, except that the Secretary may decrease the amount of  
16 funds required under this subparagraph for an eligible agency; and  
17 (B) in the case of an eligible agency serving a State, 25 percent of the total  
18 amount of funds expended for adult education and literacy activities in the  
19 State.

20 (2) NON-FEDERAL CONTRIBUTION- An eligible agency's non-Federal  
21 contribution required under paragraph (1) may be provided in cash or in kind, fairly  
22 evaluated, and shall include only non-Federal funds that are used for adult education  
23 and literacy activities in a manner that is consistent with the purpose of this subtitle.

24 **SEC. 223. STATE LEADERSHIP ACTIVITIES.**

25 (a) IN GENERAL- Each eligible agency shall use funds made available under section  
26 222(a)(2) for one or more of the following adult education and literacy activities:

- 27 (1) The establishment or operation of professional development programs to improve  
28 the quality of instruction provided pursuant to local activities required under section  
29 231(b), including ~~instruction incorporating phonemic awareness, systematic phonics,~~  
30 ~~fluency, and reading comprehension, and instruction provided by volunteers or by~~  
31 ~~personnel of a State or outlying area~~ instruction incorporating the essential  
32 components of reading instruction and instruction provided by volunteers or by  
33 personnel of a State or outlying area.  
34 (2) The provision of technical assistance to eligible providers of adult education and  
35 literacy activities, including development and dissemination of scientific research-  
36 based instructional practices in reading, writing, speaking, math, and English  
37 language acquisition programs.  
38 (3) The provision of technology assistance, including staff training, to eligible  
39 providers of adult education and literacy activities, including distance learning  
40 activities, to enable the eligible providers to improve the quality of such activities.  
41 (4) The support of State or regional networks of literacy resource centers.

- 1 (5) The ~~monitoring and~~ evaluation of the quality of, and the improvement in, adult  
2 education and literacy activities:
- 3 (6) The development and implementation of technology-applications or distance  
4 learning, including professional development to support the use of instructional  
5 technology.
- 6 (7) ~~Incentives for--~~
  - 7 (A) ~~program coordination and integration; and~~
  - 8 (B) ~~performance awards.~~ Coordination with other public programs, including  
9 welfare-to-work, workforce development, and job training programs.
- 10 (8) ~~Developing and disseminating curricula, including curricula incorporating~~  
11 ~~phonemic awareness, systematic phonics, fluency, and reading comprehension.~~ The  
12 provision of assistance to eligible providers in developing, implementing, and  
13 reporting measurable progress in achieving the objectives of this subtitle.
- 14 (9) Coordination with existing support services, such as transportation, child care, and  
15 other assistance designed to increase rates of enrollment in, and successful  
16 completion of, adult education and literacy activities, ~~to~~ for adults enrolled in such  
17 activities.[]
- 18 (10) The development and implementation of a system to assist in the transition from  
19 adult basic education to postsecondary education.
- 20 (11) ~~Integration of literacy instruction and occupational skill training, and promoting~~  
21 ~~linkages with employers.~~ Activities to promote workplace literacy programs.
- 22 (12) Linkages with postsecondary educational institutions
- 23 (13) Activities to promote and complement local outreach initiatives described in  
24 section 243(2)(H)
- 25 (14) Support of programs of visitation within a state by local and State staffs to share  
26 knowledge
- 27 (15) Orientation and professional development of staff new to adult education
- 28 (16) Training for student involvement and leadership, including help to students in  
29 preparing them to serve on boards or other decision-making groups
- 30 (17) In cooperation with efforts mounted by monies available from Sections 242 and  
31 243, development and piloting of:
  - 32 (A) curriculum frameworks and content standards reflective of the life  
33 roles of adult learners;
  - 34 (B) assessment tools and strategies that identify the needs and capture the  
35 gains of students at all levels, with particular emphasis on students at  
36 the lowest level;
  - 37 (C) design of a nationally recognized basic skill credential, with provision  
38 for local endorsements;
  - 39 (D) quality assurance guidance such as options for teacher licensing or  
40 certification or program accreditation; and
  - 41 (E) assistance in converting research into practice.

1           (18) Involvement, as needed in other national efforts to improve curriculum,  
2           assessment, evaluation, student involvement, research, and traslation of research  
3           findings into improved practice

4           (19) .Other activities of statewide significance that promote the purposes of this  
5           subtitle.

6           (b) ADDITIONAL PARTICIPANTS -- Activities in 1, 2, 3, 8, 14 and 15 of Sec. 223(a) will  
7           be available on a space available basis to providers that are not recipients of funds made  
8           available by the eligible agency.

9           (c) COLLABORATION- In carrying out this section, eligible agencies shall collaborate  
10           where possible, and avoid duplicating efforts, in order to maximize the impact of the  
11           activities described in subsection (a).

12           (d) STATE-IMPOSED REQUIREMENTS- Whenever a State or outlying area implements  
13           any rule or policy relating to the administration or operation of a program authorized under  
14           this subtitle that has the effect of imposing a requirement that is not imposed under Federal  
15           law (including any rule or policy based on a State or outlying area interpretation of a Federal  
16           statute, regulation, or guideline), the State or outlying area shall identify, to eligible  
17           providers, the rule or policy as being imposed by State- or outlying area-~~imposed~~.

## 18 **SEC. 224. STATE PLAN.**

19           (a) ~~5-~~ 6YEAR PLANS-

20           (1) IN GENERAL- Each eligible agency desiring a grant under this subtitle for any  
21           fiscal year shall submit to, or have on file with, the Secretary a ~~5-~~ 6 year State plan.

22           (2) COMPREHENSIVE PLAN OR APPLICATION- The eligible agency may  
23           submit the State plan as part of a comprehensive plan or application for Federal  
24           education assistance.

25           (b) PLAN CONTENTS- In developing the State plan, and any revisions to the State plan, the  
26           eligible agency shall include in the State plan or revisions--

27           (1) an objective assessment of the needs of individuals in the State or outlying area  
28           for adult education and literacy activities, including individuals most in need or  
29           hardest to serve and the role of provider and cooperating agencies in preparing the  
30           assessment;

31           (2) a description of the adult education and literacy activities that will be carried out  
32           with any funds received under this subtitle;

33           (3) a description of how the eligible agency will evaluate and measure annually the  
34           effectiveness and improvement of the adult education and literacy activities based on  
35           the performance measures described in section 212 including—

36           (A) how the eligible agency will evaluate and measure annually such effectiveness  
37           on a grant-by-grant basis; and

38           (B) how the eligible agency—

39           (i) will hold eligible providers accountable regarding the progress of such  
40           providers in improving the academic achievement of participants in  
41           adult education programs under this subtitle and regarding the core  
42           indicators of performance described in Section 212.(b)(2)(A); and

1 (ii) will use technical assistance, sanctions, and rewards (including  
2 allocation of grant funds based on performance and termination of  
3 grant funds based on performance) ;

4 (4) a description of the performance measures described in section 212 and how such  
5 performance measures ~~will ensure the~~ have improvement ~~d~~ of adult education and  
6 literacy activities in the State or outlying area;

7 (5) an assurance that the eligible agency will, award not less than one grant under  
8 this subtitle to an eligible provider ~~who~~ that –

9 (A) offers flexible schedules and necessary support services (such as child care  
10 and transportation) to enable individuals, including individuals with disabilities,  
11 or individuals with other special needs, to participate in adult education and  
12 literacy activities; ~~;~~ and

13 (B) ~~which eligible provider shall~~ attempts to coordinate with support services that  
14 are not provided under this subtitle prior to using funds for adult education and  
15 literacy activities provided under this subtitle for support services;

16 (6) an assurance that the funds received under this subtitle will not be expended for  
17 any purpose other than for activities under this subtitle;

18 (7) a description of how the eligible agency will fund local activities in accordance  
19 with the considerations described in section 231(e);

20 (8) an assurance that the eligible agency will expend the funds under this subtitle only  
21 in a manner consistent with fiscal requirements in section 241;

22 (9) a description of the process that will be used for public participation and comment  
23 with respect to the State plan, which process—

24 (A) shall include the State Workforce Investment Board, the Governor, State  
25 officials representing public schools and community colleges, welfare,  
26 services to individuals with disabilities, other State agencies that promote or  
27 operate adult education and literacy programs, as well as direct providers of  
28 such programs and coalitions thereof; and

29 (B) may include consultation with the State agency on higher education,  
30 institutions responsible for professional development of adult education and  
31 literacy education programs instructors, representatives of business and  
32 industry, refugee assistance programs, and faith-based organizations;

33 (10) a description of how the eligible agency will develop program strategies for  
34 populations that include, at a minimum--

35 (A) low-income ~~students~~ individuals ;

36 (B) individuals with disabilities;

37 (C) single parents and displaced homemakers; ~~and~~

38 (D) individuals with multiple barriers to educational enhancement, including  
39 individuals with limited English proficiency;

40 (E) the unemployed; and

41 (F) the underemployed;

42 (11) a description of how the adult education and literacy activities that will be  
43 carried out with any funds received under this subtitle will be integrated with other

1 adult education, career development, and employment and training activities in the  
2 State or outlying area served by the eligible agency; and

3 (12) a description of the steps the eligible agency will take to ensure direct and  
4 equitable access, as required in section 231(c)(1) including—

5 (A) how the State will build the capacity of community-based and faith-based  
6 organizations to provide adult education and literacy education programs; and

7 (B) how the State will increase the participation of business and industry in adult  
8 education and literacy programs; and

9 (13) a description of how the eligible agency will consult with any State agency  
10 responsible for postsecondary education to develop adult education that prepares  
11 students to enter postsecondary education upon completion of secondary school  
12 programs or their recognized equivalent.

13 (c) PLAN REVISIONS- When changes in conditions or other factors require substantial  
14 revisions to an approved State plan, the eligible agency shall submit the revisions to the State  
15 plan to the Secretary.

16 (d) CONSULTATION- The eligible agency shall--

17 (1) submit the State plan, and any revisions to the State plan, to the Governor, the  
18 chief State school officer, or the State officer responsible for administering  
19 community and technical colleges, or outlying area for review and comment; and

20 (2) ensure that any comments regarding the State plan by the Governor, the chief  
21 State school officer, or the State officer responsible for administering community or  
22 technical colleges, ~~regarding the State plan,~~ and any revision to the State plan, are  
23 submitted to the Secretary.

24 (e) PEER REVIEW- The Secretary shall establish a peer review process to make  
25 recommendations regarding the approval of State plans.

26 (f) PLAN APPROVAL- A State plan submitted to the Secretary shall be approved by the  
27 Secretary unless the Secretary makes a written determination, within 90 days after receiving  
28 the plan, that the plan is inconsistent with the specific provisions of this subtitle.

## 29 **SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER** 30 **INSTITUTIONALIZED INDIVIDUALS.**

31 (a) PROGRAM AUTHORIZED- From funds made available under section 222(a)(1) for a  
32 fiscal year, each eligible agency shall carry out corrections education or education for other  
33 institutionalized individuals.

34 (b) USES OF FUNDS- The funds described in subsection (a) shall be used for the cost of  
35 educational programs for criminal offenders in correctional institutions and for other  
36 institutionalized individuals, including academic programs for--

37 (1) basic education;

38 (2) special education programs as determined by the eligible agency;

39 (3) English literacy language acquisition programs; and

40 (4) secondary school credit programs.

41 (c) PRIORITY- Each eligible agency that is using assistance provided under this section to  
42 carry out a program for criminal offenders in a correctional institution shall give priority to

1 serving individuals who are likely to leave the correctional institution with 5 years of  
2 participation in the program.

3 (d) DEFINITIONS – for purposes of this section: ~~OF CRIMINAL OFFENDER-~~

4 (1) CRIMINAL OFFENDER- The term `criminal offender' means any individual  
5 who is charged with or convicted of any criminal offense.

6 (2) CORRECTIONAL INSTITUTION- The term `correctional institution' means  
7 any--

8 (A) prison;

9 (B) jail;

10 (C) reformatory;

11 (D) work farm;

12 (E) detention center; or

13 (E) halfway house, community-based rehabilitation center, or any other  
14 similar institution designed for the confinement or rehabilitation of criminal offenders  
15 .

## 16 CHAPTER 3--LOCAL PROVISIONS

### 17 SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

18 (a) GRANTS AND CONTRACTS- From grant funds made available under section 211(b),  
19 each eligible agency shall award multiyear grants or contracts, on a competitive basis, to  
20 eligible providers within the State or outlying area to enable the eligible providers to develop,  
21 implement, and improve adult education and literacy activities within the State.

22 (b) REQUIRED LOCAL ACTIVITIES- The eligible agency shall require that each eligible  
23 provider receiving a grant or contract under subsection (a) use the grant or contract to  
24 establish or operate one or more programs that provide services or instruction in one or more  
25 of the following categories:

26 (1) Adult education and literacy services, including workplace literacy ~~services~~  
27 programs.

28 (2) Family literacy services.

29 (3) English literacy language acquisition programs.

30 (c) DIRECT AND EQUITABLE ACCESS; SAME PROCESS- Each eligible agency  
31 receiving funds under this subtitle shall ensure that--

32 (1) all eligible providers have direct and equitable access to apply for grants or  
33 contracts under this section; and

34 (2) the same grant or contract announcement process and application process is used  
35 for all eligible providers in the State or outlying area.

36 (d) SPECIAL RULE- Each eligible agency awarding a grant or contract under this section  
37 shall not use any funds made available under this subtitle for adult education and literacy  
38 activities for the purpose of supporting or providing programs, services, or activities for  
39 individuals who are not individuals described in subparagraphs (A) and (B) of section 203(1),  
40 except that such agency may use such funds for such purpose if such programs, services, or  
41 activities are related to family literacy services. In providing family literacy services under  
42 this subtitle, an eligible provider shall attempt to coordinate with programs and services that

1 are not assisted under this subtitle prior to using funds for adult education and literacy  
2 activities under this subtitle for activities other than adult education activities.

3 (e) CONSIDERATIONS- In awarding grants or contracts under this section, the eligible  
4 agency shall consider--

5 (1) the degree to which the eligible provider will establish measurable goals for  
6 participant outcomes to be achieved annually on the core indicators of performance  
7 and employment performance indicators described in 212(b)(2);

8 (2) the past effectiveness of an eligible provider in improving the literacy skills of  
9 adults and families, and, after the 1-year period beginning with the adoption of an  
10 eligible agency's performance measures under section 212, the success of an eligible  
11 provider receiving funding under this subtitle in meeting or exceeding such  
12 performance measures, especially with respect to those adults with the lowest levels  
13 of literacy;

14 (3) the commitment of the eligible provider to be responsive to the State needs  
15 assessment and to serve individuals in the community who ~~are~~ were identified by  
16 assessment as most in need of adult and literacy services, including individuals who  
17 are low-income or have minimal literacy skills or limited English proficiency;

18 (4) whether or not the program--

19 (A) is of sufficient intensity and duration for participants to achieve  
20 substantial learning gains; and

21 (B) uses instructional practices, ~~such as phonemic awareness, systematic~~  
22 ~~phonics, fluency, and~~ that include the essential components of reading  
23 instruction; ~~that research has proven to be effective in teaching individuals to~~  
24 ~~read~~;

25 (5) whether the activities are built on a strong foundation of scientifically-based  
26 research and effective educational practice;

27 (6) whether the activities effectively employ advances in technology, as appropriate,  
28 including the use of computers;

29 (7) whether the activities provide learning in real life contexts, when appropriate and  
30 scientifically-based, to ensure that an individual has the skills needed to compete in  
31 the workplace and exercise the rights and responsibilities of citizenship;

32 (8) whether the activities are staffed by well-trained instructors, counselors, and  
33 administrators;

34 (9) whether the activities coordinate with other available resources in the community,  
35 such as by establishing strong links with elementary schools and secondary schools,  
36 postsecondary educational institutions, one-stop centers, job training programs,  
37 community-based and faith-based organizations, and social service agencies;

38 (10) whether the activities offer flexible schedules and support services (such as child  
39 care and transportation) that are necessary to enable individuals, including individuals  
40 with disabilities or other special needs, to attend and complete programs;

41 (11) whether the activities maintain a high-quality information management system  
42 that has the capacity to report measurable participant outcomes and to monitor

- 1 program performance against the ~~eligible agency~~ performance measures established  
2 by the eligible agency; ~~and~~  
3 (12) whether the local communities have a demonstrated need for additional English  
4 literacy- language acquisition programs--;  
5 (13) the capacity of the eligible provider to produce valid information on performance  
6 results, including enrollments and measurable participant outcomes;  
7 (14) whether reading, writing, speaking and math instruction are based on scientific  
8 research; and  
9 (15) whether the applicant's applications of technology, and services to be provided,  
10 are of sufficient intensity and duration to increase the amount and quality of learning  
11 and lead to measurable learning gains within specific time periods.

## 12 **SEC. 232. LOCAL APPLICATION.**

13 Each eligible provider desiring a grant or contract under this subtitle shall submit an  
14 application to the eligible agency containing such information and assurances as the eligible  
15 agency may require, including--

- 16 (1) a description of how funds awarded under this subtitle will be spent consistent  
17 with the requirements of this subtitle; and  
18 (2) a description of any cooperative arrangements the eligible provider has with other  
19 agencies, institutions, or organizations for the delivery of adult education and literacy  
20 activities.

## 21 **SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.**

22 (a) IN GENERAL- Subject to subsection (b), of the amount that is made available under this  
23 subtitle to an eligible provider--

- 24 (1) not less than 95 percent shall be expended for carrying out adult education and  
25 literacy activities; and  
26 (2) the remaining amount, not to exceed 5 percent, shall be used for planning,  
27 administration, personnel and professional development, development of measurable  
28 goals in reading, writing, speaking and math, and interagency coordination.

29 (b) SPECIAL RULE- In cases where the cost limits described in subsection (a) are too  
30 restrictive to allow for adequate planning, administration, personnel development,  
31 development of measurable goals in reading, writing, speaking and math, and interagency  
32 coordination, the eligible provider shall negotiate with the eligible agency in order to  
33 determine an adequate level of funds to be used for noninstructional purposes.

## 34 **CHAPTER 4--GENERAL PROVISIONS**

### 35 **SEC. 241. ADMINISTRATIVE PROVISIONS.**

36 (a) SUPPLEMENT NOT SUPPLANT- Funds made available for adult education and literacy  
37 activities under this subtitle shall supplement and not supplant other State or local public  
38 funds expended for adult education and literacy activities.

39 (b) MAINTENANCE OF EFFORT-

40 (1) IN GENERAL-

1 (A) DETERMINATION- An eligible agency may receive funds under this  
2 subtitle for any fiscal year if the Secretary finds that the fiscal effort per  
3 student or the aggregate expenditures of such eligible agency for ~~adult~~  
4 ~~education and literacy~~ activities under this subtitle, in the second preceding  
5 fiscal year, ~~was~~ were not less than 90 percent of the fiscal effort per student or  
6 the aggregate expenditures of such eligible agency for adult education and  
7 literacy activities, in the third preceding fiscal year.

8 (B) PROPORTIONATE REDUCTION- Subject to paragraphs (2), (3), and  
9 (4), for any fiscal year with respect to which the Secretary determines under  
10 subparagraph (A) that the fiscal effort or the aggregate expenditures of an  
11 eligible agency for the preceding program year were less than such effort or  
12 expenditures for the second preceding program year, the Secretary--

13 (i) shall determine the percentage decreases in such effort or in such  
14 expenditures; and

15 (ii) shall decrease the payment made under this subtitle for such  
16 program year to the agency for adult education and literacy activities  
17 by the lesser of such percentages.

18 (2) COMPUTATION- In computing the fiscal effort and aggregate expenditures  
19 under paragraph (1), the Secretary shall exclude capital expenditures and special one-  
20 time project costs.

21 (3) DECREASE IN FEDERAL SUPPORT- If the amount made available for adult  
22 education and literacy activities under this subtitle for a fiscal year is less than the  
23 amount made available for adult education and literacy activities under this subtitle  
24 for the preceding fiscal year, then the fiscal effort per student and the aggregate  
25 expenditures of an eligible agency required in order to avoid a reduction under  
26 paragraph (1)(B) shall be decreased by the same percentage as the percentage  
27 decrease in the amount so made available.

28 (4) WAIVER- The Secretary may waive the requirements of this subsection for not  
29 more than 1 fiscal year ~~only~~, if the Secretary determines that a waiver would be  
30 equitable due to exceptional or uncontrollable circumstances, such as a natural  
31 disaster or an unforeseen and precipitous decline in the financial resources of the  
32 State or outlying area of the eligible agency. If the Secretary grants a waiver under the  
33 preceding sentence for a fiscal year, the level of effort required under paragraph (1)  
34 shall not be reduced in the subsequent fiscal year because of the waiver.

## 35 **SEC. 242. NATIONAL INSTITUTE FOR LITERACY.**

36 (a) PURPOSE- The purpose of this section is to establish a National Institute for Literacy  
37 that--

38 (1) provides national leadership regarding adult literacy;

39 (2) coordinates adult literacy services and policy; and

40 (3) serves as a national resource for adult education and literacy programs by--

41 (A) providing the best and most current information available, including the  
42 work of the National Institute of Child Health and Human Development in the

1 area of phonemic awareness, systematic phonics, fluency, and reading  
2 comprehension, to all recipients of Federal assistance that focuses on reading,  
3 including programs under titles I and VII of the Elementary and Secondary  
4 Education Act of 1965 (20 U.S.C. 6301 et seq. and 7401 et seq.), the Head  
5 Start Act (42 U.S.C. 9831 et seq.), the Individuals with Disabilities Education  
6 Act (20 U.S.C. 1400 et seq.), and this Act; and  
7 (B) supporting the creation of new ways to offer services of proven  
8 effectiveness.

9 (b) ESTABLISHMENT

10 (1) IN GENERAL- There is established the National Institute for Literacy (in this  
11 section referred to as the 'Institute'). The Institute shall be administered under the  
12 terms of an interagency agreement entered into by the Secretary of Education with the  
13 Secretary of Labor and the Secretary of Health and Human Services (in this section  
14 referred to as the 'Interagency Group'). The Interagency Group may include in the  
15 Institute any research and development center, institute, or clearinghouse established  
16 within the Department of Education, the Department of Labor, or the Department of  
17 Health and Human Services the purpose of which is determined by the Interagency  
18 Group to be related to the purpose of the Institute.

19 (2) OFFICES- The Institute shall have offices separate from the offices of the  
20 Department of Education, the Department of Labor, and the Department of Health  
21 and Human Services.

22 (3) RECOMMENDATIONS- The Interagency Group shall consider the  
23 recommendations of the National Institute for Literacy Advisory Board (in this  
24 section referred to as the 'Board') established under subsection (e) in planning the  
25 goals of the Institute and in the implementation of any programs to achieve the goals.  
26 If the Board's recommendations are not followed, the Interagency Group shall  
27 provide a written explanation to the Board concerning actions the Interagency Group  
28 takes that are inconsistent with the Board's recommendations, including the reasons  
29 for not following the Board's recommendations with respect to the actions. The Board  
30 may also request a meeting of the Interagency Group to discuss the Board's  
31 recommendations.

32 (4) DAILY OPERATIONS- The daily operations of the Institute shall be  
33 administered by the Director of the Institute.

34 (c) DUTIES-

35 (1) IN GENERAL- In order to provide leadership for the improvement and expansion  
36 of the system for delivery of literacy services, the Institute is authorized--

37 (A) to ~~establish~~ maintain a national electronic data base of information that  
38 disseminates information to the broadest possible audience within the literacy  
39 and basic skills field, and that includes--

40 (i) effective practices in the provision of literacy and basic skills  
41 instruction, including instruction in ~~phonemic awareness, systematic~~  
42 ~~phonics, fluency, and reading comprehension~~ the essential

- 1                                    [components of reading instruction](#), and the integration of literacy and  
2                                    basic skills instruction with occupational skills training;
- 3                                    (ii) public and private literacy and basic skills programs, and Federal,  
4                                    State, and local policies, affecting the provision of literacy services at  
5                                    the national, State, and local levels;
- 6                                    (iii) opportunities for technical assistance, meetings, conferences, and  
7                                    other opportunities that lead to the improvement of literacy and basic  
8                                    skills services; and
- 9                                    (iv) a communication network for literacy programs, providers, social  
10                                    service agencies, and students;
- 11                                    (B) to coordinate support for the provision of literacy and basic skills services  
12                                    across Federal agencies and at the State and local levels;
- 13                                    (C) to coordinate the support of reliable and replicable research [as defined by](#)  
14                                    [the Institute of Education Sciences](#), and development on literacy and basic  
15                                    skills in families and adults across Federal agencies, ~~especially with the Office~~  
16                                    ~~of Educational Research and Improvement in the Department of Education,~~  
17                                    and to carry out basic and applied research and development on topics that are  
18                                    not being investigated by other organizations or agencies, such as the special  
19                                    literacy needs of individuals with learning disabilities;
- 20                                    (D) to collect and disseminate information on methods of advancing literacy  
21                                    that show great promise, including ~~phonemic awareness, systematic phonics,~~  
22                                    ~~fluency, and reading comprehension~~ [essential components of reading](#)  
23                                    [instruction](#) ~~based on~~ [and](#) the work of the National Institute of Child Health and  
24                                    Human Development;
- 25                                    (E) to provide policy and technical assistance to Federal, State, and local  
26                                    entities for the improvement of policy and programs relating to literacy;
- 27                                    (F) to fund a network of State or regional adult literacy resource centers to  
28                                    assist State and local public and private nonprofit efforts to improve literacy  
29                                    by--
- 30                                    (i) encouraging the coordination of literacy services;
- 31                                    (ii) enhancing the capacity of State and local organizations to provide  
32                                    literacy services; and
- 33                                    (iii) serving as a link between the Institute and providers of adult  
34                                    education and literacy activities for the purpose of sharing information,  
35                                    data, research, expertise, and literacy resources;
- 36                                    (G) to coordinate and share information with national organizations and  
37                                    associations that are interested in literacy and workforce investment activities;
- 38                                    (H) to advise Congress and Federal departments and agencies regarding the  
39                                    development of policy with respect to literacy and basic skills; ~~and~~
- 40                                    (I) [maintain a national registry of local adult education and literacy programs](#);
- 41                                    (J) to undertake other activities that lead to the improvement of the Nation's  
42                                    literacy delivery system and that complement other such efforts being  
43                                    undertaken by public and private agencies and organizations; [and](#)

1                   (K) to assist states in implementation of standards-based educational  
2                   improvements for adults through dissemination of training, technical  
3                   assistance, and related support and through the development and  
4                   dissemination of related standards-based assessment instruments.

5                   (2) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS- The  
6                   Institute may award grants to, or enter into contracts or cooperative agreements with,  
7                   individuals, public or private institutions, agencies, organizations, or consortia of such  
8                   institutions, agencies, or organizations to carry out the activities of the Institute.

9                   (d) LITERACY LEADERSHIP-

10                  (1) IN GENERAL- The Institute, in consultation with the Board, may award  
11                  fellowships, with such stipends and allowances that the Director considers necessary,  
12                  to outstanding individuals pursuing careers in adult education or literacy in the areas  
13                  of instruction, management, research, or innovation.

14                  (2) FELLOWSHIPS- Fellowships awarded under this subsection shall be used, under  
15                  the auspices of the Institute, to engage in research, education, training, technical  
16                  assistance, or other activities to advance the field of adult education or literacy,  
17                  including the training of volunteer literacy providers at the national, State, or local  
18                  level.

19                  (3) INTERNS AND VOLUNTEERS- The Institute, in consultation with the Board,  
20                  may award paid and unpaid internships to individuals seeking to assist the Institute in  
21                  carrying out its mission. Notwithstanding section 1342 of title 31, United States  
22                  Code, the Institute may accept and use voluntary and uncompensated services as the  
23                  Institute determines necessary.

24                  (e) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD-

25                   (1) ESTABLISHMENT-

26                   (A) IN GENERAL- There shall be a National Institute for Literacy Advisory  
27                   Board (in this section referred to as the 'Board'), which shall consist of 10  
28                   individuals appointed by the President with the advice and consent of the  
29                   Senate.

30                   (B) COMPOSITION- The Board shall be comprised of individuals who are  
31                   not otherwise officers or employees of the Federal Government and who are  
32                   representative of entities such as--

33                   (i) literacy organizations and providers of literacy services, including  
34                   nonprofit providers, providers of English literacy programs and  
35                   services, social service organizations, and eligible providers receiving  
36                   assistance under this subtitle;

37                   (ii) businesses that have demonstrated interest in or supported  
38                   workplace literacy programs;

39                   (iii) literacy students, including literacy students with disabilities;

40                   (iv) experts in the area of literacy research, especially adult literacy  
41                   research;

42                   (v) State and local governments;

43                   (vi) State Directors of adult education; and

- 1 (vii) representatives of employees, including representatives of labor  
2 organizations.
- 3 (2) DUTIES- The Board shall--  
4 (A) make recommendations concerning the appointment of the Director and  
5 staff of the Institute;  
6 (B) provide independent advice on the operation of the Institute; and  
7 (C) receive reports from the Interagency Group and the Director.
- 8 (3) FEDERAL ADVISORY COMMITTEE ACT- Except as otherwise provided, the  
9 Board established by this subsection shall be subject to the provisions of the Federal  
10 Advisory Committee Act (5 U.S.C. App.).
- 11 (4) APPOINTMENTS-  
12 (A) IN GENERAL- Each member of the Board shall be appointed for a term  
13 of 3 years, except that the initial terms for members may be 1, 2, or 3 years in  
14 order to establish a rotation in which one-third of the members are selected  
15 each year. Any such member may be appointed for not more than 2  
16 consecutive terms.  
17 (B) VACANCIES- Any member appointed to fill a vacancy occurring before  
18 the expiration of the term for which the member's predecessor was appointed  
19 shall be appointed only for the remainder of that term. A member may serve  
20 after the expiration of that member's term until a successor has taken office.
- 21 (5) QUORUM- A majority of the members of the Board shall constitute a quorum but  
22 a lesser number may hold hearings. Any recommendation of the Board may be passed  
23 only by a majority of the Board's members present.
- 24 (6) ELECTION OF OFFICERS- The Chairperson and Vice Chairperson of the Board  
25 shall be elected by the members of the Board. The term of office of the Chairperson  
26 and Vice Chairperson shall be 2 years.
- 27 (7) MEETINGS- The Board shall meet at the call of the Chairperson or a majority of  
28 the members of the Board.
- 29 (f) GIFTS, BEQUESTS, AND DEVICES-  
30 (1) IN GENERAL- The Institute may accept, administer, and use gifts or donations of  
31 services, money, or property, whether real or personal, tangible or intangible.
- 32 (2) RULES- The Board shall establish written rules setting forth the criteria to be  
33 used by the Institute in determining whether the acceptance of contributions of  
34 services, money, or property whether real or personal, tangible or intangible, would  
35 reflect unfavorably upon the ability of the Institute or any employee to carry out the  
36 responsibilities of the Institute or employee, or official duties, in a fair and objective  
37 manner, or would compromise the integrity or the appearance of the integrity of the  
38 Institute's programs or any official involved in those programs.
- 39 (g) MAILS- The Board and the Institute may use the United States mails in the same manner  
40 and under the same conditions as other departments and agencies of the United States.
- 41 (h) STAFF- The Interagency Group, after considering recommendations made by the Board,  
42 shall appoint and fix the pay of a Director.

1 (i) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS- The Director and staff of the  
2 Institute may be appointed without regard to the provisions of title 5, United States Code,  
3 governing appointments in the competitive service, and may be paid without regard to the  
4 provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification  
5 and General Schedule pay rates, except that an individual so appointed may not receive pay  
6 in excess of the annual rate of basic pay payable for level IV of the Executive Schedule.

7 (j) EXPERTS AND CONSULTANTS- The Institute may procure temporary and intermittent  
8 services under section 3109(b) of title 5, United States Code.

9 (k) REPORT- The Institute shall submit a report biennially to the Committee on Education  
10 and the Workforce of the House of Representatives and the Committee on Labor and Human  
11 Resources of the Senate. Each report submitted under this subsection shall include--

12 (1) a comprehensive and detailed description of the Institute's operations, activities,  
13 financial condition, and accomplishments in the field of literacy for the period  
14 covered by the report;

15 (2) a description of how plans for the operation of the Institute for the succeeding 2  
16 fiscal years will facilitate achievement of the goals of the Institute and the goals of the  
17 literacy programs within the Department of Education, the Department of Labor, and  
18 the Department of Health and Human Services; and

19 (3) any additional minority, or dissenting views submitted by members of the Board.

20 (l) FUNDING- Any amounts appropriated to the Secretary, the Secretary of Labor, the  
21 Secretary of Health and Human Services, or any other department that participates in the  
22 Institute for purposes that the Institute is authorized to perform under this section may be  
23 provided to the Institute for such purposes.

## 24 **SEC. 243. NATIONAL LEADERSHIP ACTIVITIES.**

25 The Secretary shall establish and carry out a program of national leadership activities to  
26 enhance the quality of adult education and literacy programs nationwide.

27 (A) Such activities shall include a program of grants, contracts, or cooperative agreements  
28 awarded on a competitive basis to national networks of private not-for-profits and  
29 public libraries to build the capacity of their members to meet the performance  
30 requirements of eligible providers under this title and involve adult learners in program  
31 improvement;

32 (B) Such activities may include the following:

33 (1) Technical assistance, including--

34 (A) assistance provided to eligible providers in developing and using  
35 performance measures for the improvement of adult education and literacy  
36 activities, including family literacy services;

37 (B) assistance related to professional development activities, and assistance  
38 for the purposes of developing, improving, identifying, and disseminating the  
39 most successful methods and techniques for providing adult education and  
40 literacy activities, including family literacy services; based on scientific  
41 evidence where available; ~~and~~

1 (C) assistance in distance learning and promoting and improving the use of  
2 technology in the classroom-; and

3 (D) assistance in developing valid, measurable, and reliable performance data,  
4 and using performance information for the improvement of adult education  
5 and literacy programs.

6 (2) Funding national leadership activities that are not described in paragraph (1),  
7 either directly or through grants, contracts, or cooperative agreements awarded on a  
8 competitive basis to or with postsecondary educational institutions, public or private  
9 organizations or agencies, or consortia of such institutions, organizations, or agencies,  
10 such as--

11 (A) developing, improving, and identifying the most successful methods and  
12 techniques for addressing the education needs of adults, including  
13 instructional practices using ~~phonemic awareness, systematic phonics,~~  
14 ~~fluency, and reading comprehension,~~ the essential components of reading  
15 instruction based on the work of the National Institute of Child Health and  
16 Human Development;

17 (B) increasing the effectiveness of, and improving the quality of, adult  
18 education and literacy activities, including family literacy services;

19 (C) carrying out research on national literacy basic skill acquisition for adult  
20 learning, ~~such as~~ including estimating the number of adults functioning at the  
21 lowest levels of literacy proficiency;

22 (D)(i) carrying out demonstration programs;

23 (ii) developing and replicating model and innovative programs, such as the  
24 development of models for basic skill certificates, identification of effective  
25 strategies for working with adults with learning disabilities and with  
26 individuals with limited English proficiency who are adults, ~~and~~ integrated  
27 basic and workplace skills education programs ~~workplace literacy programs,~~  
28 coordinated literacy and employment services; and

29 (iii) disseminating best practices information, including information regarding  
30 promising practices resulting from federally funded demonstration programs;

31 (E) providing for the conduct of an independent evaluation and assessment of  
32 adult education and literacy activities through studies and analyses conducted  
33 independently through grants and contracts awarded on a competitive basis,  
34 which evaluation and assessment shall include descriptions of--

35 (i) the effect of performance measures and other measures of  
36 accountability on the delivery of adult education and literacy activities;  
37 including family literacy services;

38 (ii) the extent to which the adult education and literacy activities;  
39 including family literacy services, increase the literacy skills of adults  
40 (and of children, in the case of family literacy services), lead the  
41 participants in such activities to involvement in further education and  
42 training, enhance the employment and earnings of such participants,  
43 and, if applicable, lead to other positive outcomes, such as reductions

1 in recidivism in the case of prison-based adult education and literacy  
2 activities;  
3 (iii) the extent to which the provision of support services to adults  
4 enrolled in adult education and family literacy programs increase the  
5 rate of enrollment in, and successful completion of, such programs;  
6 and  
7 (iv) ~~the extent to which eligible agencies have distributed funds under~~  
8 ~~section 231 to meet the needs of adults through community-based~~  
9 ~~organizations~~ the extent to which different types of providers,  
10 including community and faith-based organizations, measurably  
11 improve the skills of participants in adult education and literacy  
12 programs;  
13 (F) supporting efforts aimed at capacity building at the State and local levels,  
14 especially for community and faith-based organizations, such as technical  
15 assistance in program planning, assessment, evaluation, and monitoring of  
16 activities carried out under this subtitle;  
17 (G) collecting data, such as data regarding the improvement of both local and  
18 State data systems, through technical assistance and development of model  
19 performance data collection systems; ~~and~~  
20 (H) Supporting the development of an entity that would produce and distribute  
21 technology-based programs and materials for adult education and literacy  
22 programs using an intercommunication system, as that term is defined in  
23 section 397 of the Communications Act of 1934 (47 U.S.C. 397), and expand  
24 the effective outreach and use of such programs and materials to adult  
25 education eligible providers.  
26 (I) other activities designed to enhance the quality of adult education and  
27 literacy activities nationwide.

#### 28 Subtitle B--Repeals

### 29 SEC. 251. REPEALS. (NOTE – Legislative Counsel will have to make the 30 necessary repeals and conforming amendments.)

#### 31 ~~(a) REPEALS-~~

32 ~~(1) ADULT EDUCATION ACT—The Adult Education Act (20 U.S.C. 1201 et seq.)~~  
33 ~~is repealed.~~

34 ~~(2) NATIONAL LITERACY ACT OF 1991—The National Literacy Act of 1991 (20~~  
35 ~~U.S.C. 1201 note) is repealed.~~

#### 36 ~~(b) CONFORMING AMENDMENTS-~~

37 ~~(1) REFUGEE EDUCATION ASSISTANCE ACT—Subsection (b) of section 402 of~~  
38 ~~the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is repealed.~~

39 ~~(2) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965-~~

40 ~~(A) SECTION 1202 OF ESEA—Section 1202(c)(1) of the Elementary and~~  
41 ~~Secondary Education Act of 1965 (20 U.S.C. 6362(c)(1)) is amended by~~



1 education and literacy to be the one-stop partner for each local board. As one of the  
2 programs authorized by the current Workforce Investment Act, it is essential that the  
3 Congress recognize our vital role in the planning and execution of local workforce  
4 programs. While providing for an adult education representative on local workforce  
5 investment boards, the provision in H.R. 1261 is silent on how said representative would  
6 be chosen. Current law is preferable.  
7