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1	National Council of State Directors of Adult Education (NCSDAE) WIA Title II Amendment Recommendations--February 16, 2011			
2		www.ncsdae.org , 202.624.5250	Dr. Lennox L. McLendon Ms Lynn Selmser	Priorities in Yellow
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24				
25	SEC. 201. SHORT TITLE.			
26		This title may be cited as the `Adult Education and Family Literacy Act'.	Retain current law	
27	SEC. 202. PURPOSE.			
28		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--		

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29		(1) assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency;	(1) assist adults, including the least educated most in need. to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency;	Adult education programs should maintain provisions for the least educated adults in our country
30		(2) assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children; and	Retain current law	
31		(3) assist adults in the completion of a secondary school education.	Retain current law	
32			(4) assist immigrants and other individuals with limited English proficiency in improving their reading, writing, speaking, and listening/comprehension skills in English, and mathematics skills and acquiring an understanding of the American system of government, individual freedom, and the responsibilities of citizenship.'	
33			(5) assist adults served under this Title to transition to postsecondary education and training	
34			(6) assist adults served under this Title to successfully participate in Career and College Pathway Services."	
35				
36	SEC. 203. DEFINITIONS.			
37		(1) ADULT EDUCATION- The term `adult education' means services or instruction below the postsecondary level for individuals-	(1) ADULT EDUCATION- The term `adult education' means services or instruction below the postsecondary level that <i>give priority to increasing</i> an individual's ability to read, write, perform mathematics and communicate in English, leading to a level of proficiency equivalent to at least a secondary school completion for individuals--	In order to address the vast variety of adult learning needs below the postsecondary level, States need to be given the flexibility to respond.
38		(A) who have attained 16 years of age;		
39		(B) who are not enrolled or required to be enrolled in secondary school under State law; and		
40		(C) who--		

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41		(i) lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society;		
42		(ii) do not have a secondary school diploma or its recognized equivalent, and have not achieved an equivalent level of education; or	(ii) do not have a secondary school diploma or its recognized equivalent, OR have not achieved an equivalent level of education; or	
43		(iii) are unable to speak, read, or write the English language.	(iii) are unable to speak, read, write or understand the English language.	
44			SPECIAL RULE: This definition does not preclude dual enrollments by students in adult education and postsecondary education or training , but does not allow use of funds provided under this Act for postsecondary educational services.	Collaboration on dual or concurrent programs is not to be interpreted as using adult education funds to provide technical or college training. This special rule clarifies that adult education funding can be used for the adult education portion only.
45				
46		(2) ADULT EDUCATION AND LITERACY ACTIVITIES- The term `adult education and literacy activities' means activities described in section 231(b).	Retains current law	
47				
48			"(3) Career and College Pathway Services: Career and College Pathway Services are defined as integrated adult education services and postsecondary education and/or training content or which dually or concurrently enroll students in adult education services and postsecondary education and training that lead to industry-based certification or institutionally-granted certification, diplomas, or degrees necessary for high demand jobs."	Many states have developed dual and concurrent enrollment programs with college and technical programs, enabling adult learners to progress quickly toward certifications. This definition acknowledges and encourages and encourages the expansion of those services.
49				

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50		(3) EDUCATIONAL SERVICE AGENCY- The term `educational service agency' means a regional public multiservice agency authorized by State statute to develop and manage a service or program, and to provide the service or program to a local educational agency.	Retains current law	
51				
52		(4) ELIGIBLE AGENCY- The term `eligible agency' means the sole entity or agency in a State or an outlying area responsible for administering or supervising policy for adult education and literacy in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively.	Retains current law	
53				
54		5) ELIGIBLE PROVIDER- The term `eligible provider' means--	by inserting `an organization that has demonstrated effectiveness in providing adult education, that may include' after `means';	All providers should demonstrate effectiveness at providing services.
55		(A) a local educational agency;		
56		(B) a community-based organization of demonstrated effectiveness;	in subparagraph (B), by striking `of demonstrated effectiveness';	
57		(C) a volunteer literacy organization of demonstrated effectiveness;	in subparagraph (C), by striking `of demonstrated effectiveness'; and	
58		(D) an institution of higher education;		
59		(E) a public or private nonprofit agency;		
60		(F) a library;		
61		(G) a public housing authority;		
62		(H) a nonprofit institution that is not described in any of subparagraphs (A) through (G) and has the ability to provide literacy services to adults and families; and		
63		(I) a consortium of the agencies, organizations, institutions, libraries, or authorities described in any of subparagraphs (A) through (H).	in subparagraph (I), by inserting `or coalition' after `consortium';	
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65		(6) ENGLISH LITERACY PROGRAM- The term `English literacy program' means a program of instruction designed to help individuals of limited English proficiency achieve competence in the English language.	(6) ENGLISH LITERACY AND LANGUAGE ACQUISITION PROGRAM – The term `English literacy and language acquisition program' means a program of instruction designed to help individuals of limited English proficiency improve their English language and literacy.	"Language Acquisition" is increasingly used as the most descriptive term for learning English.
66				
67			EVIDENCE-BASED PRACTICE - The term evidence-based practice means the integration of professional wisdom with the most rigorous research available in making decisions about how to plan, deliver, support and evaluate instruction and program management.	The Institute of Education Sciences (IES) recommends using a blend of research findings with professional wisdom--i.e..., evidence based practice--when making instructional and management decisions.
68				
69		(7) FAMILY LITERACY SERVICES- The term `family literacy services' means services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:	Retains current law	
70		(A) Interactive literacy activities between parents and their children.		
71		(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.		
72		(C) Parent literacy training that leads to economic self-sufficiency.		
73		(D) An age-appropriate education to prepare children for success in school and life experiences.		
74				
75		(8) GOVERNOR- The term `Governor' means the chief executive officer of a State or outlying area.	Retains current law	
76				
77		(9) INDIVIDUAL WITH A DISABILITY-	Retains current law	

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78		(A) IN GENERAL- The term `individual with a disability' means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).		
79		(B) INDIVIDUALS WITH DISABILITIES- The term `individuals with disabilities' means more than one individual with a disability.		
80				
81		(10) INDIVIDUAL OF LIMITED ENGLISH PROFICIENCY- The term `individual of limited English proficiency' means an adult or out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language, and--	Retains current law	
82		(A) whose native language is a language other than English; or		
83		(B) who lives in a family or community environment where a language other than English is the dominant language.		
84				
85		(11) INSTITUTION OF HIGHER EDUCATION- The term `institution of higher education' has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).	Retains current law	
86				
87		(12) LITERACY- The term `literacy' means an individual's ability to read, write, and speak in English, compute, and solve problems, at levels of proficiency necessary to function on the job, in the family of the individual, and in society.	Retains current law	
88				
89		(13) LOCAL EDUCATIONAL AGENCY- The term `local educational agency' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)	Retains current law	

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90				
91		14) OUTLYING AREA- The term `outlying area' has the meaning given the term in section 101.	Retains current law	
92				
93		(15) POSTSECONDARY EDUCATIONAL INSTITUTION- The term `postsecondary educational institution' means--	Retains current law	
94		(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor's degree;		
95		(B) a tribally controlled community college; or		
96		(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.		
97				
98			PROFESSIONAL WISDOM - the term "professional wisdom" means the judgment that individuals acquire through experience, consensus views, and the effective identification and incorporation of local circumstances into instruction.	This IES description is important to a field like adult education where there is limited research. According to IES, evidence-based practice is a blend of research findings and professional wisdom.
99				
100		(16) SECRETARY- The term `Secretary' means the Secretary of Education	Retains current law	
101				
102		(17) STATE- The term `State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.	Retains current law	
103				
104		(18) WORKPLACE LITERACY SERVICES- The term `workplace literacy services' means literacy services that are offered for the purpose of improving the productivity of the workforce through the improvement of literacy skills.	(18) WORKPLACE LITERACY SERVICES- The term `workplace literacy services' means literacy services that are offered in the workplace for the purpose of improving the productivity of the workforce through the improvement of literacy skills.	
105				
106	SEC. 204. HOME SCHOOLS.			

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107		Nothing in this subtitle shall be construed to affect home schools, or to compel a parent engaged in home schooling to participate in an English literacy program, family literacy services, or adult education.	Retains current law	
108				
109	SEC. 205. AUTHORIZATION OF APPROPRIATIONS			
110		There is authorized to be appropriated to carry out this subtitle such sums as may be necessary for each of the fiscal years 1999 through 2003.	There is authorized to be appropriated to carry out this subtitle \$1 billion for 2012 and such sums as may be necessary for the remaining fiscal years.	Current financial supports enable fewer than 3 million of the 93 million adults with reading, writing, math, and/or English deficiencies to access adult education services. A recent survey indicates there are waiting lists in every state. Authorizations in this bill will set the tone for significant, yet manageable expansion of that access.
111				
112				
113	CHAPTER 1-- FEDERAL PROVISIONS			
114				
115	SEC. 211. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS			
116		(a) RESERVATION OF FUNDS- From the sum appropriated under section 205 for a fiscal year, the Secretary--		
117		(2) shall reserve 1.5 percent to carry out section 243, except that the amount so reserved shall not exceed \$8,000,000; and	(2) shall reserve 1.5 percent to carry out section 243.	

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118		(3) shall make available, to the Secretary of Labor, 1.72 percent for incentive grants under section 503.		Our preference is to eliminate incentive grants. (If incentive grants are retained, this section should read "shall make available, to the Secretary of Education, 1.72 percent for incentive grants under section 503.")
119				
120		(b) GRANTS TO ELIGIBLE AGENCIES-		
121		(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.	Retains current law	
122		(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.	Retains current law	
123				
124		(c) ALLOTMENTS-		
125		(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)--	Retains current law	
126		(A) \$100,000, in the case of an eligible agency serving an outlying area; and	Retains current law	
127		(B) \$250,000, in the case of any other eligible agency.	Retains current law	
128				
129			Add a new (2) and renumber:	

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130			(2) At such time as appropriations for section 211(b) exceed \$570 million initial allotments shall be as follows:	
131			(A) \$250,000, in the case of an eligible agency serving an outlying area; and	Base grants have not been increased in over a decade.
132			(B) \$350,000, in the case of any other eligible agency.	Base grants have not been increased in over a decade.
133				
134		(2) ADDITIONAL ALLOTMENTS- 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.	Retains current law	
135				
136		(d) QUALIFYING ADULT- For the purpose of subsection (c)(2), the term 'qualifying adult' means an adult who--	Retains current law	
137		(1) is at least 16 years of age		
138		(2) is beyond the age of compulsory school attendance under the law of the State or outlying area;		
139		(3) does not have a secondary school diploma or its recognized equivalent; and		
140		(4) is not enrolled in secondary school.		
141				
142		(e) SPECIAL RULE-		

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143		(1) IN GENERAL- From amounts made available under subsection (c) for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Secretary determines are not inconsistent with this subsection.		
144		(2) AWARD BASIS- The Secretary shall award grants pursuant to paragraph (1) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.		
145		(3) TERMINATION OF ELIGIBILITY- Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.		
146		(4) ADMINISTRATIVE COSTS- The Secretary may provide not more than 5 percent of the funds made available for grants under this subsection to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subsection.	Retains current law	
147				
148		f) HOLD-HARMLESS-		

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149		(1) IN GENERAL - Notwithstanding subsection (c)--	1) IN GENERAL - Notwithstanding subsection (c) and subject to paragraph (2), for fiscal year 2011 and each succeeding fiscal year, no eligible agency shall receive an allotment under this section that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this section.	
150		(A) for fiscal year 1999, no eligible agency shall receive an allotment under this subtitle that is less than 90 percent of the payments made to the State or outlying area of the eligible agency for fiscal year 1998 for programs for which funds were authorized to be appropriated under section 313 of the Adult Education Act (as such Act was in effect on the day before the date of the enactment of the Workforce Investment Act of 1998); and	DELETE	
151		(B) for fiscal year 2000 and each succeeding fiscal year, no eligible agency shall receive an allotment under this subtitle that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this subtitle.	DELETE	
152			(2) EXCEPTION - An eligible agency that receives for the preceding fiscal year only an initial allotment under subsection (c)(1) (and no additional allotment under subsection (c)(2)) shall receive an allotment equal to 100 percent of the initial allotment.	
153		(2) RATABLE REDUCTION - If for any fiscal year the amount available for allotment under this subtitle is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.	Retains current law	
154				

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155		(g) REALLOTMENT- The portion of any eligible agency's allotment under this subtitle for a fiscal year that the Secretary determines will not be required for the period such allotment is available for carrying out activities under this subtitle, shall be available for reallocation from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under this subtitle for such year.	Retains current law	
156				
157	SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM			
158		(a) PURPOSE- The purpose of this section is to establish a comprehensive performance accountability system, comprised of the activities described in this section, to assess the effectiveness of eligible agencies in achieving continuous improvement of adult education and literacy activities funded under this subtitle, in order to optimize the return on investment of Federal funds in adult education and literacy activities.	Retains current law	
159			Retains current law	
160		(b) ELIGIBLE AGENCY PERFORMANCE MEASURES-		
161		(1) IN GENERAL- For each eligible agency, the eligible agency performance measures shall consist of--	Retains current law	
162		(A)(i) the core indicators of performance described in paragraph (2)(A); and	Retains current law	
163			(ii) employment performance indicator	
164		(ii) additional indicators of performance (if any) identified by the eligible agency under paragraph (2)(B); and	(ii) additional indicators of performance (if any) identified by the eligible agency under paragraph (2)(B); and	

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165		(B) an eligible agency adjusted level of performance for each indicator described in subparagraph (A).	Retains current law	
166				
167		(2) INDICATORS OF PERFORMANCE-		
168		(A) CORE INDICATORS OF PERFORMANCE- The core indicators of performance shall include the following:	Retains current law	
169		(i) Demonstrated improvements in literacy skill levels in reading, writing, and speaking the English language, numeracy, problem solving, English language acquisition, and other literacy skills.	(i) Measurable improvements in literacy skills in reading, writing, and speaking the English language, numeracy, English language acquisition, and other literacy skills.	
170		(ii) Placement in, retention in, or completion of, postsecondary education, training, unsubsidized employment or career advancement.	(ii) Placement in postsecondary education programs or job training programs.	Adult education programs should be held responsible for preparing adults for enrolling in postsecondary programs or obtaining unsubsidized employment but not for retention or completion of those programs. Too many other factors contribute to retention and completion.
171		(iii) Receipt of a secondary school diploma or its recognized equivalent.	(iii) Receipt of a secondary school diploma, General Educational Development credential (GED), or other State-recognized equivalent.	
172			(B) EMPLOYMENT PERFORMANCE INDICATOR - Consistent with applicable Federal and State privacy laws, an eligible agency shall identify in the State plan the following individual participant employment performance indicators:	
173			(i) Entry into employment.	
174				
175			(ii) DATA COLLECTION- The State agency responsible for maintaining and analyzing these data will assist the eligible agency in obtaining and using quarterly wage records to collect data for each of the indicators described in clause (i), consistent with applicable Federal and State privacy laws.	Due to interpretations of FERPA regulations, some state education agencies have difficulty accessing wage records. This provision would instruct the state agency responsible for those data to assist in data match access. This provision may help a few states compile data under the entered employment indicator.

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176				
177		(B) ADDITIONAL INDICATORS- An eligible agency may identify in the State plan additional indicators for adult education and literacy activities authorized under this subtitle.	(C) ADDITIONAL INDICATORS- An eligible agency may identify in the State plan additional indicators for adult education and literacy activities authorized under this subtitle.	
178				
179				
180			(D) INDICATORS FOR WORKPLACE LITERACY PROGRAMS- The Secretary shall convene a panel of experts to develop accountability measures for workplace literacy.	
181				
182		(3) LEVELS OF PERFORMANCE-		
183		(A) ELIGIBLE AGENCY ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS-		
184		(i) IN GENERAL- For each eligible agency submitting a State plan, there shall be established, in accordance with this subparagraph, levels of performance for each of the core indicators of performance described in paragraph (2)(A) for adult education and literacy activities authorized under this subtitle. The levels of performance established under this subparagraph shall, at a minimum--	Retains current law	
185		(l) be expressed in an objective, quantifiable, and measurable form; and	Retains current law	
186		(II) show the progress of the eligible agency toward continuously improving in performance.	(l) in clause (i)(II), by striking `in performance' and inserting `the agency's performance outcomes in an objective, quantifiable, and measurable form';	

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187		(ii) IDENTIFICATION IN STATE PLAN- Each eligible agency shall identify, in the State plan submitted under section 224, expected levels of performance for each of the core indicators of performance for the first 3 program years covered by the State plan.	II) in clause (ii), by striking `3 program years' and inserting `2 program years' Insert after "State plan" the following "or sooner should the state unemployment rate increase by 5% or greater or if other unforeseen circumstances negatively impact the State's ability to meet agreed upon performance outcomes.	When a State's economic forecast changes significantly or when natural disasters or other unforeseen events occur, a State should be allowed to renegotiate performance expectations.
188		(iii) AGREEMENT ON ELIGIBLE AGENCY ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 3 YEARS- In order to ensure an optimal return on the investment of Federal funds in adult education and literacy activities authorized under this subtitle, the Secretary and each eligible agency shall reach agreement on levels of performance for each of the core indicators of performance, for the first 3 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the eligible agency adjusted levels of performance for the eligible agency for such years and shall be incorporated into the State plan prior to the approval of such plan.	(III) in clause (iii), by striking `FIRST 3 YEARS' and inserting `FIRST 2 YEARS'; (IV) in clause (iii), by striking `first 3 program years' and inserting `first 2 program years';	
189		(iv) FACTORS- The agreement described in clause (iii) or (v) shall take into account--	Retains current law	
190		(I) how the levels involved compare with the eligible agency adjusted levels of performance established for other eligible agencies, taking into account factors including the characteristics of participants when the participants entered the program, and the services or instruction to be provided; and	Retains current law	

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191		(II) the extent to which such levels involved promote continuous improvement in performance on the performance measures by such eligible agency and ensure optimal return on the investment of Federal funds.	Retains current law	
192		(v) AGREEMENT ON ELIGIBLE AGENCY ADJUSTED LEVELS OF PERFORMANCE FOR 4TH AND 5TH YEARS- Prior to the fourth program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on levels of performance for each of the core indicators of performance for the fourth and fifth program years covered by the State plan, taking into account the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the eligible agency adjusted levels of performance for the eligible agency for such years and shall be incorporated into the State plan.	(V) in clause (v), by striking `4TH AND 5TH' and inserting `3RD AND 4TH'; (VI) in clause (v), by striking `to the fourth' and inserting `to the third'; (VII) in clause (v), by striking `fourth and fifth' and inserting `third and fourth';	
193		(vi) REVISIONS- If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (iv)(II), the eligible agency may request that the eligible agency adjusted levels of performance agreed to under clause (iii) or (v) be revised. The Secretary, after collaboration with the representatives described in section 136(j), shall issue objective criteria and methods for making such revisions.	(VIII) in clause (vi), by striking `(II)' and inserting `(I)	

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194			(B) LEVEL OF EMPLOYMENT PERFORMANCE- The eligible agency shall identify, in the State plan, eligible agency level of performance for the employment performance indicator described in paragraph (2)(B). Such level shall be considered to be eligible agency adjusted level of performance for purposes of this title.	
195		(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS- The eligible agency may identify, in the State plan, eligible agency levels of performance for each of the additional indicators described in paragraph (2)(B). Such levels shall be considered to be eligible agency adjusted levels of performance for purposes of this subtitle.	(C) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS- The eligible agency may identify, in the State plan, eligible agency levels of performance for each of the additional indicators described in paragraph (2)(B). Such levels shall be considered to be eligible agency adjusted levels of performance for purposes of this subtitle.	
196				
197		(c) REPORT-		
198		(1) IN GENERAL- Each eligible agency that receives a grant under section 211(b) shall annually prepare and submit to the Secretary a report on the progress of the eligible agency in achieving eligible agency performance measures, including information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance.	(1) IN GENERAL- Each eligible agency that receives a grant under section 211(b) shall annually prepare and submit to the Secretary, the Governor, and the State legislature a report on the progress of the eligible agency in achieving eligible agency performance measures, including the following:	
199			(A) Information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance and employment performance indicators.	
200				
201		(2) INFORMATION DISSEMINATION- The Secretary--	Retains current law	
202		(A) shall make the information contained in such reports available to the general public through publication and other appropriate methods;		

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203		(B) shall disseminate State-by-State comparisons of the information; and	(B) shall address the level of accuracy and quality of data and disseminate State data grouped by comparable data method.	A number of states are prohibited by State law or State policy from using Social Security numbers to track education, training and work outcomes. Their follow-up survey data cannot be compared with States that can use SSNs to do data match. Thus data match states' results should only be used for comparison with other data match states. Likewise, States that use student follow-up surveys should only be compared to States that use that same methodology.
204		(C) shall provide the appropriate committees of Congress with copies of such reports.		
205				
206			(3) DATA ACCESS- The report made available under paragraph (2) shall indicate which eligible agencies did not have access to State unemployment insurance wage data in measuring employment performance indicators.;	
207				
208			(d) PROGRAM IMPROVEMENT-	
209			(1) IN GENERAL- If the Secretary determines that an eligible agency did not meet its adjusted levels of performance for the core indicators of performance described in subsection (b)(2)(A) for any program year, the eligible agency shall--	
210			(A) work with the Secretary and a professional development organization for state directors of adult education to make available technical assistance to assist the State to develop and implement a program improvement plan for the 2 program years succeeding the program year in which the eligible agency did not meet its adjusted levels of performance; and	When a state cannot meet performance expectations, they need to have available technical assistance from experienced colleagues who can help them identify possible problems, identify promising alternatives, and pilot test and integrate those alternatives.

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211			(B) revise its State plan under section 224, if necessary, to reflect the changes agreed to in the program improvement plan.	
212			(2) FURTHER ASSISTANCE- If, after the period described in paragraph (1)(A), the Secretary has made available technical assistance to the eligible agency but determines that the eligible agency did not meet its adjusted levels of performance for the core indicators of performance described in subsection (b)(2)(A), the Secretary may require the eligible agency to make further revisions to the program improvement plan described in paragraph (1) and provide additional funding provided through National Leadership funds under Section 243 to enable the state to make the needed program improvements. Such further revisions shall be accompanied by further technical assistance from the Secretary and a professional development organization for state directors of adult education with experience in effectively achieving performance measures.'.	Some states have few resources to make significant changes in their program operations in order to improve performance. When such states are unable to make the necessary improvements with current resources, the Secretary should have available program improvement grants that would enable them to do so.
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215				
216	SEC. 213.INCENTIVE GRANTS FOR STATES			
217				
218			DELETE THIS PROVISION FROM TITLE 1 or move to Title II as follows:	

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219			Our preference is to eliminate the Incentive Grants and return those funds to the state grants. If Incentive grants are retained, this section should read as follows: "a) In General- From funds appropriated under section 211(a)(1), the Secretary may award grants to States for exemplary performance in carrying out programs under this title. Such awards shall be based on States exceeding the core indicators of performance established under section 212(b)(2)(A) and may be based on the performance of the State in serving populations, such as those described in section 224(b)(10), including the levels of service provided and the performance outcomes, and such other factors relating to the performance of the State under this title as the Secretary determines appropriate."	A large number of State adult education programs have met or exceeded their performance standards to qualify for incentive grants but were unable to do so because one or more of their partner agencies did not meet theirs. In other states, all three partners met or exceeded their performance measures but the incentive grant went to one of the other agencies. On the national level, the Department of Labor has made no contribution to the incentive grants while adult education has made significant contributions. It is only fair that Education control its incentive grants and apply those funds to the State adult education programs that are successful.
220			(b) Use of Funds- The funds awarded to a State under this paragraph may be used to carry out any activities authorized under this title.	
221				
222	CHAPTER 2--STATE PROVISIONS			
223				
224	SEC. 221. STATE ADMINISTRATION			
225				
226		Each eligible agency shall be responsible for the State or outlying area administration of activities under this subtitle, including--	Retains current law	
227		(1) the development, submission, and implementation of the State plan;	(1) The development, submission, implementation, and monitoring of the State plan.	

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228		(2) consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of activities assisted under this subtitle; and	Retains current law	
229		(3) coordination and nonduplication with other Federal and State education, training, corrections, public housing, and social service programs.	Retains current law	
230				
231	SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT			
232				
233		(a) STATE DISTRIBUTION OF FUNDS- Each eligible agency receiving a grant under this subtitle for a fiscal year--	Retains current law	
234		(1) shall use not less than 82.5 percent of the grant funds to award grants and contracts under section 231 and to carry out section 225, of which not more than 10 percent of the 82.5 percent shall be available to carry out section 225;	A) in paragraph (1)--(i) by striking `82.5' the first place such term appears and inserting `80'; and (ii) by striking `the 82.5 percent' and inserting `such amount'; and (iii) by striking everything after section 225 the first time it appears.	CORRECTIONS EDUCATION: We are eliminating the cap on the amount of funds which can be set aside for corrections education. We do not support a restrictive set aside because states have varying needs and provide varying levels of support for corrections education with state dollars. We would prefer that states have the ability to support corrections education based on need for services throughout the state.

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235		(2) shall use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 223; and	(B) in paragraph (2), by striking 'not more than 12.5 percent' and inserting 'not more than 15 percent';	Prior to the implementation of WIA in 1998, adult education was required to spend a minimum of 15% of state grants to prepare and support teachers and provide other program improvement activities. In 1998, WIA incorporated performance measures, increased accountability, and added program improvement requirements while reducing funds available for professional development and program improvement initiatives that are needed to incorporate those changes. WIA reduced state leadership funds to a maximum of 12.5%--fewer dollars with greater demand for professional development. States need the resources to comply with program requirements and improve the quality of services.
236		(3) shall use not more than 5 percent of the grant funds, or \$65,000, whichever is greater, for the administrative expenses of the eligible agency.	(C) in paragraph (3), by striking '\$65,000' and inserting '\$100,000';	The base grant for small states has not been increased in over a decade. It is difficult for them to respond to the requirements of the Act with an administrative grant of \$65,000. Thus, the recommendation is to increase that threshold to \$100,000.
237				
238		(b) MATCHING REQUIREMENT-		
239		(1) IN GENERAL- In order to receive a grant from the Secretary under section 211(b) each eligible agency shall provide, for the costs to be incurred by the eligible agency in carrying out the adult education and literacy activities for which the grant is awarded, a non-Federal contribution in an amount equal to--	2) in subsection (b)(1), by striking 'equal to' and inserting 'that is not less than'.	

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240		(A) in the case of an eligible agency serving an outlying area, 12 percent of the total amount of funds expended for adult education and literacy activities in the outlying area, except that the Secretary may decrease the amount of funds required under this subparagraph for an eligible agency; and	Retains current law	
241		(B) in the case of an eligible agency serving a State, 25 percent of the total amount of funds expended for adult education and literacy activities in the State.	Retains current law	
242		(2) NON-FEDERAL CONTRIBUTION- An eligible agency's non-Federal contribution required under paragraph (1) may be provided in cash or in kind, fairly evaluated, and shall include only non-Federal funds that are used for adult education and literacy activities in a manner that is consistent with the purpose of this subtitle.	Retains current law	
243				
244	SEC. 223. STATE LEADERSHIP ACTIVITIES			
245		(a) IN GENERAL- Each eligible agency shall use funds made available under section 222(a)(2) for one or more of the following adult education and literacy activities:	(a) IN GENERAL- Each eligible agency shall use funds made available under section 222(a)2 for activities in 223(1) and for one or more of the adult education and literacy activities in (2)(3) and (4).	This section has been rewritten in a new format.
246		(1) The establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under section 231(b), including instruction incorporating phonemic awareness, systematic phonics, fluency, and reading comprehension, and instruction provided by volunteers or by personnel of a State or outlying area.	(1) Professional Quality and Career Advancement The establishment or operation of a professional quality and career advancement system to improve the quality of instruction and program management provided pursuant to local activities required under section 231 (b) based on professional development quality standards, including evidence-based practice.	

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247		(2) The provision of technical assistance to eligible providers of adult education and literacy activities.	A. Ensure participation in professional development that is responsive to practitioner and learner needs for adult basic education, adult ESOL, adult secondary education practitioners that will help them be effective teachers, program administrators, tutors, learner leaders, counselors, and paraprofessionals, including one or more of the following activities:	
248		(3) The provision of technology assistance, including staff training, to eligible providers of adult education and literacy activities to enable the eligible providers to improve the quality of such activities.	i. Establishing pathways to careers through credentials, degrees, and career ladders that are linked to compensation commensurate with experience and qualifications.	
249		(4) The support of State or regional networks of literacy resource centers.		
250		(5) The monitoring and evaluation of the quality of, and the improvement in, adult education and literacy activities.		
251		(6) Incentives for--		
252		(A) program coordination and integration; and		
253		(B) performance awards.		
254			(2) Development, Implementation, and Technical Assistance Develop and implement programs and provide technical assistance to local providers of adult education and literacy activities, including one or more of the following:	
255		(7) Developing and disseminating curricula, including curricula incorporating phonemic awareness, systematic phonics, fluency, and reading comprehension.	A. Developing and disseminating evidence-based instructional and programmatic practices.	

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256		(8) Other activities of statewide significance that promote the purpose of this title.	B. Providing technology assistance, including staff training, to eligible providers of adult education and literacy activities. This assistance includes but is not limited to: integrating technology in the classroom, distance learning, and using blends of classroom and distance learning.	
257		(9) Coordination with existing support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, to adults enrolled in such activities.	C. Supporting state or regional networks of literacy resource centers and/or state or regional volunteer literacy offices.	
258		(10) Integration of literacy instruction and occupational skill training, and promoting linkages with employers.	D. Developing and disseminating curricula, including curricula related to reading instruction for adults and contextualized learning related to high demand jobs.	
259		(11) Linkages with postsecondary educational institutions.	E. Coordinating with existing support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, to adults enrolled in such activities.	
260			F. Integrating literacy instruction and occupational skills training for those learners with job acquisition goals, and promoting linkages with employers.	
261			G. Developing and implementing a system to assist adults in transitioning from adult education to postsecondary education, including linkages with postsecondary educational institutions.	

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262			H. Developing and implementing technology applications and distance learning, and models that blend classroom and distance learning, including (A) professional development to support the use of instructional technology and (B) the use of technology and distance learning to serve those on waiting lists, those who temporarily cannot attend classes, and those enrolled in classes who want to supplement or accelerate their learning	
263			I. Activities promoting workplace literacy programs.	
264			J. Activities promoting and complementing local outreach initiatives.	
265			K. Career and College Pathway Services that integrate adult education services and postsecondary education and training content or which dually or concurrently enroll students in adult education services and postsecondary education and training that lead to industry-based certification or institutionally-granted certification, diplomas, or degrees necessary for high demand jobs.	
266			L. In cooperation with efforts funded under section 243, developing curriculum frameworks and rigorous content standards.	
267			M. Developing and implementing programs and services to meet the needs of adult learners with learning disabilities or limited English proficiency.	
268			N. Providing learner leadership activities, including, but not limited to, learner involvement in developing professional development policy, delivering professional development, and participating in learner leadership activities.	

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269			O. Activities promoting health literacy partnerships and programs.	
270			P. Other activities of statewide significance that promote the purpose of this title.	
271				
272			(3) Monitoring and Evaluation Provide for the monitoring and evaluation of the quality of, and the improvement in, adult education and literacy activities.	
273				
274			(4) Provide Incentives for capacity building by:	
275			A. Coordination and integration among eligible providers	
276			B. Program Performance	
277			C. Hiring full-time instructors, and	
278			D. Hiring full time program leadership	
279				
280		(b) COLLABORATION- In carrying out this section, eligible agencies shall collaborate where possible, and avoid duplicating efforts, in order to maximize the impact of the activities described in subsection (a).	Retains current law	
281		(c) STATE-IMPOSED REQUIREMENTS- Whenever a State or outlying area implements any rule or policy relating to the administration or operation of a program authorized under this subtitle that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State or outlying area interpretation of a Federal statute, regulation, or guideline), the State or outlying area shall identify, to eligible providers, the rule or policy as being State- or outlying area-imposed.	Retains current law	
282				
283	SEC. 224. STATE PLAN			
284		(a) 5-YEAR PLANS-	(a) 6-Year Plans-	

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1	National Council of State Directors of Adult Education (NCSDAE) WIA Title II Amendment Recommendations--February 16, 2011			
285		(1) IN GENERAL - Each eligible agency desiring a grant under this subtitle for any fiscal year shall submit to, or have on file with, the Secretary a 5-year State plan.	(1) IN GENERAL - Each eligible agency desiring a grant under this title for any fiscal year shall submit to, or have on file with, the Secretary a 6-year State plan.	
286		(2) COMPREHENSIVE PLAN OR APPLICATION - The eligible agency may submit the State plan as part of a comprehensive plan or application for Federal education assistance.	Retains current law	
287				
288		(b) PLAN CONTENTS - In developing the State plan, and any revisions to the State plan, the eligible agency shall include in the State plan or revisions--	Retains current law	
289		(1) an objective assessment of the needs of individuals in the State or outlying area for adult education and literacy activities, including individuals most in need or hardest to serve;	Retains current law	
290		(2) a description of the adult education and literacy activities that will be carried out with any funds received under this subtitle;	Retains current law	
291		(3) a description of how the eligible agency will evaluate annually the effectiveness of the adult education and literacy activities based on the performance measures described in section 212;	Retains current law	
292		(4) a description of the performance measures described in section 212 and how such performance measures will ensure the improvement of adult education and literacy activities in the State or outlying area;	Retains current law	

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293		(5) an assurance that the eligible agency will award not less than one grant under this subtitle to an eligible provider who offers flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities, or individuals with other special needs, to participate in adult education and literacy activities, which eligible provider shall attempt to coordinate with support services that are not provided under this subtitle prior to using funds for adult education and literacy activities provided under this subtitle for support services;	Retains current law	
294		(6) an assurance that the funds received under this subtitle will not be expended for any purpose other than for activities under this subtitle;	Retains current law	
295		(7) a description of how the eligible agency will fund local activities in accordance with the considerations described in section 231(e);	Retains current law	
296		(8) an assurance that the eligible agency will expend the funds under this subtitle only in a manner consistent with fiscal requirements in section 241;	Retains current law	

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297		(9) a description of the process that will be used for public participation and comment with respect to the State plan;	(9) a description of the process that will be used for public participation and comment with respect to the state plan. Participants shall include, but not be limited to the following: adult learners, the Governor, State officials representing public schools, eligible providers, community colleges, welfare agencies, agencies that provide services to individuals with disabilities, other State agencies that promote or operate adult education and literacy activities, direct providers of adult literacy services, the State agency for higher education, the State Workforce Investment Board, institutions responsible for professional development of adult education and literacy education program instructors, institutions of higher education, representatives of business and industry, immigrant and refugee assistance programs, health care stakeholders, community based organizations and other adult literacy stakeholders.	
298				
299		(10) a description of how the eligible agency will develop program strategies for populations that include, at a minimum--		
300		(A) low-income students;		
301		(B) individuals with disabilities;		
302		(C) single parents and displaced homemakers; and		
303		(D) individuals with multiple barriers to educational enhancement, including individuals with limited English proficiency;		
304			(E) the unemployed;	
305			(F) the underemployed	

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306		(11) a description of how the adult education and literacy activities that will be carried out with any funds received under this subtitle will be integrated with other adult education, career development, and employment and training activities in the State or outlying area served by the eligible agency; and	Retains current law	
307		(12) a description of the steps the eligible agency will take to ensure direct and equitable access, as required in section 231(c)(1).		
308				
309			(13) a description of how the eligible agency will improve the quality of instruction and the professional development of eligible providers funded under this Act.	
310				
311			(14) a description of how the eligible agency will consult with any State agency responsible for postsecondary education to develop adult education programs and services (including academic skill development and support services) that prepare students to enter postsecondary education or occupational training without the need for remediation.	
312			(15) a description of how the eligible agency will consult with the State agency responsible for workforce development to ensure adult education programs and services are designed to prepare students to enter the workforce;	
313			(16) a description of how the eligible agency will build upon the capacity of local programs to create career pathways programs for those learners with job acquisition goals.	
314			(17) a description of how the eligible agency will provide incentives for capacity building by:	

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315			A. Coordination and integration among eligible providers	
316			B. Program Performance	
317			C. Hiring full-time instructors, and	
318			D. Hiring full time program leadership	
319				
320				
321				
322		(c) PLAN REVISIONS- When changes in conditions or other factors require substantial revisions to an approved State plan, the eligible agency shall submit the revisions to the State plan to the Secretary.	Retains current law	
323				
324		(d) CONSULTATION- The eligible agency shall--		
325		(1) submit the State plan, and any revisions to the State plan, to the Governor of the State or outlying area for review and comment; and	Retains current law	
326		(2) ensure that any comments by the Governor regarding the State plan, and any revision to the State plan, are submitted to the Secretary.	Retains current law	
327				
328		e) PEER REVIEW- The Secretary shall establish a peer review process to make recommendations regarding the approval of State plans.	DELETE	
329				
330		(f) PLAN APPROVAL- A State plan submitted to the Secretary shall be approved by the Secretary unless the Secretary makes a written determination, within 90 days after receiving the plan, that the plan is inconsistent with the specific provisions of this subtitle.	Retains current law	
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339	SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS			
340		(a) PROGRAM AUTHORIZED- From funds made available under section 222(a)(1) for a fiscal year, each eligible agency shall carry out corrections education or education for other institutionalized individuals.	Retains current law	
341				
342		(b) USES OF FUNDS- The funds described in subsection (a) shall be used for the cost of educational programs for criminal offenders in correctional institutions and for other institutionalized individuals, including academic programs for--	Retains current law	
343		(1) basic education;	(A) in paragraph (1), by striking `basic education' and inserting `adult education and literacy activities';	
344		(2) special education programs as determined by the eligible agency;	Retains current law	
345		(3) English literacy programs; and	English literacy and language acquisition programs; and	
346		(4) secondary school credit programs.	(4) secondary school credit or diploma programs or their recognized equivalent.	
347			(5) career and college pathways services	
348				

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349		(c) PRIORITY- Each eligible agency that is using assistance provided under this section to carry out a program for criminal offenders in a correctional institution shall give priority to serving individuals who are likely to leave the correctional institution with 5 years of participation in the program.	Retains current law	
350				
351		(d) DEFINITION OF CRIMINAL OFFENDER-	in subsection (d), by striking `DEFINITION OF CRIMINAL OFFENDER- ' and inserting `DEFINITIONS- In this section:'.	
352		(1) CRIMINAL OFFENDER- The term `criminal offender' means any individual who is charged with or convicted of any criminal offense.	Retains current law	
353		(2) CORRECTIONAL INSTITUTION- The term `correctional institution' means any--	Retains current law	
354		(A) prison;		
355		(B) jail;		
356		(C) reformatory;		
357		(D) work farm;		
358		(E) detention center; or		
359		(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.		
360				
361	CHAPTER 3--LOCAL PROVISIONS			
362				
363	SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.			
364				

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365		(a) GRANTS AND CONTRACTS- From grant funds made available under section 211(b), each eligible agency shall award multiyear grants or contracts, on a competitive basis, to eligible providers within the State or outlying area to enable the eligible providers to develop, implement, and improve adult education and literacy activities within the State.	Retains current law	
366				
367		(b) REQUIRED LOCAL ACTIVITIES- The eligible agency shall require that each eligible provider receiving a grant or contract under subsection (a) use the grant or contract to establish or operate one or more programs that provide services or instruction in one or more of the following categories:	Retains current law	
368		(1) Adult education and literacy services, including workplace literacy services.	(1) Adult education and literacy services, including career and college pathway services and workplace literacy services.	
369		(2) Family literacy services.	Retain current law	
370		(3) English literacy programs	(3) English literacy and language acquisition programs.	
371				
372		(c) DIRECT AND EQUITABLE ACCESS; SAME PROCESS- Each eligible agency receiving funds under this subtitle shall ensure that--	Retains current law	
373		(1) all eligible providers have direct and equitable access to apply for grants or contracts under this section; and	(1) all eligible providers have direct and equitable access to apply and compete for grants and contracts under this section	
374		(2) the same grant or contract announcement process and application process is used for all eligible providers in the State or outlying area.	Retains current law	
375				

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376		d) SPECIAL RULE- Each eligible agency awarding a grant or contract under this section shall not use any funds made available under this subtitle for adult education and literacy activities for the purpose of supporting or providing programs, services, or activities for individuals who are not individuals described in subparagraphs (A) and (B) of section 203(1), except that such agency may use such funds for such purpose if such programs, services, or activities are related to family literacy services. In providing family literacy services under this subtitle, an eligible provider shall attempt to coordinate with programs and services that are not assisted under this subtitle prior to using funds for adult education and literacy activities under this subtitle for activities other than adult education activities.	Retains current law	
377				

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378		(e) CONSIDERATIONS- In awarding grants or contracts under this section, the eligible agency shall consider--	After "shall consider", insert "combinations of the following considerations that are appropriate to the specialties of the applying eligible provider--	Under open and competitive bidding, a program can propose to use its talents to address one segment of the target population. For example, a program may wish to respond to the needs of business by focusing on the GED population with emphasis on transition to postsecondary. As a result, its commitment to consideration #3 regarding low level learners or #12, a demonstration for English literacy needs, may not be appropriate. There may be other providers in the community that respond to those needs in an open and competitive environment. Likewise, a community based Hispanic organization may focus its talents on beginning English literacy instruction. As a result, its application should be judged only on the considerations that apply to its application.
379		(1) the degree to which the eligible provider will establish measurable goals for participant outcomes;	Retains current law	
380		(2) the past effectiveness of an eligible provider in improving the literacy skills of adults and families, and, after the 1-year period beginning with the adoption of an eligible agency's performance measures under section 212, the success of an eligible provider receiving funding under this subtitle in meeting or exceeding such performance measures, especially with respect to those adults with the lowest levels of literacy;	Retains current law	

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381		(3) the commitment of the eligible provider to serve individuals in the community who are most in need of literacy services, including individuals who are low-income or have minimal literacy skills;	(3) the commitment of the eligible provider to be responsive to local needs and to serve individuals in the community who were identified by the assessment as most in need of adult literacy services, including individuals who are low-income, have minimal literacy skills, have learning disabilities, or have limited English proficiency;'	
382		(4) whether or not the program--		
383		(A) is of sufficient intensity and duration for participants to achieve substantial learning gains; and		
384		(B) uses instructional practices, such as phonemic awareness, systematic phonics, fluency, and reading comprehension that research has proven to be effective in teaching individuals to read;	by striking ` , such as' and all that follows through the semicolon and inserting `that include the essential components of reading instruction;'	
385		(5) whether the activities are built on a strong foundation of research and effective educational practice;	by striking `research' and inserting `evidence-based practice."	
386		(6) whether the activities effectively employ advances in technology, as appropriate, including the use of computers;	Insert at the end "and basic computer literacy."	
387		(7) whether the activities provide learning in real life contexts to ensure that an individual has the skills needed to compete in the workplace and exercise the rights and responsibilities of citizenship;	Retains current law	
388		(8) whether the activities are staffed by well-trained instructors, counselors, and administrators;	Retains current law	

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389		(9) whether the activities coordinate with other available resources in the community, such as by establishing strong links with elementary schools and secondary schools, postsecondary educational institutions, one-stop centers, job training programs, and social service agencies;	by inserting 'education, job training, and social service' after 'other available'	
390		(10) whether the activities offer flexible schedules and support services (such as child care and transportation) that are necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs;	Retains current law	
391		(11) whether the activities maintain a high-quality information management system that has the capacity to report participant outcomes and to monitor program performance against the eligible agency performance measures; and	'(11) the activities include a high-quality information management system that has the capacity to report measurable participant outcomes and to monitor program performance against the performance measures established by the eligible agency;	
392		(12) whether the local communities have a demonstrated need for additional English literacy programs.	'(12) whether the local communities have a demonstrated need for additional English language acquisition programs;	
393				
394			(13) whether the program will create career and college pathways services for those learners with job acquisition goals.	
395			(14) whether the program has established special programs and plans to increase the transition of students to postsecondary education without the need for remediation.	
396			15) whether the program demonstrates provisions for co-enrollment with Title I programs that provide for career counseling, job placement and support services.	

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397			(16) whether the program provides learner-centered curricula and instruction designed to meet the individual learning styles, challenges, abilities and learning goals of each individual adult learner from those adults with the lowest levels of literacy to individuals preparing to transition to postsecondary education.	
398				
399	SEC. 232. LOCAL APPLICATION			
400		Each eligible provider desiring a grant or contract under this subtitle shall submit an application to the eligible agency containing such information and assurances as the eligible agency may require, including--	Retains current law	
401		(1) a description of how funds awarded under this subtitle will be spent; and		
402		(2) a description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult education and literacy activities.		
403				
404	SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS			
405		(a) IN GENERAL - Subject to subsection (b), of the amount that is made available under this subtitle to an eligible provider--	Retains current law	
406		(1) not less than 95 percent shall be expended for carrying out adult education and literacy activities; and		
407		(2) the remaining amount, not to exceed 5 percent, shall be used for planning, administration, personnel development, and interagency coordination.		
408				

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409		(b) SPECIAL RULE- In cases where the cost limits described in subsection (a) are too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination, the eligible provider shall negotiate with the eligible agency in order to determine an adequate level of funds to be used for noninstructional purposes.	Retains current law	
410				
411	CHAPTER 4-- GENERAL PROVISIONS			
412				
413	SEC. 241. ADMINISTRATIVE PROVISIONS.			
414		(a) SUPPLEMENT NOT SUPPLANT- Funds made available for adult education and literacy activities under this subtitle shall supplement and not supplant other State or local public funds expended for adult education and literacy activities.	Retains current law	
415				
416		(b) MAINTENANCE OF EFFORT-	Retains current law for all provisions	
417		(1) IN GENERAL-		
418		(A) DETERMINATION- An eligible agency may receive funds under this subtitle for any fiscal year if the Secretary finds that the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy activities, in the second preceding fiscal year, was not less than 90 percent of the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy activities, in the third preceding fiscal year.		

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419		(B) PROPORTIONATE REDUCTION- Subject to paragraphs (2), (3), and (4), for any fiscal year with respect to which the Secretary determines under subparagraph (A) that the fiscal effort or the aggregate expenditures of an eligible agency for the preceding program year were less than such effort or expenditures for the second preceding program year, the Secretary--		
420		(i) shall determine the percentage decreases in such effort or in such expenditures; and		
421		(ii) shall decrease the payment made under this subtitle for such program year to the agency for adult education and literacy activities by the lesser of such percentages.		
422		(2) COMPUTATION- In computing the fiscal effort and aggregate expenditures under paragraph (1), the Secretary shall exclude capital expenditures and special one-time project costs.		
423		(3) DECREASE IN FEDERAL SUPPORT- If the amount made available for adult education and literacy activities under this subtitle for a fiscal year is less than the amount made available for adult education and literacy activities under this subtitle for the preceding fiscal year, then the fiscal effort per student and the aggregate expenditures of an eligible agency required in order to avoid a reduction under paragraph (1)(B) shall be decreased by the same percentage as the percentage decrease in the amount so made available.		

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424		(4) WAIVER - The Secretary may waive the requirements of this subsection for 1 fiscal year only, if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or an unforeseen and precipitous decline in the financial resources of the State or outlying area of the eligible agency. If the Secretary grants a waiver under the preceding sentence for a fiscal year, the level of effort required under paragraph (1) shall not be reduced in the subsequent fiscal year because of the waiver.		
425				
426	SEC. 243. NATIONAL LEADERSHIP ACTIVITIES.			
427				
428		The Secretary shall establish and carry out a program of national leadership activities to enhance the quality of adult education and literacy programs nationwide. Such activities may include the following:	1. "The Secretary shall establish and carry out a program of national leadership activities to enhance the quality of adult education and literacy programs nationwide. The Secretary shall appoint an advisory board of practitioners to make recommendations regarding the use of these funds. Such activities may include the following."	
429				
430		(1) Technical assistance, including--		
431		(A) assistance provided to eligible providers in developing and using performance measures for the improvement of adult education and literacy activities, including family literacy services;		

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432		(B) assistance related to professional development activities, and assistance for the purposes of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education and literacy activities, including family literacy services, based on scientific evidence where available; and	(B) assistance related to professional development activities, and assistance for the purpose of developing, improving, identifying and disseminating the most successful methods and techniques for providing adult education and literacy activities based on evidence-based practice. Such assistance shall be targeted to individuals who a) administer programs providing adult education and literacy services; and b) provide direct instruction to adults in adult education and literacy programs.	
433		(C) assistance in distance learning and promoting and improving the use of technology in the classroom.	Amend to read "assistance in distance learning, promoting and improving the use of technology in the classroom, and models which blend face-to-face and distance learning.	
434			(D) assistance in designing, implementing and evaluating career and college pathway services that integrate adult education services and postsecondary education and training content or which dually or concurrently enroll students in adult education services and postsecondary education and training that lead to industry-based certification or institutionally-granted certification, diplomas, or degrees necessary for high demand jobs."	
435			(2) Supporting, in collaboration with the National Center for Education Statistics, a regularly recurring survey of adults aged 16 and older in the United States in order to provide a nationally representative assessment of English literacy among American adults. Such survey should be conducted at a minimum of once every ten years, and results disseminated, in a timely manner and should be funded by the National Center for Education Statistics.	

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436		(2) Funding national leadership activities that are not described in paragraph (1), either directly or through grants, contracts, or cooperative agreements awarded on a competitive basis to or with postsecondary educational institutions, public or private organizations or agencies, or consortia of such institutions, organizations, or agencies, such as--	Becomes (3)	
437		(A) developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults, including instructional practices using phonemic awareness, systematic phonics, fluency, and reading comprehension, based on the work of the National Institute of Child Health and Human Development;	A) developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults, including the use of technology, distance and blended learning and reading research;	
438		(B) increasing the effectiveness of, and improving the quality of, adult education and literacy activities, including family literacy services;		
439		(C) carrying out research, such as estimating the number of adults functioning at the lowest levels of literacy proficiency;	Revise to read, "carrying out research on a regularly recurring schedule on the number of adults functioning at different levels of literacy proficiency."	
440		(D)(i) carrying out demonstration programs;	Retains current law	
441		(ii) developing and replicating model and innovative programs, such as the development of models for basic skill certificates, identification of effective strategies for working with adults with learning disabilities and with individuals with limited English proficiency who are adults, and workplace literacy programs; and	(ii) developing and replicating model and innovative programs,	

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442		(iii) disseminating best practices information, including information regarding promising practices resulting from federally funded demonstration programs;		
443		(E) providing for the conduct of an independent evaluation and assessment of adult education and literacy activities through studies and analyses conducted independently through grants and contracts awarded on a competitive basis, which evaluation and assessment shall include descriptions of--		
444		(i) the effect of performance measures and other measures of accountability on the delivery of adult education and literacy activities, including family literacy services;		
445		(ii) the extent to which the adult education and literacy activities, including family literacy services, increase the literacy skills of adults (and of children, in the case of family literacy services), lead the participants in such activities to involvement in further education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes, such as reductions in recidivism in the case of prison-based adult education and literacy activities;		
446		(iii) the extent to which the provision of support services to adults enrolled in adult education and family literacy programs increase the rate of enrollment in, and successful completion of, such programs; and		
447		(iv) the extent to which eligible agencies have distributed funds under section 231 to meet the needs of adults through community-based organizations;		

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448		(F) supporting efforts aimed at capacity building at the State and local levels, such as technical assistance in program planning, assessment, evaluation, and monitoring of activities carried out under this subtitle;	(F) supporting efforts aimed at capacity building at the state and local levels, such as technical assistance in program planning, assessment, evaluation, the incorporation of technology into instruction, professional development and program management, and monitoring of activities carried out under this subtitle;	
449		(G) collecting data, such as data regarding the improvement of both local and State data systems, through technical assistance and development of model performance data collection systems; and		
450			(H) carrying out activities related to the health literacy of adults.	
451			(I) Make funding available for the implementation of accountability requirements, pilot testing of innovations that involve development of new program designs, models and curricula for adult English language learners.	
452				
453		(H) other activities designed to enhance the quality of adult education and literacy activities nationwide.	Becomes (J)	
454			"2. The Secretary shall establish and carry out a program of national leadership activities to enhance the quality of adult education and literacy programs nationwide. The Secretary shall appoint an advisory board of practitioners to make recommendations regarding the use of these funds. Such activities shall include the following."	
455			a. Provide protocols for data collection and reporting "statistically significant increases in educational gains" to replace the current Educational Functioning Levels by convening a panel of experts to design those protocols.	

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456			b. Provide research based protocols for all assessment guidance by convening a panel of experts to design those protocols.	
457				
458			K. Collaborate with the Institute for Education Sciences on a national adult education research center	
459			Chapter 4 of subtitle A of title II (29 U.S.C. 9251 et seq.) is amended by adding at the end the following:	
460				
461			SEC. 244. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.	This entire section
462				
463			(a) IN GENERAL- From funds made available under section 211(a)(4) for each fiscal year, the Secretary shall award grants to States, from allotments under subsection (b), for integrated English literacy and civics education.	
464				
465			(b) ALLOTMENT-	
466				
467			(1) IN GENERAL- Subject to paragraph (2), from amounts made available under section 211(a)(4) for a fiscal year, the Secretary shall allocate--	
468			(A) 65 percent to the States on the basis of a State's need for integrated English literacy and civics education, as determined by calculating each State's share of a 10-year average of the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence for the 10 most recent years; and	

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469			(B) 35 percent to the States on the basis of whether the State experienced growth, as measured by the average of the 3 most recent years for which the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence are available.	
470			(2) MINIMUM- No State shall receive an allotment under paragraph (1) in an amount that is less than \$60,000.'	