

1     **TITLE III—ADULT EDUCATION**  
2                     **AND LITERACY**

3     **SEC. 301. SHORT TITLE.**

4             This title may be cited as the “Adult Education and  
5 Family Literacy Act”.

6     **SEC. 302. PURPOSE.**

7             It is the purpose of this title to create a partnership  
8 among the Federal Government, States, and localities to  
9 provide, on a voluntary basis, adult education and literacy  
10 activities, in order to—

11             (1) assist adults to become literate and obtain  
12 the knowledge and skills necessary for employment  
13 and economic self-sufficiency;

14             (2) assist adults who are parents to obtain the  
15 education and skills that—

16             (A) are necessary to becoming full partners  
17 in the educational development of their chil-  
18 dren; and

19             (B) lead to sustainable improvements in  
20 the economic opportunities for their family;

21             (3) assist adults in attaining a secondary school  
22 diploma and in the transition to postsecondary edu-  
23 cation and training, through career pathways; and

1           (4) assist immigrants and other individuals who  
2           are English language learners in—

3           (A) improving their—

4           (i) reading, writing, speaking, and  
5           comprehension skills in English; and

6           (ii) mathematics skills; and

7           (B) acquiring an understanding of the  
8           American system of Government, individual  
9           freedom, and the responsibilities of citizenship.

10 **SEC. 303. DEFINITIONS.**

11       In this title:

12           (1) ADULT EDUCATION.—The term “adult edu-  
13           cation” means academic instruction and education  
14           services below the postsecondary level that increase  
15           an individual’s ability to—

16           (A) read, write, and speak in English and  
17           perform mathematics or other activities nec-  
18           essary for the attainment of a secondary school  
19           diploma or its recognized equivalent;

20           (B) transition to postsecondary education  
21           and training; and

22           (C) obtain employment.

23           (2) ADULT EDUCATION AND LITERACY ACTIVI-  
24           TIES.—The term “adult education and literacy ac-  
25           tivities” means programs, activities, and services

1 that include adult education, literacy, workplace  
2 adult education and literacy activities, family literacy  
3 activities, English language acquisition activities,  
4 workforce preparation activities, or integrated edu-  
5 cation and training.

6 (3) ELIGIBLE AGENCY.—The term “eligible  
7 agency” means the sole entity or agency in a State  
8 or an outlying area responsible for administering or  
9 supervising policy for adult education and literacy  
10 activities in the State or outlying area, respectively,  
11 consistent with the law of the State or outlying area,  
12 respectively.

13 (4) ELIGIBLE INDIVIDUAL.—The term “eligible  
14 individual” means an individual—

15 (A) who has attained 16 years of age;

16 (B) who is not enrolled or required to be  
17 enrolled in secondary school under State law;  
18 and

19 (C) who—

20 (i) is basic skills deficient, as defined  
21 in section 101;

22 (ii) does not have a secondary school  
23 diploma or its recognized equivalent, and  
24 has not achieved an equivalent level of edu-  
25 cation; or

1 (iii) is an English language learner.

2 (5) ELIGIBLE PROVIDER.—The term “eligible  
3 provider” means an organization that has dem-  
4 onstrated effectiveness in providing adult education  
5 and literacy activities that may include —

6 (A) a local educational agency;

7 (B) a community-based organization;

8 (C) a volunteer literacy organization;

9 (D) an institution of higher education;

10 (E) a public or private nonprofit agency;

11 (F) a library;

12 (G) a public housing authority;

13 (H) a nonprofit institution that is not de-  
14 scribed in any of subparagraphs (A) through  
15 (G) and has the ability to provide adult edu-  
16 cation and literacy activities to eligible individ-  
17 uals;

18 (I) a consortium or coalition of the agen-  
19 cies, organizations, institutions, libraries, or au-  
20 thorities described in any of subparagraphs (A)  
21 through (H); and

22 (J) a partnership between an employer and  
23 an entity described in any of subparagraphs (A)  
24 through (I).

1           (6) ENGLISH LANGUAGE ACQUISITION PRO-  
2           GRAM.—The term “English language acquisition  
3           program” means a program of instruction—

4           (A) designed to help eligible individuals  
5           who are English language learners achieve com-  
6           petence in reading, writing, speaking, and com-  
7           prehension of the English language; and

8           (B) that leads to—

9           (i) attainment of a secondary school  
10          diploma or its recognized equivalent;

11          (ii) transition to postsecondary edu-  
12          cation and training; and

13          (iii) employment.

14          (7) ENGLISH LANGUAGE LEARNER.—The term  
15          “English language learner” when used with respect  
16          to an eligible individual, means an eligible individual  
17          who has limited ability in reading, writing, speaking,  
18          or comprehending the English language, and—

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

21          (B) who lives in a family or community en-  
22          vironment where a language other than English  
23          is the dominant language.

24          (8) ESSENTIAL COMPONENTS OF READING IN-  
25          STRUCTION.—The term “essential components of

1 reading instruction” has the meaning given the term  
2 in section 1208 of the Elementary and Secondary  
3 Education Act of 1965 (20 U.S.C. 6368).

4 (9) FAMILY LITERACY ACTIVITIES.—The term  
5 “family literacy activities” means activities that are  
6 of sufficient intensity in terms of hours, and of suffi-  
7 cient duration, to make sustainable improvements in  
8 the economic prospects for a family and that better  
9 enable parents to support their children’s learning  
10 needs, and that integrate all of the following activi-  
11 ties:

12 (A) Parent adult education and literacy ac-  
13 tivities that lead to readiness for postsecondary  
14 education or training, career advancement, and  
15 economic self-sufficiency.

16 (B) Interactive literacy activities between  
17 parents and their children.

18 (C) Training for parents regarding how to  
19 be the primary teacher for their children and  
20 full partners in the education of their children.

21 (D) An age-appropriate education to pre-  
22 pare children for success in school and life ex-  
23 periences.

24 (10) INSTITUTION OF HIGHER EDUCATION.—  
25 The term “institution of higher education” has the

1 meaning given the term in section 101 of the Higher  
2 Education Act of 1965 (20 U.S.C. 1001).

3 (11) INTEGRATED EDUCATION AND TRAIN-  
4 ING.—The term “integrated education and training”  
5 means a service approach that provides adult edu-  
6 cation and literacy activities concurrently and con-  
7 textually with workforce preparation activities and  
8 workforce training for a specific occupation or occu-  
9 pational cluster for the purpose of educational or ca-  
10 reer advancement.

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

16 (13) POSTSECONDARY EDUCATIONAL INSTITU-  
17 TION.—The term “postsecondary educational institu-  
18 tion” means—

19 (A) an institution of higher education that  
20 provides not less than a 2-year program of in-  
21 struction that is acceptable for credit toward a  
22 bachelor’s degree;

23 (B) a tribally controlled community college;  
24 or

1           (C) a nonprofit educational institution of-  
2           fering certificate or apprenticeship programs at  
3           the postsecondary level.

4           (14) SECRETARY.—The term “Secretary”  
5           means the Secretary of Education.

6           (15) WORKPLACE ADULT EDUCATION AND LIT-  
7           ERACY ACTIVITIES.—The term “workplace adult  
8           education and literacy activities” means adult edu-  
9           cation and literacy activities offered by an eligible  
10          provider in collaboration with an employer or em-  
11          ployee organization at a workplace or an off-site lo-  
12          cation that is designed to improve the productivity  
13          of the workforce.

14          (16) WORKFORCE PREPARATION ACTIVITIES.—  
15          The term “workforce preparation activities” means  
16          activities, programs, or services designed to help an  
17          individual acquire a combination of basic academic  
18          skills, critical thinking skills, and self-management  
19          skills, including competencies in utilizing resources,  
20          using information, working with others, under-  
21          standing systems, working with technology, and  
22          skills necessary for successful transition into and  
23          completion of postsecondary education or training,  
24          or employment.

1 **SEC. 304. HOME SCHOOLS.**

2 Nothing in this title shall be construed to affect home  
3 schools, whether a home school is treated as a home school  
4 or a private school under State law, or to compel a parent  
5 engaged in home schooling to participate in adult edu-  
6 cation and literacy activities.

7 **SEC. 305. RULE OF CONSTRUCTION REGARDING POSTSEC-**  
8 **ONDARY TRANSITION AND CONCURRENT EN-**  
9 **ROLLMENT ACTIVITIES.**

10 Nothing in this title shall be construed to prohibit  
11 or discourage the use of funds provided under this title  
12 for adult education and literacy activities that help eligible  
13 individuals transition to postsecondary education and  
14 training or employment, or for concurrent enrollment ac-  
15 tivities.

16 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to carry out  
18 this title such sums as may be necessary for each of the  
19 fiscal years 2012 through 2016.

20 **Subtitle A—Federal Provisions**

21 **SEC. 311. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE**  
22 **AGENCIES; ALLOTMENTS.**

23 (a) RESERVATION OF FUNDS.—

24 (1) IN GENERAL.—From the sum appropriated  
25 under section 306 for a fiscal year, the Secretary—

1 (A) shall reserve 1.5 percent to carry out  
2 section 342, except that the amount so reserved  
3 shall not exceed \$10,000,000;

4 (B) shall reserve 1.5 percent to carry out  
5 section 343 and subsection (g), except that the  
6 amount so reserved shall not exceed  
7 \$8,000,000; and

8 (C) shall reserve 12 percent of the amount  
9 that remains after reserving funds under sub-  
10 paragraphs (A) and (B) to carry out section  
11 344.

12 (2) WORKFORCE INNOVATION FUND.—For each  
13 fiscal year for which the amount appropriated under  
14 section 306 exceeds the amount appropriated under  
15 such section for fiscal year 2010, prior to carrying  
16 out the reservations under paragraph (1), the Sec-  
17 retary shall reserve, subject to section 142(a)(2),  $\frac{1}{2}$   
18 of the amount that is in excess of the amount appro-  
19 priated for fiscal year 2010 to carry out subtitle C  
20 of title I not to exceed \$50,000,000.

21 (b) GRANTS TO ELIGIBLE AGENCIES.—

22 (1) IN GENERAL.—From the sum appropriated  
23 under section 306 and not reserved under subsection  
24 (a) for a fiscal year, the Secretary shall award a  
25 grant to each eligible agency having a unified State

1 plan approved under section 112 or a combined  
2 State plan approved under section 113 in an amount  
3 equal to the sum of the initial allotment under sub-  
4 section (c)(1) and the additional allotment under  
5 subsection (c)(2) for the eligible agency for the fiscal  
6 year, subject to subsections (f) and (h), to enable the  
7 eligible agency to carry out the activities assisted  
8 under this title.

9 (2) PURPOSE OF GRANTS.—The Secretary may  
10 award a grant under paragraph (1) only if the eligi-  
11 ble entity involved agrees to expend the grant for  
12 adult education and literacy activities in accordance  
13 with the provisions of this title.

14 (c) ALLOTMENTS.—

15 (1) INITIAL ALLOTMENTS.—From the sum ap-  
16 propriated under section 306 and not reserved under  
17 subsection (a) for a fiscal year, the Secretary shall  
18 allot to each eligible agency having a unified State  
19 plan approved under section 112 or a combined  
20 State plan approved under section 113—

21 (A) \$100,000, in the case of an eligible  
22 agency serving an outlying area, except as pro-  
23 vided in subsection (e); and

24 (B) \$250,000, in the case of any other eli-  
25 gible agency.

1           (2) ADDITIONAL ALLOTMENTS.—From the sum  
2           appropriated under section 306, not reserved under  
3           subsection (a), and not allotted under paragraph (1),  
4           for a fiscal year, the Secretary shall allot to each eli-  
5           gible agency that receives an initial allotment under  
6           paragraph (1) an additional amount that bears the  
7           same relationship to such sum as the number of  
8           qualifying adults in the State or outlying area served  
9           by the eligible agency bears to the number of such  
10          adults in all States and outlying areas.

11          (d) QUALIFYING ADULT.—For the purpose of sub-  
12          section (c)(2), the term “qualifying adult” means an adult  
13          who—

14                 (1) is at least 16 years of age;

15                 (2) is beyond the age of compulsory school at-  
16          tendance under the law of the State or outlying  
17          area;

18                 (3) does not have a secondary school diploma or  
19          its recognized equivalent; and

20                 (4) is not enrolled in secondary school.

21          (e) SPECIAL RULE FOR THE REPUBLIC OF PALAU.—

22                 (1) IN GENERAL.—Notwithstanding subsection  
23          (c)(1)(A), from the sum appropriated under section  
24          306 and not reserved under subsection (a) for a fis-  
25          cal year, the Secretary shall allot to the Republic of

1 Palau, except during the period described in section  
2 101(45), an amount based on the recommendations  
3 of the Pacific Region Educational Laboratory under  
4 paragraph (2).

5 (2) AWARD BASIS TO PALAU.—For each fiscal  
6 year, the Pacific Region Educational Laboratory in  
7 Honolulu, Hawaii shall make recommendations to  
8 the Secretary concerning a grant amount to the Re-  
9 public of Palau based on the number of qualifying  
10 adults (as defined in subsection (d)) in the popu-  
11 lation of the Republic of Palau.

12 (3) ADMINISTRATIVE COSTS.—The Secretary  
13 may provide not more than 5 percent of the funds  
14 made available for grants under this subsection to  
15 pay the administrative costs of the Pacific Region  
16 Educational Laboratory regarding activities assisted  
17 under this subsection.

18 (f) HOLD-HARMLESS PROVISIONS.—

19 (1) IN GENERAL.—Notwithstanding subsection  
20 (e) and subject to paragraph (2), for fiscal year  
21 2011 and each succeeding fiscal year, no eligible  
22 agency shall receive an allotment under this section  
23 that is less than 90 percent of the allotment the eli-  
24 gible agency received for the preceding fiscal year  
25 under this section.

1           (2) 100 PERCENT ALLOTMENT.—Notwith-  
2 standing paragraphs (1) and (2) of subsection (e),  
3 for a fiscal year for which an eligible agency receives  
4 only an initial allotment under subsection (e)(1)  
5 (and no additional allotment under subsection  
6 (e)(2)) the eligible agency shall receive an allotment  
7 under this section that is equal to 100 percent of the  
8 initial allotment under subsection (e)(1).

9           (3) RATABLE REDUCTION.—If for any fiscal  
10 year the amount available for allotment under this  
11 title is insufficient to satisfy the provisions of para-  
12 graphs (1) and (2), the Secretary shall ratably re-  
13 duce the payments to all eligible agencies, as nec-  
14 essary.

15 (g) ADDITIONAL ASSISTANCE.—

16           (1) IN GENERAL.—From amounts reserved  
17 under subsection (a)(1)(B), the Secretary shall make  
18 grants to eligible agencies described in paragraph  
19 (2) to enable such agencies to provide activities au-  
20 thorized under subtitle B.

21           (2) ELIGIBILITY.—An eligible agency is eligible  
22 to receive a grant under this subsection for a fiscal  
23 year if the amount of the allotment such agency re-  
24 ceives under this section for the fiscal year is less  
25 than the amount such agency would have received

1 for the fiscal year if the allotment formula under  
2 this section as in effect on September 30, 2003,  
3 were in effect for such year.

4 (3) AMOUNT OF GRANT.—The amount of a  
5 grant made to an eligible agency under this sub-  
6 section for a fiscal year shall be the difference be-  
7 tween—

8 (A) the amount of the allotment such  
9 agency would have received for the fiscal year  
10 if the allotment formula under this section as in  
11 effect on September 30, 2003, were in effect for  
12 such year; and

13 (B) the amount of the allotment such  
14 agency receives under this section for the fiscal  
15 year.

16 (h) REALLOTMENT.—The portion of any eligible  
17 agency's allotment under this title for a fiscal year that  
18 the Secretary determines will not be required for the pe-  
19 riod such allotment is available for carrying out activities  
20 under this title, shall be available for reallocation from  
21 time to time, on such dates during such period as the Sec-  
22 retary shall fix, to other eligible agencies in proportion to  
23 the original allotments to such agencies under this title  
24 for such year.

25 (i) STUDY AND REPORT.—

1           (1) STUDY.—The Comptroller General of the  
2 United States shall conduct a study concerning the  
3 formula described in this section and, in conducting  
4 the study, shall, at a minimum—

5           (A) examine whether the formula results in  
6 a distribution of funds that sufficiently serves  
7 the entire population of individuals eligible for  
8 adult education and literacy activities under  
9 this title;

10           (B) examine whether the data used to  
11 count qualified adults, for purposes of the for-  
12 mula, accurately measure the population of in-  
13 dividuals eligible for the activities; and

14           (C) develop recommendations for improv-  
15 ing the formula so that the formula results in  
16 a distribution of funds that better serves that  
17 population and the data used to count qualified  
18 adults accurately measure that population.

19           (2) REPORT.—Not later than 3 years after the  
20 date of enactment of the Workforce Investment Act  
21 of 2011, the Comptroller General shall submit to the  
22 Committee on Health, Education, Labor, and Pen-  
23 sions of the Senate and the Committee on Education  
24 and the Workforce of the House of Representatives

1 a report containing the results of the study de-  
2 scribed in paragraph (1).

3 **SEC. 312. PERFORMANCE ACCOUNTABILITY SYSTEM.**

4 Programs and activities authorized in this title are  
5 subject to the performance accountability provisions de-  
6 scribed in section 131.

7 **Subtitle B—State Provisions**

8 **SEC. 321. STATE ADMINISTRATION.**

9 Each eligible agency shall be responsible for the State  
10 or outlying area administration of activities under this  
11 title, including—

12 (1) the development, implementation, and moni-  
13 toring of the relevant components of the unified  
14 State plan in section 112 or the combined State plan  
15 in section 113;

16 (2) consultation with other appropriate agen-  
17 cies, groups, and individuals that are involved in, or  
18 interested in, the development and implementation  
19 of activities assisted under this title; and

20 (3) coordination and nonduplication with other  
21 Federal and State education, training, corrections,  
22 public housing, and social service programs.

1 **SEC. 322. STATE DISTRIBUTION OF FUNDS; MATCHING RE-**  
2 **QUIREMENT.**

3 (a) STATE DISTRIBUTION OF FUNDS.—Each eligible  
4 agency receiving a grant under section 311(b) for a fiscal  
5 year—

6 (1) shall use not less than 80 percent of the  
7 grant funds to award grants and contracts under  
8 section 331 and to carry out section 325, of which  
9 not more than 25 percent of such amount shall be  
10 available to carry out section 325;

11 (2) shall use not more than 15 percent of the  
12 grant funds to carry out State leadership activities  
13 under section 323; and

14 (3) shall use not more than 5 percent of the  
15 grant funds, or \$75,000, whichever is greater, for  
16 the administrative expenses of the eligible agency.

17 (b) MATCHING REQUIREMENT.—

18 (1) IN GENERAL.—In order to receive a grant  
19 from the Secretary under section 311(b) each eligi-  
20 ble agency shall provide, for the costs to be incurred  
21 by the eligible agency in carrying out the adult edu-  
22 cation and literacy activities for which the grant is  
23 awarded, a non-Federal contribution in an amount  
24 that is not less than—

25 (A) in the case of an eligible agency serv-  
26 ing an outlying area, 12 percent of the total

1 amount of funds expended for adult education  
2 and literacy activities in the outlying area, ex-  
3 cept that the Secretary may decrease the  
4 amount of funds required under this subpara-  
5 graph for an eligible agency; and

6 (B) in the case of an eligible agency serv-  
7 ing a State, 25 percent of the total amount of  
8 funds expended for adult education and literacy  
9 activities in the State.

10 (2) NON-FEDERAL CONTRIBUTION.—An eligible  
11 agency's non-Federal contribution required under  
12 paragraph (1) may be provided in cash or in kind,  
13 fairly evaluated, and shall include only non-Federal  
14 funds that are used for adult education and literacy  
15 activities in a manner that is consistent with the  
16 purpose of this title.

17 **SEC. 323. STATE LEADERSHIP ACTIVITIES.**

18 (a) ACTIVITIES.—

19 (1) REQUIRED.—Each eligible agency shall use  
20 funds made available under section 322(a)(2) and  
21 from other funds available to the State for such pur-  
22 poses, for the following adult education and literacy  
23 activities to develop or enhance the adult education  
24 system of the State or outlying area:

1           (A) The alignment of adult education and  
2 literacy activities with other core programs and  
3 one-stop partners, including eligible providers,  
4 to implement the strategy identified in the uni-  
5 fied State plan under section 112 or the com-  
6 bined State plan under section 113, including  
7 the development of career pathways to provide  
8 access to employment and training services for  
9 individuals in adult education and literacy ac-  
10 tivities.

11           (B) The establishment or operation of high  
12 quality professional development programs to  
13 improve the instruction provided pursuant to  
14 local activities required under section 331(b),  
15 including instruction incorporating the essential  
16 components of reading instruction as such com-  
17 ponents relate to adults, instruction related to  
18 the specific needs of adult learners, instruction  
19 provided by volunteers or by personnel of a  
20 State or outlying area, and dissemination of in-  
21 formation about models and promising practices  
22 related to such programs.

23           (C) The provision of technical assistance to  
24 eligible providers of adult education and literacy  
25 activities, including—

1 (i) the development and dissemination  
2 of instructional and programmatic prac-  
3 tices based on the most rigorous or sci-  
4 entifically valid research available and ap-  
5 propriate, in reading, writing, speaking,  
6 mathematics, English language acquisition  
7 programs, distance education, and staff  
8 training;

9 (ii) the role of eligible providers as a  
10 one-stop partner to provide access to em-  
11 ployment, education, and training services;  
12 and

13 (iii) assistance in the use of tech-  
14 nology, including for staff training, to eli-  
15 gible providers, especially the use of tech-  
16 nology to improve system efficiencies.

17 (D) The monitoring and evaluation of the  
18 quality of, and the improvement in, adult edu-  
19 cation and literacy activities and the dissemina-  
20 tion of information about models and proven or  
21 promising practices within the State.

22 (2) PERMISSIBLE ACTIVITIES.—Each eligible  
23 agency may use funds made available under section  
24 322(a)(2) for 1 or more of the following adult edu-  
25 cation and literacy activities:

1 (A) The support of State or regional net-  
2 works of literacy resource centers.

3 (B) The development and implementation  
4 of technology applications, translation tech-  
5 nology, or distance education, including profes-  
6 sional development to support the use of in-  
7 structional technology.

8 (C) Developing and disseminating cur-  
9 ricula, including curricula incorporating the es-  
10 sential components of reading instruction as  
11 such components relate to adults.

12 (D) Developing content and models for in-  
13 tegrated education and training and career  
14 pathways, including the provision of technical  
15 assistance to eligible providers in the State ad-  
16 ministering such programs.

17 (E) The provision of assistance to eligible  
18 providers in developing and implementing pro-  
19 grams that achieve the objectives of this title  
20 and in measuring the progress of those pro-  
21 grams in achieving such objectives, including  
22 meeting the State adjusted levels of perform-  
23 ance described in section 131(b)(3).

24 (F) The development and implementation  
25 of a system to assist in the transition from

1 adult education to postsecondary education, in-  
2 cluding linkages with postsecondary educational  
3 institutions or institutions of higher education.

4 (G) Integration of literacy and English  
5 language instruction with occupational skill  
6 training, including promoting linkages with em-  
7 ployers.

8 (H) Activities to promote workplace adult  
9 education and literacy activities.

10 (I) Activities to promote and complement  
11 local outreach initiatives described in section  
12 343(b)(3)(G).

13 (J) Identifying curriculum frameworks and  
14 aligning rigorous content standards that—

15 (i) specify what adult learners should  
16 know and be able to do in the areas of  
17 reading and language arts, mathematics,  
18 and English language acquisition; and

19 (ii) take into consideration the fol-  
20 lowing:

21 (I) State adopted academic  
22 standards.

23 (II) The current adult skills and  
24 literacy assessments used in the State  
25 or outlying area.

1 (III) The primary indicators of  
2 performance described in section 131.

3 (IV) Standards and academic re-  
4 quirements for enrollment in non-  
5 remedial, for-credit courses in postsec-  
6 ondary educational institutions or in-  
7 stitutions of higher education sup-  
8 ported by the State or outlying area.

9 (V) Where appropriate, the con-  
10 tent of occupational and industry skill  
11 standards widely used by business and  
12 industry in the State or outlying area.

13 (K) In cooperation with efforts funded  
14 under sections 342 and 343, development and  
15 piloting of—

16 (i) new and promising assessment  
17 tools and strategies that—

18 (I) are based on scientifically  
19 valid research, where available and  
20 appropriate; and

21 (II) identify the needs and cap-  
22 ture the gains of students at all levels,  
23 with particular emphasis on—

24 (aa) students at the lowest  
25 achievement level;

1 (bb) students who are  
2 English language learners; and

3 (cc) adults with learning dis-  
4 abilities;

5 (ii) options for improving teacher  
6 quality and retention; and

7 (iii) assistance in converting scientif-  
8 ically valid research into practice.

9 (L) The development and implementation  
10 of programs and services to meet the needs of  
11 adult learners with learning disabilities who are  
12 English language learners.

13 (M) Support for recruitment and outreach  
14 for instructors, students, and employers.

15 (N) Other activities of statewide signifi-  
16 cance that promote the purpose of this title.

17 (b) COLLABORATION.—In carrying out this section,  
18 eligible agencies shall collaborate where possible, and avoid  
19 duplicating efforts, in order to maximize the impact of the  
20 activities described in subsection (a).

21 (c) STATE-IMPOSED REQUIREMENTS.—Whenever a  
22 State or outlying area implements any rule or policy relat-  
23 ing to the administration or operation of a program au-  
24 thorized under this title that has the effect of imposing  
25 a requirement that is not imposed under Federal law (in-

1 cluding any rule or policy based on a State or outlying  
2 area interpretation of a Federal statute, regulation, or  
3 guideline), the State or outlying area shall identify, to eli-  
4 gible providers, the rule or policy as being imposed by the  
5 State or outlying area.

6 **SEC. 324. STATE PLAN.**

7 Each State desiring to receive funds under this title  
8 for any fiscal year shall submit and have approved by the  
9 Secretary and the Secretary of Labor a unified State plan  
10 in accordance with section 112 or a combined State plan  
11 in accordance with section 113.

12 **SEC. 325. PROGRAMS FOR CORRECTIONS EDUCATION AND**  
13 **OTHER INSTITUTIONALIZED INDIVIDUALS.**

14 (a) PROGRAM AUTHORIZED.—From funds made  
15 available under section 322(a)(1) for a fiscal year, each  
16 eligible agency shall carry out corrections education and  
17 education for other institutionalized individuals.

18 (b) USES OF FUNDS.—The funds described in sub-  
19 section (a) shall be used for the cost of educational pro-  
20 grams for criminal offenders in correctional institutions  
21 and for other institutionalized individuals, including aca-  
22 demic programs for—

23 (1) adult education and literacy activities;

24 (2) special education, as determined by the eli-  
25 gible agency;

- 1 (3) secondary school credit;
- 2 (4) integrated education and training;
- 3 (5) career pathways;
- 4 (6) concurrent enrollment;
- 5 (7) peer tutoring; and
- 6 (8) transition to re-entry initiatives and other
- 7 postrelease services with the goal of reducing recidi-
- 8 vism.

9 (c) **PRIORITY.**—Each eligible agency that is using as-

10 sistance provided under this section to carry out a pro-

11 gram for criminal offenders within a correctional institu-

12 tion shall give priority to serving individuals who are likely

13 to leave the correctional institution within 5 years of par-

14 ticipation in the program.

15 (d) **REPORT.**—In addition to any report required

16 under section 131, each eligible agency that receives as-

17 sistance provided under this section shall annually prepare

18 and submit to the Secretary a report on the progress, as

19 described in section 131, of the eligible agency with re-

20 spect to the programs and activities carried out under this

21 section, including the relative rate of recidivism for the

22 criminal offenders served.

23 (e) **DEFINITIONS.**—In this section:

- 24 (1) **CORRECTIONAL INSTITUTION.**—The term
- 25 “correctional institution” means any—

- 1 (A) prison;  
2 (B) jail;  
3 (C) reformatory;  
4 (D) work farm;  
5 (E) detention center; or  
6 (F) halfway house, community-based reha-  
7 bilitation center, or any other similar institution  
8 designed for the confinement or rehabilitation  
9 of criminal offenders.

10 (2) CRIMINAL OFFENDER.—The term “criminal  
11 offender” means any individual who is charged with  
12 or convicted of any criminal offense.

### 13 **Subtitle C—Local Provisions**

#### 14 **SEC. 331. GRANTS AND CONTRACTS FOR ELIGIBLE PRO-** 15 **VIDERS.**

16 (a) GRANTS AND CONTRACTS.—From grant funds  
17 made available under section 322(a)(1), each eligible agen-  
18 cy shall award multiyear grants or contracts, on a com-  
19 petitive basis, to eligible providers within the State or out-  
20 lying area to enable the eligible providers to develop, im-  
21 plement, and improve adult education and literacy activi-  
22 ties within the State.

23 (b) REQUIRED LOCAL ACTIVITIES.—The eligible  
24 agency shall require that each eligible provider receiving  
25 a grant or contract under subsection (a) use the grant

1 or contract to establish or operate programs that provide  
2 adult education and literacy activities, including programs  
3 that provide such activities concurrently.

4 (c) DIRECT AND EQUITABLE ACCESS; SAME PROC-  
5 ESS.—

6 (1) IN GENERAL.—Each eligible agency receiv-  
7 ing funds under this title shall ensure that—

8 (A) all eligible providers have direct and  
9 equitable access to apply and compete for  
10 grants or contracts under this section; and

11 (B) the same grant or contract announce-  
12 ment process and application process is used  
13 for all eligible providers in the State or outlying  
14 area.

15 (2) GAO STUDY.—Not later than the second  
16 program year following the date of enactment of the  
17 Workforce Investment Act of 2011, the Comptroller  
18 General shall conduct a study to determine how the  
19 provisions of paragraph (1) have been implemented  
20 and whether such provisions accomplished the pur-  
21 poses of such paragraph.

22 (d) SPECIAL RULE.—Each eligible agency awarding  
23 a grant or contract under this section shall not use any  
24 funds made available under this title for adult education  
25 and literacy activities for the purpose of supporting or pro-

1 viding programs, services, or activities for individuals who  
2 are not individuals described in subparagraphs (A) and  
3 (B) of section 303(4), except that such agency may use  
4 such funds for such purpose if such programs, services,  
5 or activities are related to family literacy activities. In pro-  
6 viding family literacy activities under this title, an eligible  
7 provider shall attempt to coordinate with programs and  
8 services that are not assisted under this title prior to using  
9 funds for adult education and literacy activities under this  
10 title for activities other than activities for eligible individ-  
11 uals.

12 (e) CONSIDERATIONS.—In awarding grants or con-  
13 tracts under this section, the eligible agency shall con-  
14 sider—

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

17 (A) regional needs as identified in the local  
18 plan under section 118; and

19 (B) serving individuals in the community  
20 who were identified in such plan as most in  
21 need of adult education and literacy activities,  
22 including individuals—

23 (i) who have low levels of literacy  
24 skills;

25 (ii) who have learning disabilities; or

1 (iii) who are English language learn-  
2 ers;

3 (2) capacity, including past effectiveness in im-  
4 proving the literacy of eligible individuals of the eli-  
5 gible provider, to meet State-adjusted levels of per-  
6 formance for the primary indicators of performance  
7 described in section 131 for eligible individuals, es-  
8 pecially with respect to eligible individuals who have  
9 low levels of literacy;

10 (3) the extent to which the eligible provider  
11 demonstrates alignment between proposed activities  
12 and services and the strategy and goals of the local  
13 plan under section 118, as well as the activities and  
14 services of the one-stop partners;

15 (4) whether the eligible provider's program—

16 (A) is of sufficient intensity and quality,  
17 and based on the most rigorous research avail-  
18 able so that participants achieve substantial  
19 learning gains; and

20 (B) uses instructional practices that in-  
21 clude the essential components of reading in-  
22 struction;

23 (5) whether the eligible provider's activities are  
24 built on a strong foundation of the most rigorous re-

1 search available, including scientifically valid re-  
2 search, and effective educational practice;

3 (6) whether the eligible provider's activities ef-  
4 fectively employ advances in technology and delivery  
5 systems, including distance education;

6 (7) whether the eligible provider's activities pro-  
7 vide learning in context, including through inte-  
8 grated education and training, so that an individual  
9 acquires the skills needed to transition to and com-  
10 plete postsecondary education and training pro-  
11 grams, obtain and advance in employment leading to  
12 economic self-sufficiency, and to exercise the rights  
13 and responsibilities of citizenship;

14 (8) whether the eligible provider's activities are  
15 delivered by well-trained instructors, counselors, and  
16 administrators who meet any minimum qualifica-  
17 tions established by the State, where applicable, and  
18 who have access to high quality professional develop-  
19 ment, including through electronic means;

20 (9) whether the eligible provider's activities co-  
21 ordinate with other available education, training,  
22 and social service resources in the community, such  
23 as by establishing strong links with elementary  
24 schools and secondary schools, postsecondary edu-  
25 cational institutions, institutions of higher education,

1 local workforce investment boards, one-stop centers,  
2 job training programs, and social service agencies,  
3 business, industry, labor organizations, community-  
4 based organizations, nonprofit organizations, and  
5 intermediaries, for the development of career path-  
6 ways;

7 (10) whether the eligible provider's activities  
8 offer flexible schedules and coordination with Fed-  
9 eral, State, and local support services (such as child  
10 care, transportation, mental health services, and ca-  
11 reer planning) that are necessary to enable individ-  
12 uals, including individuals with disabilities or other  
13 special needs, to attend and complete programs;

14 (11) the capacity of the eligible provider to pro-  
15 vide integrated education and training;

16 (12) whether the eligible provider maintains a  
17 high-quality information management system that  
18 has the capacity to report measurable participant  
19 outcomes (consistent with section 131) and to mon-  
20 itor program performance;

21 (13) whether the local areas in which the eligi-  
22 ble provider is located have a demonstrated need for  
23 additional English language acquisition programs  
24 and civics education programs;

1           (14) whether reading, writing, speaking, mathe-  
2           matics, and English language acquisition instruction  
3           delivered by the eligible provider is based on the best  
4           practices derived from the most rigorous research  
5           available and appropriate, including scientifically  
6           valid research that is available and appropriate;

7           (15) whether the eligible provider's applications  
8           of technology and services to be provided are suffi-  
9           cient to increase the amount and quality of learning  
10          and how such technology and services lead to im-  
11          proved performance; and

12          (16) the capacity of the eligible provider to  
13          serve eligible individuals with disabilities, including  
14          individuals with learning disabilities.

15 **SEC. 332. LOCAL APPLICATION.**

16          Each eligible provider desiring a grant or contract  
17          from an eligible agency shall submit an application to the  
18          eligible agency containing such information and assur-  
19          ances as the eligible agency may require, including—

20               (1) a description of how funds awarded under  
21               this title will be spent consistent with the require-  
22               ments of this title;

23               (2) a description of any cooperative arrange-  
24               ments the eligible provider has with other agencies,

1 institutions, or organizations for the delivery of  
2 adult education and literacy activities;

3 (3) a description of how the eligible provider  
4 will provide services in alignment with the local plan  
5 under section 118, including how such provider will  
6 promote concurrent enrollment in programs and ac-  
7 tivities under title II, as appropriate, to assist eligi-  
8 ble individuals in accessing education and job train-  
9 ing services;

10 (4) a description of how the eligible provider  
11 will meet the State adjusted levels of performance  
12 described in section 131(b)(3), including how such  
13 provider will collect data to report on such perform-  
14 ance indicators;

15 (5) a description of how the eligible provider  
16 will fulfill one-stop partner responsibilities as de-  
17 scribed in section 221(b)(1)(A), as appropriate;

18 (6) a description of how the eligible provider  
19 will provide services in a manner that meets the  
20 needs of eligible individuals; and

21 (7) information that addresses the consider-  
22 ations described under section 331(e), as applicable.

1 **SEC. 333. LOCAL ADMINISTRATIVE COST LIMITS.**

2 (a) IN GENERAL.—Subject to subsection (b), of the  
3 amount that is made available under this title to an eligi-  
4 ble provider—

5 (1) not less than 95 percent shall be expended  
6 for carrying out adult education and literacy activi-  
7 ties; and

8 (2) the remaining amount, not to exceed 5 per-  
9 cent, shall be used for planning, administration (in-  
10 cluding carrying out the requirements of section  
11 131), professional development, and the activities de-  
12 scribed in paragraphs (3) and (5) of section 332.

13 (b) SPECIAL RULE.—In cases where the cost limits  
14 described in subsection (a) are too restrictive to allow for  
15 the activities described in subsection (a)(2), the eligible  
16 provider shall negotiate with the eligible agency in order  
17 to determine an adequate level of funds to be used for  
18 noninstructional purposes.

19 **Subtitle D—General Provisions**

20 **SEC. 341. ADMINISTRATIVE PROVISIONS.**

21 (a) SUPPLEMENT NOT SUPPLANT.—Funds made  
22 available for adult education and literacy activities under  
23 this title shall supplement and not supplant other State  
24 or local public funds expended for adult education and lit-  
25 eracy activities.

26 (b) MAINTENANCE OF EFFORT.—

1 (1) IN GENERAL.—

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

12 (B) PROPORTIONATE REDUCTION.—Sub-  
13 ject to paragraphs (2), (3), and (4), for any fis-  
14 cal year with respect to which the Secretary de-  
15 termines under subparagraph (A) that the fiscal  
16 effort or the aggregate expenditures of an eligi-  
17 ble agency for the preceding program year were  
18 less than such effort or expenditures for the  
19 second preceding program year, the Secretary—

20 (i) shall determine the percentage de-  
21 creases in such effort or in such expendi-  
22 tures; and

23 (ii) shall decrease the payment made  
24 under this title for such program year to

1           the agency for adult education and literacy  
2           activities by the lesser of such percentages.

3           (2) COMPUTATION.—In computing the fiscal ef-  
4           fort and aggregate expenditures under paragraph  
5           (1), the Secretary shall exclude capital expenditures  
6           and special one-time project costs.

7           (3) DECREASE IN FEDERAL SUPPORT.—If the  
8           amount made available for adult education and lit-  
9           eracy activities under this title for a fiscal year is  
10          less than the amount made available for adult edu-  
11          cation and literacy activities under this title for the  
12          preceding fiscal year, then the fiscal effort per stu-  
13          dent and the aggregate expenditures of an eligible  
14          agency required in order to avoid a reduction under  
15          paragraph (1)(B) shall be decreased by the same  
16          percentage as the percentage decrease in the amount  
17          so made available.

18          (4) WAIVER.—The Secretary may waive the re-  
19          quirements of this subsection for not more than 1  
20          fiscal year, if the Secretary determines that a waiver  
21          would be equitable due to exceptional or uncontrol-  
22          lable circumstances, such as a natural disaster or an  
23          unforeseen and precipitous decline in the financial  
24          resources of the State or outlying area of the eligible  
25          agency. If the Secretary grants a waiver under the

1 preceding sentence for a fiscal year, the level of ef-  
2 fort required under paragraph (1) shall not be re-  
3 duced in the subsequent fiscal year because of the  
4 waiver.

5 **SEC. 342. NATIONAL INSTITUTE FOR ADULT EDUCATION**  
6 **AND LITERACY.**

7 (a) PURPOSE.—The purpose of this section is to es-  
8 tablish a National Institute for Adult Education and Lit-  
9 eracy that—

10 (1) provides national leadership regarding effec-  
11 tive adult education and literacy activities for adults  
12 and families, including the identification of research  
13 topics;

14 (2) supports the development and replication of  
15 innovative approaches to adult education and lit-  
16 eracy activities;

17 (3) coordinates and disseminates information  
18 on adult education and literacy activities, services,  
19 and policy; and

20 (4) serves as a national resource for adult edu-  
21 cation and literacy activities by—

22 (A) advising and supporting the efforts of  
23 the Department of Education, Department of  
24 Labor, and the Department of Health and  
25 Human Services and other relevant agencies to

1           achieve the goals of adult education and literacy  
2           programs and programs consistent with title I,  
3           within and across such agencies;

4                   (B) coordinating and participating in the  
5           Federal effort to identify, produce, and dissemi-  
6           nate information on adult education and lit-  
7           eracy activities that are derived from scientif-  
8           ically valid research, or the most rigorous re-  
9           search available, and effective programs that  
10          serve adults and families, including individuals  
11          with learning disabilities; and

12                   (C) providing current information on effec-  
13          tive practices and research in adult education  
14          and literacy activities to the Committee on  
15          Health, Education, Labor, and Pensions of the  
16          Senate and the Committee on Education and  
17          the Workforce of the House of Representatives,  
18          and the relevant Federal agencies.

19          (b) ESTABLISHMENT.—

20                   (1) IN GENERAL.—There is established the Na-  
21          tional Institute for Adult Education and Literacy (in  
22          this section referred to as the “Institute”). The In-  
23          stitute shall be administered under the terms of an  
24          interagency agreement entered into by the Secretary  
25          of Education with the Secretary of Labor and the

1 Secretary of Health and Human Services (in this  
2 section referred to as the “Interagency Group”).  
3 The Interagency Group may include in the Institute  
4 any research and development center, institute, or  
5 clearinghouse established within the Department of  
6 Education, the Department of Labor, or the Depart-  
7 ment of Health and Human Services the purpose of  
8 which is determined by the Interagency Group to be  
9 related to the purpose of the Institute.

10 (2) OFFICES.—The Institute shall have offices  
11 independent from the offices of the Department of  
12 Education, the Department of Labor, and the De-  
13 partment of Health and Human Services.

14 (3) REQUIREMENTS.—The Interagency Group,  
15 in consultation with the National Institute for Adult  
16 Education and Literacy Advisory Board (in this sec-  
17 tion referred to as the “Board”) established under  
18 subsection (e), shall develop a plan to accomplish the  
19 goals of the Institute, including a research agenda  
20 for the Institute, and the implementation of any pro-  
21 grams to achieve the goals. The Interagency Group,  
22 in consultation with the Board, shall review and up-  
23 date the plan annually and shall make the plan pub-  
24 lic for review and comments. The Board may also

1 request a meeting of the Interagency Group to dis-  
2 cuss any recommendations the Board may make.

3 (4) DAILY OPERATIONS.—The daily operations  
4 of the Institute shall be administered by the Director  
5 of the Institute, who shall work with the Interagency  
6 Group to coordinate Federal efforts to address the  
7 adult education and literacy needs of adults and  
8 families. The Interagency Group and the Board shall  
9 identify qualifications required for the Director of  
10 the Institute.

11 (c) DUTIES.—

12 (1) IN GENERAL.—In order to reinforce and  
13 support the alignment of activities and programs  
14 consistent with provisions under title I, the Institute  
15 is authorized—

16 (A) to maintain a national electronic data-  
17 base of information that disseminates informa-  
18 tion to the broadest possible audience within  
19 the adult education and literacy field, and that  
20 includes—

21 (i) best practices and research regard-  
22 ing the provision of adult education and  
23 literacy activities, including instruction in  
24 the essential components of reading in-  
25 struction, integrated education and train-

1 ing, and the integration of English literacy  
2 and civics education;

3 (ii) public and private adult education  
4 and literacy activities and programs, and  
5 Federal, State, and local policies, affecting  
6 the provision of adult education and lit-  
7 eracy activities at the national, State, and  
8 local levels;

9 (iii) opportunities for technical assist-  
10 ance, meetings, conferences, and other op-  
11 portunities that lead to the improvement of  
12 adult education and literacy activities;

13 (iv) a communication network for eli-  
14 gible providers, social service agencies, and  
15 students; and

16 (v) a list of eligible providers;

17 (B) to coordinate support for the provision  
18 of adult education and literacy activities across  
19 Federal agencies and at the State and local lev-  
20 els;

21 (C) to coordinate the support of reliable  
22 and replicable research, as defined by the Insti-  
23 tute of Education Sciences, and development on  
24 adult education and literacy activities for adults  
25 and for employers across Federal agencies, and

1 to carry out rigorous basic and applied research  
2 and development on topics that are not being  
3 investigated by other organizations or agencies,  
4 such as the special literacy needs of individuals  
5 with learning disabilities;

6 (D) to coordinate and share information on  
7 the use of technology to expand access to adult  
8 education and literacy activities;

9 (E) to provide policy and technical assist-  
10 ance to Federal, State, and local entities for the  
11 improvement of policy and programs relating to  
12 adult education and literacy activities;

13 (F) to fund a network of State or regional  
14 adult education and literacy resource centers to  
15 assist State eligible agencies, eligible providers,  
16 and private nonprofit efforts to improve adult  
17 education and literacy activities by—

18 (i) encouraging the coordination of  
19 adult education and literacy activities;

20 (ii) enhancing the capacity of State el-  
21 ible agencies and eligible providers to de-  
22 liver adult education and literacy activities;  
23 and

24 (iii) serving as a link between the In-  
25 stitute and eligible providers of adult edu-

1 cation and literacy activities for the pur-  
2 pose of sharing information, data, re-  
3 search, expertise, and literacy resources,  
4 and for soliciting research needs;

5 (G) to coordinate and share information  
6 with national organizations and associations  
7 that are interested in adult education, literacy,  
8 and workforce development;

9 (H) to advise Congress and Federal de-  
10 partments and agencies regarding the develop-  
11 ment of policy with respect to adult education  
12 and literacy activities;

13 (I) to undertake other activities that lead  
14 to the improvement of the Nation's adult edu-  
15 cation and literacy delivery system and that  
16 complement other such efforts being undertaken  
17 by public and private agencies and organiza-  
18 tions, including activities that relate to the ac-  
19 quisition of skills in reading, writing, English  
20 language acquisition, and mathematics;

21 (J) to assist States that are pursuing the  
22 implementation of standards-based educational  
23 improvements and related standards-based as-  
24 sessment instruments for eligible providers

1 through the dissemination of training, technical  
2 assistance, and related support; and

3 (K) to disseminate best practices on the  
4 education, training, and professional develop-  
5 ment for providers of adult education and lit-  
6 eracy activities, including how the use of tech-  
7 nology can contribute to such efforts.

8 (2) GRANTS, CONTRACTS, AND COOPERATIVE  
9 AGREEMENTS.—The Institute may award grants to,  
10 or enter into contracts or cooperative agreements  
11 with, individuals, public or private institutions, agen-  
12 cies, organizations, or consortia of such institutions,  
13 agencies, or organizations to carry out the activities  
14 of the Institute.

15 (3) COORDINATION.—In identifying and sup-  
16 porting reliable and replicable research the Institute  
17 shall use standards for research quality that are con-  
18 sistent with those of the Institute of Education  
19 Sciences.

20 (d) LITERACY LEADERSHIP.—

21 (1) IN GENERAL.—The Institute, in consulta-  
22 tion with the Board, may award fellowships, with  
23 such stipends and allowances that the Director con-  
24 siders necessary, to outstanding individuals pursuing

1 careers in adult education or literacy in the areas of  
2 instruction, management, or research.

3 (2) FELLOWSHIPS.—Fellowships awarded under  
4 this subsection shall be used, under the auspices of  
5 the Institute, to engage in research, education, train-  
6 ing, technical assistance, or other activities to ad-  
7 vance the field of adult education or literacy, includ-  
8 ing the training of volunteer literacy providers at the  
9 national, State, or local level.

10 (3) INTERNS AND VOLUNTEERS.—The Insti-  
11 tute, in consultation with the Board, may award  
12 paid and unpaid internships to individuals seeking to  
13 assist the Institute in carrying out its mission. Not-  
14 withstanding section 1342 of title 31, United States  
15 Code, the Institute may accept and use voluntary  
16 and uncompensated services as the Institute deter-  
17 mines necessary.

18 (e) NATIONAL INSTITUTE FOR ADULT EDUCATION  
19 AND LITERACY ADVISORY BOARD.—

20 (1) ESTABLISHMENT.—

21 (A) IN GENERAL.—There shall be a Na-  
22 tional Institute for Adult Education and Lit-  
23 eracy Advisory Board (in this section referred  
24 to as the “Board”), which shall consist of 10

1 individuals appointed by the President with the  
2 advice and consent of the Senate.

3 (B) COMPOSITION.—The Board shall be  
4 comprised of individuals who are not otherwise  
5 officers or employees of the Federal Govern-  
6 ment and who are representative of entities  
7 such as—

8 (i) literacy organizations and pro-  
9 viders of adult education and literacy ac-  
10 tivities, including nonprofit providers, pro-  
11 viders of English language acquisition pro-  
12 grams and services, social service organiza-  
13 tions, and eligible providers receiving as-  
14 sistance under this title;

15 (ii) businesses that have demonstrated  
16 interest in or have participated in or  
17 partnered with workplace adult education  
18 and literacy activities;

19 (iii) adult education and literacy stu-  
20 dents, including adult education and lit-  
21 eracy students with disabilities;

22 (iv) experts in the area of adult edu-  
23 cation and literacy research, including  
24 adult literacy research;

25 (v) State and local governments;

- 1 (vi) State directors of adult education;  
2 (vii) representatives of employees, in-  
3 cluding representatives of labor organiza-  
4 tions; and  
5 (viii) institutions of higher education  
6 or postsecondary educational institutions.

7 (2) DUTIES.—The Board shall—

8 (A) make recommendations concerning the  
9 appointment of the Director and staff of the In-  
10 stitute;

11 (B) provide independent advice on the op-  
12 eration of the Institute;

13 (C) receive reports from the Interagency  
14 Group and the Director; and

15 (D) review the biennial report submitted to  
16 Congress pursuant to subsection (k).

17 (3) FEDERAL ADVISORY COMMITTEE ACT.—Ex-  
18 cept as otherwise provided, the Board established by  
19 this subsection shall be subject to the provisions of  
20 the Federal Advisory Committee Act (5 U.S.C.  
21 App.).

22 (4) APPOINTMENTS.—

23 (A) IN GENERAL.—Each member of the  
24 Board shall be appointed for a term of 3 years,  
25 except that the initial terms for members may

1           be 1, 2, or 3 years in order to establish a rota-  
2           tion in which one-third of the members are se-  
3           lected each year. Any such member may be ap-  
4           pointed for not more than 2 consecutive terms.

5           (B) VACANCIES.—Any member appointed  
6           to fill a vacancy occurring before the expiration  
7           of the term for which the member's predecessor  
8           was appointed shall be appointed only for the  
9           remainder of that term. A member may serve  
10          after the expiration of that member's term until  
11          a successor has taken office.

12          (5) QUORUM.—A majority of the members of  
13          the Board shall constitute a quorum but a lesser  
14          number may hold hearings. A recommendation of  
15          the Board may be passed only by a majority of the  
16          Board's members present at a meeting for which  
17          there is a quorum.

18          (6) ELECTION OF OFFICERS.—The Chairperson  
19          and Vice Chairperson of the Board shall be elected  
20          by the members of the Board. The term of office of  
21          the Chairperson and Vice Chairperson shall be 2  
22          years.

23          (7) MEETINGS.—The Board shall meet at the  
24          call of the Chairperson or a majority of the members  
25          of the Board.

1 (f) GIFTS, BEQUESTS, AND DEVISES.—

2 (1) IN GENERAL.—The Institute may accept,  
3 administer, and use gifts or donations of services,  
4 money, or property, whether real or personal, tan-  
5 gible or intangible.

6 (2) RULES.—The Board shall establish written  
7 rules setting forth the criteria to be used by the In-  
8 stitute in determining whether the acceptance of  
9 contributions of services, money, or property whether  
10 real or personal, tangible or intangible, would reflect  
11 unfavorably upon the ability of the Institute or any  
12 employee to carry out the responsibilities of the In-  
13 stitute or employee, or official duties, in a fair and  
14 objective manner, or would compromise the integrity  
15 or the appearance of the integrity of the Institute's  
16 programs or any official involved in those programs.

17 (g) MAILS.—The Board and the Institute may use  
18 the United States mails in the same manner and under  
19 the same conditions as other departments and agencies of  
20 the United States.

21 (h) STAFF.—The Interagency Group, after consid-  
22 ering recommendations made by the Board, shall appoint  
23 and fix the pay of a Director.

24 (i) APPLICABILITY OF CERTAIN CIVIL SERVICE  
25 LAWS.—The Director and staff of the Institute may be

1 appointed without regard to the provisions of title 5,  
2 United States Code, governing appointments in the com-  
3 petitive service, and may be paid without regard to the  
4 provisions of chapter 51 and subchapter III of chapter 53  
5 of such title relating to classification and General Schedule  
6 pay rates, except that an individual so appointed may not  
7 receive pay in excess of the annual rate of basic pay pay-  
8 able for level IV of the Executive Schedule.

9 (j) EXPERTS AND CONSULTANTS.—The Institute  
10 may procure temporary and intermittent services under  
11 section 3109(b) of title 5, United States Code.

12 (k) REPORT.—Not later than 1 year after the date  
13 of enactment of the Workforce Investment Act of 2011,  
14 and biennially thereafter, the Institute shall submit a re-  
15 port to the Committee on Health, Education, Labor, and  
16 Pensions of the Senate and the Committee on Education  
17 and the Workforce of the House of Representatives, and  
18 the relevant agencies. Each report submitted under this  
19 subsection shall include—

20 (1) a comprehensive and detailed description of  
21 the Institute's operations, activities, financial condi-  
22 tion, and accomplishments in the field of adult edu-  
23 cation and literacy for the period covered by the re-  
24 port;

1           (2) a description of how plans for the operation  
2 of the Institute for the succeeding 2 fiscal years will  
3 facilitate achievement of the goals of the Institute  
4 and the goals of the adult education and literacy  
5 programs within the Department of Education, the  
6 Department of Labor, and the Department of  
7 Health and Human Services; and

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

10       (1) FUNDING.—Any amounts appropriated to the Sec-  
11 retary of Education, the Secretary of Labor, the Secretary  
12 of Health and Human Services, or any other department  
13 that participates in the Institute for purposes that the In-  
14 stitute is authorized to perform under this section, may  
15 be provided to the Institute for such purposes.

16       (m) NATIONAL INSTITUTE FOR LITERACY.—Any ref-  
17 erence in any other Federal law, Executive order, rule,  
18 regulation, or delegation of authority, or any document of  
19 or pertaining to—

20           (1) the head of the National Institute for Lit-  
21 eracy is deemed to refer to the head of the National  
22 Institute for Adult Education and Literacy; and

23           (2) the National Institute for Literacy is  
24 deemed to refer to the National Institute for Adult  
25 Education and Literacy.

1 **SEC. 343. NATIONAL LEADERSHIP ACTIVITIES.**

2 (a) IN GENERAL.—The Secretary shall establish and  
3 carry out a program of national leadership activities to  
4 enhance the quality and outcomes of adult education and  
5 literacy activities and programs nationwide.

6 (b) ALLOWABLE ACTIVITIES.—The national leader-  
7 ship activities described in subsection (a) may include the  
8 following:

9 (1) Technical assistance, including—

10 (A) assistance to help States meet the re-  
11 quirements of section 131;

12 (B) assistance provided to eligible pro-  
13 viders in using performance accountability  
14 measures based on indicators described in sec-  
15 tion 131, and data systems for the improvement  
16 of adult education and literacy activities;

17 (C) assistance related to professional devel-  
18 opment activities, and assistance for the pur-  
19 poses of developing, improving, identifying, and  
20 disseminating the most successful methods and  
21 techniques for providing adult education and  
22 literacy activities, based on scientifically valid  
23 research where available;

24 (D) assistance in distance education and  
25 promoting and improving the use of technology  
26 in the classroom, including through the use of

1 instructional models that blend in-person and  
2 online instruction; and

3 (E) assistance in the development and dis-  
4 semination of proven models for addressing the  
5 digital literacy needs of adults, including older  
6 adults.

7 (2) A program of grants, contracts, or coopera-  
8 tive agreements awarded on a competitive basis to  
9 national, regional, or local networks of private non-  
10 profit organizations, public libraries, or institutions  
11 of higher education to build the capacity of such net-  
12 works' members to—

13 (A) meet the performance requirements,  
14 described in section 131, of eligible providers  
15 under this title; and

16 (B) involve eligible individuals in program  
17 improvement.

18 (3) Funding national leadership activities that  
19 are not described in paragraph (1), either directly or  
20 through grants, contracts, or cooperative agreements  
21 awarded on a competitive basis to or with postsec-  
22 ondary educational institutions, institutions of high-  
23 er education, public or private organizations or agen-  
24 cies, or consortia of such institutions, organizations,  
25 or agencies, such as—

1 (A) developing, improving, and identifying  
2 the most successful methods and techniques for  
3 addressing the education needs of adults, in-  
4 cluding instructional practices using the essen-  
5 tial components of reading instruction based on  
6 the work of the National Institute of Child  
7 Health and Human Development;

8 (B) increasing the effectiveness of, and im-  
9 proving the quality of, adult education and lit-  
10 eracy activities;

11 (C) carrying out rigorous research, includ-  
12 ing scientifically valid research where appro-  
13 priate, on national literacy basic skill acquisi-  
14 tion for adult learning, including estimating the  
15 number of adults functioning at the lowest lev-  
16 els of literacy proficiency;

17 (D)(i) carrying out demonstration pro-  
18 grams, which may include programs that—

19 (I) accelerate learning outcomes for  
20 eligible individuals with the lowest literacy  
21 levels;

22 (II) develop and promote career path-  
23 ways for eligible individuals;

1 (III) promote concurrent enrollment  
2 programs in adult education and credit  
3 bearing postsecondary coursework; and

4 (IV) develop high-quality professional  
5 development activities for eligible pro-  
6 viders;

7 (ii) disseminating best practices infor-  
8 mation, including information regarding  
9 promising practices resulting from feder-  
10 ally funded demonstration programs; and

11 (iii) developing and replicating best  
12 practices and innovative programs, such  
13 as—

14 (I) programs for skill certifi-  
15 cation;

16 (II) the identification of effective  
17 strategies for working with adults  
18 with learning disabilities and with  
19 adults who are English language  
20 learners;

21 (III) integrated education and  
22 training programs;

23 (IV) programs providing adult  
24 education and literacy activities co-

1                   ordinated with employment services;

2                   and

3                   (V) postsecondary education and

4                   training transition programs;

5                   (E) providing for the conduct of an inde-

6                   pendent evaluation and assessment of adult

7                   education and literacy activities through grants

8                   and contracts awarded on a competitive basis,

9                   which evaluation and assessment shall include

10                  descriptions of—

11                   (i) the effect of performance account-

12                   ability measures and other measures of ac-

13                   countability on the delivery of adult edu-

14                   cation and literacy activities;

15                   (ii) the extent to which the adult edu-

16                   cation and literacy activities increase the

17                   literacy skills of eligible individuals, lead to

18                   involvement in education and training, en-

19                   hance the employment and earnings of

20                   such participants, and, if applicable, lead

21                   to other positive outcomes, such as reduc-

22                   tions in recidivism in the case of prison-

23                   based adult education and literacy activi-

24                   ties;

1 (iii) the extent to which the provision  
2 of support services to eligible individuals  
3 enrolled in adult education and literacy ac-  
4 tivities increase the rate of enrollment in,  
5 and successful completion of, such pro-  
6 grams; and

7 (iv) the extent to which different types  
8 of providers measurably improve the skills  
9 of eligible individuals in adult education  
10 and literacy activities;

11 (F) carrying out rigorous research on the  
12 relationship between instructional quality, in-  
13 cluding education levels, certification status,  
14 and experience of instructors, and the perform-  
15 ance outcomes of eligible providers consistent  
16 with section 131;

17 (G) supporting efforts aimed at capacity  
18 building of programs at the State and local lev-  
19 els such as technical assistance in program  
20 planning, assessment, evaluation, and moni-  
21 toring of activities carried out under this title;

22 (H) collecting data, such as data regarding  
23 the improvement of both local and State data  
24 systems, through technical assistance and devel-

1 opment of model performance data collection  
2 systems;

3 (I) supporting the development of an entity  
4 that would produce and distribute technology-  
5 based programs and materials for adult edu-  
6 cation and literacy activities using an inter-  
7 connection system (as defined in section 397 of  
8 the Communications Act of 1934 (47 U.S.C.  
9 397)) and expand the effective outreach and  
10 use of such programs and materials to eligible  
11 providers;

12 (J) determining how participation in adult  
13 education and literacy activities prepares eligi-  
14 ble individuals for entry into postsecondary edu-  
15 cation and employment and, in the case of pro-  
16 grams carried out in correctional institutions,  
17 has an effect on recidivism; and

18 (K) other activities designed to enhance  
19 the quality of adult education and literacy ac-  
20 tivities nationwide.

21 **SEC. 344. INTEGRATED ENGLISH LITERACY AND CIVICS**  
22 **EDUCATION.**

23 (a) IN GENERAL.—From funds made available under  
24 section 311(a)(1)(C) for each fiscal year, the Secretary  
25 shall award grants to States, from allotments under sub-

1 section (b), for integrated English literacy and civics edu-  
2 cation.

3 (b) ALLOTMENT.—

4 (1) IN GENERAL.—Subject to paragraph (2),  
5 from amounts made available under section  
6 311(a)(1)(C) for a fiscal year, the Secretary shall al-  
7 locate—

8 (A) 65 percent to the States on the basis  
9 of a State's need for integrated English literacy  
10 and civics education, as determined by calcu-  
11 lating each State's share of a 10-year average  
12 of the data of the Office of Immigration Statis-  
13 tics of the Department of Homeland Security  
14 for immigrants admitted for legal permanent  
15 residence for the 10 most recent years; and

16 (B) 35 percent to the States on the basis  
17 of whether the State experienced growth, as  
18 measured by the average of the 3 most recent  
19 years for which the data of the Office of Immi-  
20 gration Statistics of the Department of Home-  
21 land Security for immigrants admitted for legal  
22 permanent residence are available.

23 (2) MINIMUM.—No State shall receive an allot-  
24 ment under paragraph (1) in an amount that is less  
25 than \$60,000.