

# Workforce Investment Act Title III

## Adult Education and Literacy

### Summary of Key Provisions

June 2011

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#### **Sec. 302 Purpose**

The purpose of this title is to create a partnership among the Federal government, states, and localities to provide, on a voluntary basis, adult education and literacy activities to assist: (1) adults to become literate and obtain the knowledge and skills necessary for employment and economic self-sufficiency; (2) adults who are parents obtain the education and skills that are necessary to becoming full partners in the educational development of their children; (3) assist adults in attaining a secondary school diploma and in the transition to postsecondary education and training, through career pathways; and (4) assist immigrants and other English language learners in improving their English reading, writing, speaking and comprehension skills and mathematics skills, and acquiring an understanding of the American system of government, individual freedom, and the responsibilities of citizenship. (pg. 1-2)

#### **Sec. 303 Definitions**

- Defines key terms, including, among others: adult education; eligible agency; eligible individual; eligible provider; integrated education and training; and workplace adult education and literacy activities. (pg. 2-8)

#### **Sec. 305 Rule of Construction Regarding Postsecondary Transition and Concurrent Enrollment Activities**

- Nothing in this title prohibits or discourages the use of funds for adult education and literacy activities that help individuals transition to postsecondary education and training or employment, or for concurrent enrollment activities.

#### **Sec. 306 Authorization of Appropriations**

- Authorizes such sums as are necessary for each of Fiscal Years 2012-2016. (pg. 9)



## Subtitle A – Federal Provisions

### Sec. 311 Reservation of Funds; Grants to Eligible Agencies; Allotments

- *Reservation of Funds* – From funds appropriated for a fiscal year, the Secretary of Education must reserve:
  - 1.5 percent (not to exceed \$10 million) for the National Institute for Adult Education and Literacy;
  - 1.5 percent (not to exceed \$8 million) for national leadership activities and additional assistance to states; and
  - 12 percent of the remaining funds for grants to states to support integrated English literacy and civics education. *Replaces current provision reserving 1.72 percent for incentive grants to states.* (pg. 9-10)
- *Workforce Innovation Fund* – For any fiscal year in which appropriations exceed FY 2010 levels, the Secretary must reserve ½ of the excess amount (not to exceed \$50 million) for the Workforce Innovation and Replication Fund. These funds are to be reserved prior to any other reservation of funds. *(new provision)* (pg. 10)
- *Grants to Eligible Agencies* – From funds appropriated but not otherwise reserved, the Secretary must award grants to eligible agencies that have either an approved unified state plan (under sec. 112) or combined plan (under sec. 113), and that agree to use funds for adult education and literacy activities. (pg. 11)

Grants are comprised of initial allotments and additional allotments:

- *Initial Allotments* – The initial allotment for each state is \$250,000, and \$100,000 for each outlying area. (pg. 11)
- *Additional Allotments* – All remaining funds, after required reservations and initial allotments, must be distributed to eligible agencies according to a formula that reflects the number of “qualifying adults” in each state or outlying area compared with the total number of such adults in all states and outlying areas. (pg. 12)
  - *Qualifying Adults* – Adults who (1) are at least 16 years old; (2) are beyond the age of compulsory school attendance in the state or outlying area; (3) do not have a secondary school diploma or recognized equivalent; and (4) are not enrolled in secondary school. (pg. 12)
- *Hold Harmless Provisions* – Generally, provides that no eligible agency may receive less than 90 percent of the allotment received for the preceding fiscal year. Eligible agencies that receive an “initial allotment” but no “additional allotment” must receive a separate allotment that is equal to their initial allotment. The Secretary must ratably reduce



payments to all eligible agencies if there are insufficient funds to satisfy these requirements. (pg. 13-14)

- *Additional Assistance* – Secretary must, from the reservation made for national activities and additional assistance to states, make grants to eligible agencies to provide state activities. Eligible agencies may receive such grants if the total allotment the agency receives for a given fiscal year is less than the amount the eligible agency would have received if the allotment formula that was in effect on September 30, 2003 was in effect for that fiscal year. (*new provision*) (pg. 14-15)

The amount of the additional assistance is equal to the difference between (A) the amount the agency would have received if the allotment formula in effect on September 30, 2003 was in effect for that fiscal year, and (B) the amount of the allotment the agency receives for the current fiscal year. (pg. 15)

- *Reallotment* – As under current law, if the Secretary determines that a portion of an eligible agency's allotment is not required for carrying out adult education activities during the period the allotment is available, the Secretary may reallot that portion to other eligible agencies in proportion to the original allotments made to such agencies for that year. (pg. 15)
- *Study and Report* – Requires the Comptroller General of the United States to conduct a study on the allotment formula in this section, which at a minimum must: (A) examine whether the formula results in a distribution of funds that sufficiently serves the entire population of individuals eligible for adult education and literacy activities under this title; (B) examine whether the data used to count qualified adults under the formula accurately measures the population of individuals eligible for such activities; and (C) develop recommendations for improving the formula so that the formula results in a distribution of funds that better serves that population, and the data used to count qualified adults accurately measures that population. Report due to Congress not later than three years after enactment. (*new provision*) (pg. 16-17)

### **Sec. 312 Performance Accountability System**

- Eliminates current performance accountability language. Adult education and literacy activities authorized under this title are subject to the title I performance accountability measures. (pg. 17)



## Subtitle B – State Provisions

### Sec. 321 State Administration

- Largely maintains current law. Each eligible agency is responsible for state or outlying area administration of adult education and literacy activities, including: (1) the development, implementation, and monitoring of relevant components of the unified state plan (under sec. 112) or combined state plan (under sec. 113); (2) consultation with other appropriate agencies, groups, and individuals involved in, or interested in, the development and implementation of activities assisted under this title; and (3) coordination and nonduplication with other federal and state education, training, corrections, public housing and social service programs. (pg. 17)

### Sec. 322 State Distribution of Funds; Matching Requirement

- *State Distribution of Funds* – Each eligible agency receiving a grant shall use:
  - Not less than 80 percent of grant funds to award grants and contracts to eligible providers, and to carry out programs for corrections education and other institutionalized individuals. Not more than 25 percent of this total may be used to carry out programs for corrections education and other institutionalized individuals. (*Current law requires 82.5 percent reservation, of which no more than 10 percent may be used for corrections education.*)
  - Not more than 15 percent for state leadership activities. (*Current law caps reservation at 12.5 percent.*)
  - Not more than the greater of 5 percent, or \$75,000, for administrative expenses. (*Current law caps at 5 percent or \$65,000.*) (pg. 18)
- *Matching Requirement* – Maintains current requirement that eligible agencies in states provide a non-federal cash or in-kind match of 25 percent, or 12 percent for outlying areas. (pg. 18-19)

### Sec. 323 State Leadership Activities

- Required and permissible activities under state leadership activities.
  - *Required Activities Include:*
    - The alignment of adult education and literacy activities with other core programs and one-stop partners, including eligible providers, to implement the strategy identified in the unified State plan or combined State plan, including the development of career pathways to provide access to employment and training services for individuals in adult education and literacy activities;



- The establishment or operation of high quality professional development programs to improve the instruction provided through local activities, including instruction incorporating the essential elements of reading instruction relating to adults, instruction on the specific needs of adult learners, instruction provided by volunteers or by personnel of a State or outlying area, and dissemination of information about models and promising practices related to such programs;
  - The provision of technical assistance to eligible providers of adult education and literacy activities, including (i) the development and dissemination of instructional and programmatic practices based on the most rigorous or scientifically valid research available and appropriate in reading, writing, speaking, mathematics, English language acquisition programs, distance education and staff training; (ii) the role of eligible providers as a one-stop partner to provide access to employment, education, and training services; and (iii) assistance to eligible providers in the use of technology;
  - The monitoring and evaluation of the quality of, and improvement in, adult education and literacy activities and the dissemination of information about models and proven or promising practices in the state. (pg. 19-21)
- Lists fourteen **permissible activities**, including, among other things: developing content and models for integrated education and training and career pathways, including provision of technical assistance to eligible providers administering such programs; the development and implementation of a system to assist in the transition from adult education to postsecondary education, including linkages with postsecondary educational institutions or institutions of higher education; integration of literacy and English language instruction with occupational skill training, including promoting linkages with employers; activities to promote workplace adult education and literacy activities; and other activities of statewide significance. (pg. 21-25)
- *Collaboration* – Requires eligible agencies to collaborate where possible and avoid duplication efforts in order to maximize the impact of statewide leadership activities. (pg. 25)
- *State-Imposed Requirements* – When states or outlying areas implement rules or policies relating to the administration or operation of an adult education or literacy program that impose requirements not imposed by federal law, they must notify eligible providers that such rule or policy is state-imposed. (pg. 25-26)



## Sec. 324 State Plan

- Eliminates current requirement that eligible agencies submit five-year plan. States must have an approved unified state plan (under sec. 112) or combined state plan (under sec. 113) to receive funds.

## Sec. 325 Programs for Corrections Education and Other Institutionalized Individuals

- Largely maintains current law. Requires eligible agencies to use state grant funds to carry out corrections education and education for other institutionalized individuals, including: academic programs for adult education and literacy activities; special education; secondary school credit; integrated education and training; career pathways; concurrent enrollment; peer tutoring; and transition to re-entry initiatives and other post-release services. May not use more than 25 percent of state grant funds to carry out these activities. (pg. 26-27)
- *Priority* – Priority of service in corrections education programs must be given to individuals who are likely to leave the correctional institution within 5 years of program participation. (pg. 27)
- *Report* – Each eligible agency must submit an annual report to the Secretary regarding its programs for corrections education and other institutionalized individuals, including the relative rate of recidivism for criminal offenders served. (p.27)

## Subtitle C – Local Provisions

### Sec. 331 Grants and Contracts for Eligible Providers

- *Grants and Contracts* – Each eligible agency must use state grant funds to award competitive multiyear grants or contracts to eligible providers within the state or outlying area to enable them to develop, implement, and improve adult education and literacy activities in the state. (pg. 28)
- *Required Activities* – Eligible providers must establish or operate programs that provide adult education and literacy activities, including programs that provide such activities concurrently. (pg. 28-29)
- *Direct and Equitable Access; Same Process* – Eligible agency must ensure that all eligible providers have direct and equitable access to apply and compete for grants or contracts, and that the same grant or contract announcement and application processes are used for all eligible providers in the state or outlying area. Requires the Comptroller General to conduct a study to determine how these provisions have been implemented and whether the purposes of such provisions have been achieved. (pg. 29)



- *Special Rule* – Retains current provision prohibiting the use of funds under this title to provide programs, services, or activities to individuals who are younger than 16 years old, or who are enrolled or required to be enrolled in secondary school under state law, unless such programs, services or activities are related to family literacy activities. Requires eligible providers, when providing family literacy activities, to attempt to coordinate with other programs and services not funded under this title before using funds under this title for activities other than activities for eligible individuals. (pg. 29-30)
- *Considerations* – Eligible agency must consider a number of factors about eligible providers when awarding grants or contracts, including among other things:
  - Responsiveness to (A) regional needs identified in the local plan; and (B) serving individuals in the community who are identified in the local plan as most in need of adult education and literacy activities, including individuals who have low levels of literacy skills or learning disabilities, or are English language learners;
  - Capacity (including past effectiveness) to meet state-adjusted performance accountability measures;
  - Demonstrated alignment between proposed activities and goals and the strategy and goals of the local plan, as well as the activities and services of one-stop partners;
  - Whether activities provide learning in context, including through integrated education and training;
  - Whether activities are delivered by well-trained instructors, counselors, and administrators who meet minimum qualifications established by the state; and
  - Whether the eligible provider’s activities coordinate with other available education, training, and social service resources in the community for the development of career pathways. (pg. 30-34)

### **Sec. 332 Local Application**

- Eligible providers seeking grants or contracts must submit an application to the eligible agency which includes a description of:
  - How funds will be spent consistent with requirements under this title;
  - Any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult education and literacy activities;
  - How the eligible provider will provide services in alignment with the local plan, including how such provider will promote concurrent enrollment in programs



and activities under this title to help individuals access education and training services;

- How the eligible provider will meet state adjusted performance accountability measures, including how the provider will collect data to report on such indicators;
- How the eligible provider will fulfill one-stop partner responsibilities;
- How the eligible provider will provide services in a manner that meets the needs of eligible individuals; and
- Information addressing the factors eligible agencies must consider under the “Considerations” section, as applicable. (pg. 34-35)

### **Sec. 333 Local Administrative Cost Limits**

- Largely maintains current law requiring eligible providers use not less than 95 percent of funds for carrying out adult education and literacy activities, and not more than 5 percent for planning, administration, professional development, and activities relating to service alignment and one-stop partner responsibilities. Authorizes eligible providers and agencies to negotiate alternate levels for non-instructional purposes under certain circumstances. (pg.36)

## **Subtitle D – General Provisions**

### **Sec. 341 Administrative Provisions**

- *Supplement not Supplant* - Requires that funds under this title supplement and not supplant other state or local public funds expended for such activities. (pg. 36)
- *Maintenance of Effort* – Eligible agencies may receive funds under this title if the Secretary finds that spending per student or aggregate spending by eligible agency during the second preceding fiscal year was not less than 90 percent of spending during the third preceding fiscal year. Provides procedures and formulas to be used where eligible agencies fail to meet MOE requirements, and includes provisions relating to decreased federal support and waivers due to exceptionable or uncontrollable circumstances. (pg. 36-39)

### **Sec. 342 National Institute for Adult Education and Literacy**

- Replaces existing provision relating to the National Institute for Literacy. [*Note: funding for the National Institute for Literacy was eliminated as part of the Consolidated Appropriations Act, 2010 (P.L. 111-117)*]



- *Purpose* – To establish a National Institute for Adult Education and Literacy that:
  - Provides national leadership regarding effective adult education and literacy activities for adults and families, including identification of research topics;
  - Supports the development and replication of innovative approaches to adult education and literacy activities;
  - Coordinates and disseminates information on adult education and literacy activities, services, and policies; and
  - Serves as a national resource for adult education and literacy activities by: (A) advising and supporting the efforts of the Departments of Education, Labor, and Health and Human Services and other agencies to achieve the goals of adult education and literacy programs and programs consistent with Title I, within and across agencies; (B) coordinating and participating in the federal effort to identify, produce, and disseminate information on research-based adult education and literacy activities and effective programs; and (C) providing current information on effective practices and research to the relevant congressional committees and federal agencies. (pg. 39-40)
- *Establishment* – Establishes the National Institute for Adult Education and Literacy, which is administered under an interagency agreement between the Secretaries of Education, Labor, and Health and Human Services (the “Interagency Group”) (pg. 40-41)
  - Institute must have offices independent of offices under these agencies. (pg. 41)
  - Interagency Group, in consultation with a newly-created advisory board, must develop a plan, which must be reviewed and updated annually, to accomplish the goals of the Institute. (pg. 41-42)
  - Daily operations of the Institute will be administered by a Director. (pg.42)
  - *Duties* – Authorized activities of the Institute, including among other things:
    - Maintaining a national electronic database to disseminate information within the adult education and literacy field;
    - Coordinating support for the provision of adult education and literacy activities across federal agencies and at the state and local levels;
    - Funding a network of state or regional adult education and literacy resource centers to assist state agencies, eligible providers, and private nonprofit efforts to improve adult education and literacy activities; and
    - Providing policy and technical assistance to federal, state, and local entities for the improvement of adult education and literacy policies and programs. (pp. 42-46)



- *Grants, Contracts, and Cooperative Agreements* – Authorizes Institute to award grants, contracts, or cooperative agreements with individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations. (pg. 46)
- *Literacy Leadership* – Authorizes the Institute to award fellowships and paid and unpaid internships. (pg. 46-47)
- *National Institute for Adult Education and Literacy Advisory Board* – Among other provisions:
  - *Composition* –
    - Establishes an advisory board consisting of ten individuals appointed by the President with the advice and consent of the Senate. Terms are generally three years, although initial terms may be staggered (pg. 47-50)
    - Board will be comprised of individuals who are not otherwise federal officers or employees, and who represent literacy organizations, providers of adult education and literacy services, businesses, students, and others. (pg. 48-49)
  - *Duties* – Board must make recommendations concerning the appointment of the Institute’s Director and staff; provide independent advice on Institute operations; receive reports from the Interagency Group and Director, and review the biennial report to Congress. (pg. 49)
  - *Funding* – Any amount appropriated to the Departments of Education, Labor, Health and human Services, or any other department that participates in the Institute for activities that the Institute is authorized to perform, may be provided to the Institute. (pg. 53)

### **Sec. 343 National Leadership Activities**

- Secretary must establish and carry out a program of national leadership activities. Allowable activities include:
  - *Technical assistance*, including: (A) helping states meet performance accountability requirements; (B) helping eligible providers use performance accountability measures and data to improve adult education and literacy activities; (C) professional development, and assistance in developing, improving, identifying, and disseminating successful methods and techniques; (D) use of distance education and improving the use of technology; and (E) development and dissemination of proven models for addressing digital literacy needs of adults, including older adults (pg. 54-55);
  - *Competitive grants, contracts, or cooperative agreements* to national, regional, or local networks of private nonprofit organizations, public libraries, or institutions of



higher education to build the capacity of such networks' members to meet the performance requirements of eligible providers and involve eligible individuals in program improvement (pg. 55);

- *Other national leadership activities* through direct or competitive grants, contracts, or cooperative agreements with postsecondary educational institutions, institutions of higher education, public or private organizations or agencies (or consortia of institutions, organizations, or agencies). Allowable activities may include, but are not limited to: demonstration programs; developing and replicating best practices; capacity building efforts at the state and local level; and other projects. (pg. 55-60)

### **Sec. 344 Integrated English Literacy and Civics Education**

- From funds available for English literacy and civics education (12 percent of funds under this title), Secretary is required to award grants to states for integrated English literacy and civics education. (*new provision*) (pg. 60-61)
- Funds available for integrated English literacy and civics education must be allotted by formula:
  - 65 percent on the basis of a state's need for integrated English literacy and civics education, as determined by calculating each states' share of a 10-year average of Department of Homeland Security data for immigrants admitted for legal permanent residence for the ten most recent years; and
  - 35 percent on the basis of whether the state experienced growth, as measured by the average of the three most recent years for which data of the Department of Homeland Security for immigrants admitted for legal permanent residence are available. (pg. 61)
  - *Minimum* – No state shall receive less than \$60,000 under this section. (pg. 61)