The Supporting Knowledge and Investing in Lifelong Skills (SKILLS) Act (HR 803)

Title II – Adult Education and Family Literacy Education Act

Section-by-Section Analysis

March 2013

Sec. 201. Short Title. Changes name of title from the ‘Adult Education and Family Literacy Act’ to the “Adult Education and Family Literacy Education Act.’ (pp. 173-174)

Sec. 202. Purpose. Provides that the purpose of Title II is to provide instructional opportunities for adults seeking to improve their literacy skills, including their basic reading, writing, speaking, and math skills, and support states and local communities in providing, on a voluntary basis, adult education and family literacy education programs in order to (1) increase the literacy of adults to a level of proficiency necessary to obtain employment and self-sufficiency and to successfully advance in the workforce; (2) assist adults in the completion of a secondary school education or equivalent, and transition to a postsecondary educational institution; (3) assist parents to enable them to support the educational development of their children and make informed choices regarding their children’s education; and (4) assist adults who are not proficient in English in improving their reading, writing, speaking, listening, comprehension, and math skills. (pp. 174-175)

Sec. 203. Definitions. Defines the terms ‘adult education and family literacy education programs,’ ‘eligible agency,’ ‘eligible provider,’ ‘English language acquisition program,’ ‘family literacy education program,’ ‘Governor,’ ‘individual with a disability,’ ‘English learner,’ ‘integrated education and training,’ ‘institution of higher education,’ ‘literacy,’ ‘local educational agency,’ ‘outlying area,’ ‘postsecondary educational institution,’ ‘Secretary,’ ‘state,’ ‘state educational agency,’ and ‘workplace literacy program.’ (pp. 175-182)

Sec. 204 Home Schools. Provides that nothing in Title II shall be construed to affect home schools, or to compel a parent engaged in home schooling to participate in adult education and family literacy education activities. (p. 182)

Sec. 205 Appropriations. Authorizes appropriations of $606,294,933 for Fiscal Year 2014 and for each of the succeeding 6 fiscal years to carry out Title II.
Sec. 211. Reservation of Funds; Grants to Eligible Agencies; Allotments.

- Reservation of Funds. Requires the Secretary of Education to set aside 2 percent of funds appropriated for a fiscal year under Sec. 205 for national activities. (p. 182)

- Grants to Eligible Agencies. From funds appropriated under sec. 205 and not reserved for national activities, the Secretary is required to award grants to each eligible state agency for the fiscal year. Grants may only be awarded to eligible agencies that agree to expend the grant in accordance with the provisions of Title II. (pp. 182-183)

- Allotments. Requires Secretary to make initial allotments of $250,000 to each eligible agency in a state, and $100,000 to each eligible agency in an outlying area. Requires the Secretary to allot all remaining funds to eligible agencies according to a formula that takes into account the relative number of qualifying adults in the state or outlying areas compared to all states and outlying areas. Defines ‘qualifying adult’ as an adult who is at least 16 years old, is beyond the age of compulsory school attendance, does not have a secondary school diploma or equivalent, and is not enrolled in secondary school. (pp. 183-184)

- Hold-Harmless Provisions. For fiscal year 2013 and beyond, no eligible agency can receive an allotment of less than 90 percent of the allotment received during the preceding fiscal year. Any eligible agency that receives only an initial allotment for the preceding fiscal year must receive an allotment equal to 100 percent of the initial allotment. If for any fiscal year the amount available for allotment is insufficient to satisfy the hold-harmless provision, the Secretary must ratably reduce payments to all eligible agencies as needed. (p. 185)

- Reallotment. Provides that the portion of any eligible agency’s allotment that the Secretary determines will not be required for the period such allotment is available, is available for reallotment to other eligible agencies in the proportion of the original allotments to such agencies. (p. 186)

Sec. 221. State Administration. Essentially maintains current law. Provides that each eligible state agency is responsible for (1) the development, submission, implementation and monitoring of the state plan; (2) consultation with other appropriate agencies, groups, and individuals who are involved or interested in the development and implementation of activities under Title II; and (3) coordination and avoidance of duplication. (pp. 186-187)

Sec. 222 State Distribution of Funds; Matching Requirement. Essentially maintains current law.

- Requires each eligible agency receiving a grant under Title II to reserve:
  - not less than 82.5 percent of funds to award grants and contracts to eligible
providers, of which total not more than ten percent may be used for programs for corrections education and other institutionalized individuals;
- not more than 12.5 percent for state leadership activities; and
- not more than the greater of 5 percent of grant funds or $65,000 for administrative expenses of the eligible agency. (p.187)

- Maintains matching requirement of 25 percent for states, 12 percent for outlying areas. Non-federal contributions may be cash or in kind, and may only include funds used for adult education and family literacy education programs consistent with Title II. (p. 188)

Sec. 223. State Leadership Activities.

- Amends current section 223, lists eleven allowable statewide leadership activities including, among other activities: the establishment or operation of professional development programs; technical assistance to eligible providers; coordination with other public programs (including welfare-to-work, workforce development, and job training programs); development and implementation of a system to assist in the transition from adult basic education to postsecondary education; and integration of literacy, instructional, and occupational skills training and promotion of linkages with employers.1 (pp. 189-190)

- Requires eligible agencies to coordinate where possible, and avoid duplicating efforts, in order to maximize the impact of state leadership activities. (p. 191)

- Where states or outlying areas implement any rules or policies which impose requirements not imposed under federal law, the eligible agency shall identify, to eligible providers, that the rule or policy is being imposed by the state or outlying area. (p. 191)

Sec. 224. State Plan.

- 3 year plans. Amends current requirement that eligible agencies submit five year state plans, to three years. Provides that the state plan can be submitted as part of a state unified plan under sec. 501. (pp. 191-192)

- Plan Contents. Requires that state plans include:
  - An objective assessment of the needs of individuals in the state or outlying area for adult and family literacy education programs, including individuals most in need or hardest to serve;
  - A description of the adult and family literacy education programs to be carried out;

1 May mean ‘employers.’
o An assurance that funds will not be expended for any purpose other than for activities under Title II;
  
o A description of how the eligible agency will annually evaluate and measure the effectiveness and improvement of Title II programs using the indicators of performance described in sec. 136;
  
o A description of how the eligible agency will fund local activities in accordance with measurable goals described in sec. 231;
  
o An assurance that the eligible agency will expend funds in a manner consistent with fiscal requirements under sec. 241;
  
o A description of the process that will be used for public participation and comment with respect to the state plan. Mandates consultation with a range of entities, including the state workforce investment board, the state board responsible for community or technical colleges, the governor, state educational agency, and others. Lists optional entities for consultation.
  
o A description of the eligible agency’s strategy for serving populations that include, at a minimum: low-income individuals; individuals with disabilities; the unemployed; and individuals with multiple barriers to educational enhancement, including English learners;
  
o A description of how adult and family literacy education programs will be integrated with other adult education, career development, and employment and training activities;
  
o A description of how the state will provide direct and equitable access for eligible providers;
  
o An assessment of the adequacy of the state or outlying area system to ensure teacher quality, and a description of how the state or outlying area will improve teacher quality; and
  
o A description of how the eligible agency will consult with any state agency responsible for postsecondary education to prepare students to enter postsecondary education without the need for remediation. (pp. 192-195)

- **Plan Revisions.** Maintains current law. (p. 195)

- **Consultation.** Requires eligible agency to submit the state plan and any revisions to the governor, chief state school officer, or state officer responsible for community or technical colleges for review and comment. Any comments must be submitted with the state plan. (pp. 195-196)

- **Plan Approval.** Requires Secretary to approve state plans within 90 days, unless the Secretary makes a written determination within 30 days of receipt that the plan does not satisfy requirements. The Secretary may not disapprove of a plan before offering the eligible agency 30 days to correct the plan, and providing technical assistance to the eligible agency. (pp. 196-197)
• Eliminates current provisions relating to peer review process for approval of state plans and transition authority under the Adult Education Act.

**Sec. 225 Programs for Corrections Education and Other Institutionalized Individuals.** Largely maintain current law, but expands use of funds provision to include: (1) basic skills education; (2) special education programs; (3) reading, writing, speaking, and math programs; (4) secondary school credit or diploma programs, or equivalent; and (5) integrated education and training. (p. 197)

**Sec. 231 Grants and Contracts for Eligible Providers.** Amends current section 231.

• **Grants and Contracts.** Essentially maintains current language requiring each eligible agency to award multi-year grants or contracts to eligible providers to develop, implement, and improve adult education and family literacy education programs in the state. (pp. 198-199)

• **Local Activities.** Requires eligible providers receiving grants or contracts to establish or operate (1) programs that provide adult education and literacy activities; (2) programs that provide such activities concurrently with postsecondary education or training or employment activities; and (3) credit-bearing postsecondary coursework. (p. 199)

• Maintains current language requiring direct and equitable access for all eligible providers to apply for grants or contracts, and requiring that the same grant or contract announcement and application process used for all providers. (p. 199)

• **Measurable Goals.** Current law specifies considerations the eligible agency must make in awarding grants and contracts to eligible providers. Amends to require the eligible provider to provide demonstrations on fifteen outcomes and factors, including (among other things): the eligible provider’s measurable goals for participant outcomes to be achieved annually on the core indicators of performance; the past effectiveness of the eligible provider in improving the basic academic skills of adults and, for eligible providers receiving grants in the prior year, success in exceeding performance goals; the commitment of the eligible provider to serve individuals in the community who are most in need of basic academic skills instructions services; and the capacity of the eligible provider to provide valid information on performance results, including enrollments and measurable participant outcomes. (pp. 199-202)

• Authorizes eligible providers to use grant funds to serve children participating in family literacy programs, provided that other sources of funds are used first. (p. 202)

**Sec. 232 Local Application.** Amends current section 232. Essentially maintains current law, adds requirement that applications include each of the demonstrations required under sec. 231. (pp. 202-203)
Sec. 233 Local Administrative Cost Limits. Amends current section 233. Maintains current law limiting administrative costs limits for eligible providers to five percent of grant funds. Maintains exception where cost limits are too restrictive. (pp. 203-204)

Sec. 241 Administrative Provisions. Amends current sec. 241. Maintains current requirement that Title II funds supplement and not supplant other state or local public funds. Eliminates current maintenance of effort provisions. (p. 204)

Sec. 242. National Activities. Replaces current sec. 242, relating to the National Institute for Literacy. Amends current section 243, requires the Secretary of Education to carry out a program of national activities that may include: (1) providing technical assistance upon request to eligible entities; (2) providing for the conduct of research on national literacy basic skill acquisition levels among adults, including English learners; (3) improving the coordination, efficiency, and effectiveness of adult education and workforce development services at the national, state, and local levels; (4) determining how participation in adult education, English language acquisition, and family literacy education prepares individuals for entry into and success in postsecondary education and employment, and the effect of prison-based services on recidivism; (5) evaluating how different types of providers measurably improve the skills of participants in adult education, English language acquisition, and family literacy programs; (6) identifying model integrated basic and workplace skills education program and effective strategies for serving adults with disabilities; and (7) other activities. (pp. 204-206)