



**LEGISLATIVE SIDE-BY-SIDE
FOR THE AEEG ACT
OF CONGRESSMEN KENNEDY AND HINOJOSA**

WIA I AND II & RELATED

**TO ADVANCE THE RECOMMENDATIONS
OF THE NATIONAL COMMISSION ON ADULT LITERACY
AND *REACH HIGHER, AMERICA***

**MAY 10, 2009 CONSOLIDATED VERSION
4-13-09 ITERATION WITH SUPPLEMENTAL
MATERIAL TO 5/10/09 INCORPORATED
(with input from selected commissioners
and other advisors)**

Draft Legislation for the Adult Education and Economic Growth Act National Commission on Adult Literacy Steering Committee – Side-by-Side

Findings –

Comment: Underlined text can be cut if necessary for space.

Most workers must have at least some postsecondary education or occupational training to be ready for current and future jobs in the global marketplace.

150 million adults aged 16 and older are the labor force (2006, American Community Survey, U.S. Census Bureau). More than half of them need basic and workplace skills services, including ESL, to get into job training or college, or get jobs or advance in the workplace.

Every year, one in three young adults – more than 1.2 million people – drop out of high school. Even more alarming, many high school graduates lack basic skills and readiness for job training and college. In 2006, more than 18 million adults 18-64 had no high school diploma.

In 2006, 18.4 million adults spoke English “less than very well.” Of these 8.2 million had no high school diploma or equivalency and 5 million had completed high school but were not college or job ready. In general, about 2 million immigrants come to the U.S. each year seeking jobs and better lives—the promise of America—and some 50 percent have low literacy levels and lack high school education and English language skills, severely limiting their access to jobs and job training, college, and citizenship.

One in four U.S. working families is low-income and one in five children lives in poverty. Millions of parents and caregivers in these households lack the education and skills to earn a family-sustaining wage.

Some 56 percent of incarcerated adults 16 and older (2.3 million people in 2006) have very low literacy skills and lack the basic and workplace skills needed for college and jobs. Ninety-five percent of incarcerated people return to our communities. It is hard enough for them to find jobs burdened with a prison record, but nearly impossible without the necessary education and basic skills.

The U.S. is the only nation among the 30 OECD free market countries where young adults are less educated than the previous generation, and according to other international comparisons, we are losing ground in other ways in educational attainment.

Current adult education and workforce skills programs reach too few students – about 3 million per year in the adult education programs of the Departments of Labor and Education, the two major federal programs -- and enrollments are declining. Programs as currently constituted and funded are not equipped to meet the scale or nature of 21st Century need

Adult education and workforce skills programs and planning throughout federal government and the states are fragmented and disconnected, resulting in wasteful duplication, lack of full and appropriate access to services, and lack of comparable data and meaningful outcome assessments. The problem of silos pervades adult education and workforce skills at every level. The total national effort needs to be more connected and comparable, with greater clarity about expected outcomes along pathways from the lowest skill levels to readiness for college, jobs, and job training.

Failure to provide adult education and workforce skills service on substantially larger scale, as called for by 21st century need, would put our country in great jeopardy and threaten our standard of living, economic competitiveness, and even national security. Better and more educated adults will benefit the nation in higher employment rates, better personal income and individual and

economic well-being, substantially increased fiscal contributions to government at all levels, increased voter participation and civic engagement, and better health, among many other gains.

Overarching Purposes –

- To transform the adult education and literacy system into an Adult Education and Work Skills System that coordinates and integrates adult education and literacy services with workforce skills development and postsecondary education and training opportunities across agencies and programs.
- To increase substantially the access to adult education and workforce skills services for adults who have limited basic skills, lack a high school diploma or its equivalent, or are limited English proficient.
- To create seamless pathways of adult education and workforce skills services that will support adult learners throughout the pipeline starting from the lowest levels of basic skills or English language proficiency and continuing through to the achievement of a level of proficiency that will enable the adult learner to successfully make the transition to postsecondary education or job training or advance in the workplace, to support the goal of obtaining family-sustaining jobs and meeting employer needs.
- To greatly improve outcomes for adults receiving adult education and workforce skills services in terms of learning gains, acquiring basic workforce skills, accelerated learning, acquisition of a high school diploma or its equivalent, successful transition to postsecondary education or training or the workplace
- To achieve the above purposes at the federal level through increased connectivity between all federal adult education programs, with special focus on appropriate links between WIA Title II and WIA Title I adult education programs.

Comment: For purposes of the AEEG Act, the term “adults” includes out-of-school adults aged 16 and older who are parents, eligible incarcerated and parolees, recent hires and long-term incumbent workers, the unemployed and underemployed, and those in need of ESL services who also need other basic skills (most ESL adults).

Comment: Includes TANF, Justice, HHS, Disability, Veterans, etc.

PROPOSED AMENDMENTS to WIA I

CURRENT LAW	NATIONAL COMMISSION AMENDMENTS
<p>Section 101 Definitions – (2) Adult education; adult education and literacy activities.-- (2) The terms ``adult education" and ``adult education and literacy activities" have the meanings given the terms in section 203</p> <p>(4) Basic skills deficient.--The term ``basic skills deficient" means, with respect to an individual, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test</p> <p>(14) Employment and training activity.--The term ``employment and training activity" means an activity described in section 134 that is carried out for an adult or dislocated worker.</p> <p>(38) (B) the provision of information and access to available employment and training activities</p> <p>(38) (C) assistance in establishing a labor-management committee, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet such needs</p> <p>(51) Workforce investment activity.--The term ``workforce investment activity" means an employment and training</p>	<p>Section 101 Definitions - 2) Change “adult education and literacy” to “adult education and workforce skills,” as defined in new WIA II Sec. 203 (1).</p> <p>Add new definition: Basic Skills – The term “basic skills” is as defined in new WIA II Sec. 203 (2)</p> <p>(4) Basic Skills Deficient – The term “basic skills deficient” has the meaning given the term in Title II of this Act.</p> <p>(14) Change “employment and training” to read “employment, training, and adult education and workforce skills.”</p> <p>(38) (B) Change “employment and training” to read “employment, training, and adult education and workforce skills.”</p> <p>(38) (C) Change “employment and training” to read “employment, training, and workforce skills.”</p> <p>(51) Change “employment and training” to read “employment, training, and workforce skills.”</p>

Comment:
 Wherever postsecondary education and job training are referred to as outcomes for WIA services, employment should be included. Wherever that occurs, “and family-sustaining jobs” should be added to make sure the idea of connection to employers and the labor market is included and that the goal is good jobs (not just work first, take any job).

activity, and a youth activity...

Other Definitions and Amendments
to Sec. 101

Career Pathway means a high quality , rigorous, engaging set of education, training, and workforce experiences that – (A) Align adult education, postsecondary education or occupational training to create pathways for youth and adults from lowest skill levels to attaining recognized postsecondary credentials and job training that will qualify individuals for jobs and career advancement in projected employment opportunities identified in the state plan; (B) Include programs that are both integrated and sequential in nature; (C) Include a case management approach in the delivery of services; and (D) Lead to outcomes that include-

(i) a secondary diploma or its equivalent; and/or

(ii) a postsecondary degree, an apprenticeship or other occupational certification or license, or employment with ongoing education.

Adult Education and Workforce Skills means education services as defined in WIA II Sec. 203(1).

Integrated Education and Training means training that combines workforce education for a specific occupation or occupational cluster with English literacy instruction or other adult education and literacy activities, including college and career-related programs and programs that allow for dual enrollment and that may be sequential in nature.

Sequential Education means career pathways programs in which participants are enrolled solely in adult basic skills

<p>Sec.106 The purpose of this subtitle is to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation.</p> <p>Sec. 111(d)(5) development of allocation formulas for the distribution of funds for adult employment and training</p>	<p>courses (ABE, ASE, or ESL) until they reach thresholds of basic skills proficiency required for transition to (a) noncredit occupational education or (b) credit postsecondary education, or until they reach thresholds of basic skills or high school equivalency required by business, individual employers, or public sector employment agencies for higher-wage jobs than they previously held.</p> <p><u>Dual enrollment</u> means that participants in career pathways programs are enrolled in both basic skills courses and either noncredit occupational courses (as in some VESL programs) or postsecondary classes <i>at the same time</i> and receive basic skills instruction specific to success in the occupational/postsecondary programs in which they are enrolled.</p> <p>Sec. 106 –</p> <p>Add an additional purpose that reads, “To coordinate the nation’s Adult Education and Workforce Skills system with workforce development and postsecondary education and training opportunities across agencies and programs in order to increase individuals’ prospects for better jobs”</p> <p>Sec. 111(d)(5) Change to “funds for adult employment, training, adult education and workforce</p>
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Comment: There are two special subsets of “dual enrollment” for ESL students: 1) “Credit ESL” – in which students who have been admitted to credit programs are enrolled in ESL classes intended to improve their ability to succeed in those programs but are also allowed to enroll in selected credit courses at the same time. “Credit ESL” courses usually teach generic basic skills required for postsecondary education, rather than basic skills specific to particular courses of study and are sometimes not required for admission to postsecondary programs, 2) “Noncredit options” – in which students enrolled primarily in noncredit ESL programs are also allowed to enroll in any noncredit courses without any special preparation for those courses (e.g., at City College of San Francisco approximately 20% of non-credit ESL students enroll in one or more non-credit occupational courses without any special preparation for transitions, but continue their non-credit ESL during and after their enrollment in these courses).

<p>activities and youth activities to local areas as permitted under sections 128(b)(3)(B) and 133(b)(3)(B);</p> <p>Sec.111(e) Alternative Entity.-- (1) In general.--For purposes of complying with subsections (a), (b), and (c), a State may use any State entity (including a State council, State workforce development board, combination of regional workforce development boards, or similar entity) that-- (A) was in existence on December 31, 1997; (B)(i) was established pursuant to section 122 or title VII of the Job Training Partnership Act, as in effect on December 31, 1997; or (ii) is substantially similar to the State board described in subsections (a), (b), and (c); and (C) includes representatives of business in the State and representatives of labor organizations in the State</p> <p>Section 112 State Plan</p>	<p>skills, and youth activities' as permitted under Sections 128(b)(3)(B) and 133(b)(3)(B).</p> <p>Sec. 111(e) Alternative Entity – If this provision/language is retained, add representation for adult education.</p> <p>Sec. 112 State Plan See WIA Title II Sec. 224.</p> <p>State plans should articulate alignment of WIA I and II and other federal adult education programs. Through a process of comprehensive planning that involves all stakeholder groups, these plans should (a) be set in the context of articulated state economic development goals, (b) require the state to describe levels of education and the job skills needed to obtain employment opportunities at family-sustaining wages, the type and level of education opportunities available in the state as related to projected employment opportunities, and the college and career success activities that will be carried out</p>
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<p>Sec. 112(b)(12)(C) a description of the formula prescribed by the Governor pursuant to section 133(b)(2)(B) for the allocation of funds to local areas for dislocated worker employment and training activities</p> <p>Sec.112(b)(17)(A)(i) the employment and training activities that will be carried out with the funds received by the State through the allotment made under section 132;</p> <p>Sec.112(b)(17)(A)(iv) how the State will serve the employment and training needs of dislocated workers (including displaced homemakers), low-income individuals (including recipients of public assistance), individuals training for nontraditional employment, and other individuals with</p>	<p>under this title.</p> <p>(c) contain measurement and evaluation plans to show gains towards high school completion and job and college readiness,</p> <p>(d) provide incentives for partnerships with business (including plans to co-invest in programs for workers),</p> <p>(e) contain plans for use of technology to extend student outreach and education access, collect and track data (geared to a nationally-anchored data system), and strengthen program management capacity,</p> <p>(f) devise ways to share data across elements of the system,</p> <p>(g) provide for essential guidance and counseling services,</p> <p>(h) contain plans for the use of workforce assessment tools and employability and occupational certificates to validate worker skills levels</p> <p>(i) contain provisions for professional development</p> <p>Sec. 112(b)(12)(C) Change “employment and training” to read “employment, training, and adult education and workforce skills activities.”</p> <p>Sec. 112(b)(17)(A)(i) Change “employment and training” to “employment, training, and workforce skills activities...”</p> <p>Sec. 112(b)(17)(A)(iv) Change “employment and training” to “employment, training, and adult education and workforce skills”...</p>
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Comment: The provision may not be suitable as a blanket for WIA I, but some connective language is needed.

<p>multiple barriers to employment (including older individuals and individuals with disabilities)</p> <p>Sec.112(b)(17)(B) an assurance that veterans will be afforded the employment and training activities by the State, to the extent practicable...</p> <p>Sec.(116)(a)(1)(B) (i) Geographic areas served by local educational agencies and intermediate educational agencies. (ii) Geographic areas served by postsecondary educational institutions and area vocational education schools.</p> <p>Sec.117(b)(2)(A)(ii) representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist), selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities.</p> <p>Sec.117(d)(4) Program oversight.--The local board, in partnership with the chief elected official, shall conduct oversight with respect to local programs of youth activities authorized under section 129, local employment and training activities authorized under section134, and the one-stop delivery system in the local area.</p> <p>Sec.117(d) (5)) Negotiation of local performance measures.--The local board, the chief elected official, and the Governor</p>	<p>Sec. 112(b)(17)(B) Change “employment and training” to “employment, training, and adult education and workforce skills activities”...</p> <p>Sec. (116)(a)(1)(B)(i) Add after the end of (ii) “and programs operated under Title II of this Act.”</p> <p>Sec. 117(b)(2)(A)(ii) Change “adult education and literacy” to “adult education and workforce skills.”</p> <p>Sec. 117(d)(4) Program oversight. – Change “employment and training” to read “employment, training, and adult education and workforce skills...”</p> <p>Sec. 117(d)(5) Add “with respect to setting performance in measures for adult education and</p>
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<p>shall negotiate and reach agreement on local performance measures as described in section 136(c).</p> <p>Sec. 117 (h) (2) (B) Youth Council.-- (1) Establishment.--There shall be established, as a subgroup within each local board, a youth council appointed by the local board, in cooperation with the chief elected official for the local area. (2) Membership.--The membership of each youth council-- (A) shall include-- (i) members of the local board described in subparagraph (A) or (B) of subsection (b)(2) with special interest or expertise in youth policy; (ii) representatives of youth service agencies, including juvenile justice and local law enforcement agencies; (iii) representatives of local public housing authorities; (iv) parents of eligible youth seeking assistance under this subtitle; (v) individuals, including former participants, and representatives of organizations, that have experience relating to youth activities; and (vi) representatives of the Job Corps, as appropriate; and (B) may include such other individuals as the chairperson of the local board, in cooperation with the chief elected official, determines to be appropriate.</p> <p>Sec 118 Local Plan</p> <p>Sec118(b)(4) a description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;</p>	<p>workforce skills the lead state official for the Adult Education and Workforce Skills System will be consulted.”</p> <p>Sec. 117(h)(2)(B) Youth Council – If these councils will be continued, there should be adult education representation on the councils.</p> <p>Sec 118 Local Plan</p> <p>Sec. 118(b)(4) Change “employment and training” to read “employment, training, and adult education and workforce skills...”</p>
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Comment: One-third of adult education services now are provided to out of school youth aged 16-24; the AEEG embraces adults aged 16 and older. In the interest of breaking down silos and building connectivity in programs with common purposes or common elements, youth 16 and older are an essential part of the adult education target population.

<p>Sec121(b)(1)(B)(iii) adult education and literacy activities authorized under title II;</p> <p>Sec122(b)(2)(D)(iv) shall submit an application, to the local board for the local area in which the provider desires to provide training services, at such time and in such manner as may be required, and containing a description of the program;</p>	<p>The local plan should</p> <p>--Be required to include a description of (a) the levels of education needed and the job skills necessary to obtain employment opportunities at family-sustaining wages, (b) the type and availability of educational opportunities to prepare individuals to obtain employment opportunities, and (c) the college- and job-related activities that will be carried out.</p> <p>-- Describe how progress toward outcome goals will be assessed.</p> <p>-- Indicate the range of groups that will be involved in providing services and their specific role(s). These groups may vary from location to location but will include colleges, school districts, correctional institutions, family literacy programs, voluntary programs, community-based organizations, employers and unions, and others as appropriate.</p> <p>Tie the local planning requirements to the state plan of Sec. 112 above and to WIA Title II as appropriate.</p> <p>Sec 121(b)(1)(B)(iii) Change to read “adult education and workplace skills” activities</p> <p>Sec. 122(b)(2)(D)(iv) Add a requirement that training programs which require certain basic skill and English language prerequisites for entry describe those prerequisites in their applications.</p>
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Comment: May be more appropriate in WIA II than WIA I.

<p>Sec 122(e)(4)(A) State list.--The designated State agency shall compile a single list of the providers identified under paragraph (3) from all local areas in the State and disseminate such list, and the performance information and program cost information described in paragraph (1), to the one-stop delivery systems within the State. Such list and information shall be made widely available to participants in employment and training activities authorized under section 134 and others through the one-stop delivery system.</p>	<p>Sec. 122(e)(4)(a) State list.</p> <p>Change “employment and training” to read “employment, training, and adult education and workforce skills”</p>
<p>Sec128(a)(2) Use of Funds – Regardless of whether the reserved amounts were allotted under section(127)(b)(1)(C), or under paragraph (1)(B) or (2)(B) of section 132(b), the Governor may use the reserved amounts to carry out statewide youth activities described in section129(b) or statewide employment and training activities, for adults or for dislocated workers, described in paragraph (2)(B) or (3) of section 134(a).</p>	<p>Sec. 128 (a)(2) Use of Funds –</p> <p>Change “employment and training” to read “employment, training, and adult education and workforce skills”</p>
<p>Sec. 129 Youth Activities</p> <p>(a) Purposes.--The purposes of this section are--</p> <p>(1) to provide, to eligible youth seeking assistance in achieving academic and employment success, effective and comprehensive activities, which shall include a variety of options for improving educational and skill competencies and provide effective connections to employers;</p> <p>(2) to ensure on-going mentoring opportunities for eligible youth with adults committed to providing such opportunities;</p> <p>(3) to provide opportunities for training to eligible youth;</p>	<p>Sec. 129 Youth Activities</p> <p>(a) Purposes – add “to provide opportunities for career pathways for eligible youth.”</p>

(4) to provide continued supportive services for eligible youth;

(5) to provide incentives for recognition and achievement to eligible youth; and

(6) to provide opportunities for eligible youth in activities related to leadership, development, decision making, citizenship, and community service.

(b) Statewide Youth Activities.--

(1) In general.--Funds reserved by a Governor for a State as described in sections 128(a) and 133(a)(1)--

(A) shall be used to carry out the statewide youth activities described in paragraph (2); and

(B) may be used to carry out any of the statewide youth activities described in paragraph (3), regardless of whether the funds were allotted to the State under section 127(b)(1) or under paragraph (1) or (2) of section 132(b).

(2) Required statewide youth activities.--A State shall use funds reserved as described in sections 128(a) and 133(a)(1) (regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b)) to carry out statewide youth activities, which shall include--

(A) disseminating a list of eligible providers of youth activities described in section 123;

(B) carrying out activities described in clauses (ii) through (vi) of section 134(a)(2)(B), except that references in such clauses to activities authorized under section 134 shall be considered to be references to activities authorized under this section; and

(C) providing additional assistance to local areas that have high concentrations of eligible youth to carry out the activities described in subsection (c).

(3) Allowable statewide youth activities.--A State may use funds reserved

as described in sections 128(a) and 133(a)(1) (regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b)) to carry out additional statewide youth activities, which may include--

(A) carrying out activities described in clauses (i), (ii), (iii), (iv)(II), and (vi)(II) of section 134(a)(3)(A), except that references in such clauses to activities authorized under section 134 shall be considered to be references to activities authorized under this section; and

(B) carrying out, on a statewide basis, activities described in subsection (c).

(4) Prohibition.--No funds described in this subsection or section 134(a) shall be used to develop or implement education curricula for school systems in the State.

(c) Local Elements and Requirements.--

(1) Program design.--Funds allocated to a local area for eligible youth under paragraph (2)(A) or (3), as appropriate, of section 128(b) shall be used to carry out, for eligible youth, programs that--

(A) provide an objective assessment of the academic levels, skill levels, and service needs of each participant, which assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant, except that a new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program;

(B) develop service strategies for each participant that shall identify an employment goal (including, in appropriate

(c) Local Elements and Requirements –

(1) Program design, add “opportunities for career pathways” and add “completion of secondary school; in appropriate cases.”

circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the assessment conducted pursuant to subparagraph (A), except that a new service strategy for a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program; and

(C) provide--

(i) preparation for postsecondary educational opportunities, in appropriate cases;

(ii) strong linkages between academic and occupational learning;

(iii) preparation for unsubsidized employment opportunities, in appropriate cases; and

(iv) effective connections to intermediaries with strong links to--

(I) the job market; and

(II) local and regional

employers.

(2) Program elements.--The programs described in paragraph (1) shall provide elements consisting of--

(A) tutoring, study skills training, and instruction, leading to completion of secondary school, including dropout prevention strategies;

(B) alternative secondary school services, as appropriate;

(C) summer employment opportunities that are directly linked to academic and occupational learning;

(D) as appropriate, paid and unpaid work experiences, including internships and job shadowing;

(E) occupational skill training, as appropriate;

(F) leadership development opportunities, which may include community service and peer-centered

(2) Program Elements – add “dual enrollment opportunities.”

activities encouraging responsibility and other positive social behaviors during non-school hours, as appropriate;

(G) supportive services;

(H) adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;

(I) follow up services for not less than 12 months after the completion of participation, as appropriate; and

(J) comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate.

(3) Additional requirements.--

(A) Information and referrals.--

Each local board shall ensure that each participant or applicant who meets the minimum income criteria to be considered an eligible youth shall be provided--

(i) information on the full array of applicable or appropriate services that are available through the local board or other eligible providers or one-stop partners, including those receiving funds under this subtitle; and

(ii) referral to appropriate training and educational programs that have the capacity to serve the participant or applicant either on a sequential or concurrent basis.

(B) Applicants not meeting enrollment requirements.--Each eligible provider of a program of youth activities shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program or who cannot be served shall be referred for further assessment, as necessary, and referred to appropriate programs in accordance with subparagraph (A) to meet the basic skills and training needs of the applicant.

(C) Involvement in design and implementation.--The local board shall ensure that parents, participants, and other members of the community with

experience relating to programs for youth are involved in the design and implementation of the programs described in paragraph (1).

(4) Priority.--

(A) In general.--At a minimum, 30 percent of the funds described in paragraph (1) shall be used to provide youth activities to out-of-school youth.

(B) Exception.--A State that receives a minimum allotment under section 127(b)(1) in accordance with section 127(b)(1)(C)(iv)(II) or under section 132(b)(1) in accordance with section 132(b)(1)(B)(iv)(II) may reduce the percentage described in subparagraph (A) for a local area in the State, if--

(i) after an analysis of the eligible youth population in the local area, the State determines that the local area will be unable to meet the percentage described in subparagraph (A) due to a low number of out-of-school youth; and

(ii)(I) the State submits to the Secretary, for the local area, a request including a proposed reduced percentage for purposes of subparagraph (A), and the summary of the eligible youth population analysis; and (II) the request is approved by the Secretary.

(5) Exceptions.--Not more than 5 percent of participants assisted under this section in each local area may be individuals who do not meet the minimum income criteria to be considered eligible youth, if such individuals are within one or more of the following categories:

(A) Individuals who are school dropouts.

(B) Individuals who are basic skills deficient.

(C) Individuals with educational attainment that is one or more grade levels below the grade level appropriate to the age of the individuals.

(D) Individuals who are pregnant or

parenting.

(E) Individuals with disabilities, including learning disabilities.

(F) Individuals who are homeless or runaway youth.

(G) Individuals who are offenders.

(H) Other eligible youth who face serious barriers to employment as identified by the local board.

(6) Prohibitions.--

(A) Prohibition against federal control of education.--No provision of this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution, school, or school system.

(B) Nonduplication.--All of the funds made available under this Act shall be used in accordance with the requirements of this Act. None of the funds made available under this Act may be used to provide funding under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.) or to carry out, through programs funded under this Act, activities that were funded under the School-to-Work Opportunities Act of 1994, unless the programs funded under this Act serve only those participants eligible to participate in the programs under this Act.

(C) Noninterference and nonreplacement of regular academic requirements.--No funds described in paragraph (1) shall be used to provide an activity for eligible youth who are not school dropouts if participation in the activity would interfere with or replace the regular academic requirements of the

youth.

(7) Linkages.--In coordinating the programs authorized under this section, youth councils shall establish linkages with educational agencies responsible for services to participants as appropriate.

(8) Volunteers.--The local board shall make opportunities available for individuals who have successfully participated in programs carried out under this section to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.

CHAPTER 5- ADULT AND
DISLOCATED WORKER
EMPLOYMENT AND TRAINING
ACTIVITIES

Sec132(b)(1) Adult employment and training activities

Sec132(b)(1)(A)(ii) and (B)(i)
Applicability of additional requirements.--
From the amount reserved under clause (i), the Secretary shall provide assistance to the outlying areas for adult employment and training activities and statewide workforce investment activities in accordance with the requirements of section 127(b)(1)(B), except that the reference in section 127(b)(1)(B)(i)(II) to sections 252(d) and 262(a)(1) of the Job Training Partnership Act shall be deemed to be a reference to section 202(a)(1) of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act).

(B) States.--

(i) In general.--After determining the amount to be reserved under

CHAPTER 5 – ADULT AND
DISLOCATED WORKER
EMPLOYMENT, TRAINING, AND
RELATED EDUCATION
ACTIVITIES

Sec 132(b)(1)
Change “employment and training” to read “employment, training, and adult education and workforce skills”

Sec 132 (b)(1)(A)(ii) and (B)(i)
Change “employment and training” to read “employment, training, and adult education and workforce skills”

<p>subparagraph (A), the Secretary shall allot the remainder of the amount referred to in subsection (a)(1) for a fiscal year to the States pursuant to clause</p> <p style="padding-left: 40px;">(ii) for adult employment and training activities and statewide workforce investment activities.</p> <p>Sec(132)(b)(2)(B)(i) In General – The Secretary shall allot the amount referred to in subsection (a)(2)(B) for a fiscal year to the States pursuant to clause (ii) for dislocated worker employment and training activities and statewide workforce investment activities.</p> <p>Sec(132)(c)(1) In General – The Secretary shall, in accordance with this subsection, reallocate to eligible States amounts that are allotted under this section for employment and training activities and statewide workforce investment activities and that are available for reallocation.</p> <p>Sec(133)(b)(1)(A) and (B)) the funds that are allotted to the State for adult employment and training activities and statewide workforce investment activities under section 132(b)(1)(B) and are not reserved under subsection (a)(1), in accordance with paragraph (2) or (3); and</p> <p style="padding-left: 40px;">(B) the funds that are allotted to the State for dislocated worker employment and training activities under section 132(b)(2)(B) and are not reserved under paragraph (1) or (2) of subsection (a), in accordance with paragraph (2).</p>	<p>Sec 132(B)(2)(B)(i)</p> <p>Change “employment and training” to read “employment, training, and adult education and workforce skills”</p> <p>Sec 132(c)(1)</p> <p>Change “employment and training” to read “employment, training, and adult education and workforce skills”</p> <p>Sec 133(b)(1)(A) and (B)</p> <p>Change “employment and training” to read “employment, training, and adult education and workforce skills”</p>
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<p>Sec(133)(b)(2)(A) and (B) and (C)(3) titles</p> <p>(A) ADULT EMPLOYMENT AND TRAINING ACTIVITIES</p> <p>(B) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES</p> <p>(C)(3) ADULT EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATIONS</p>	<p>Sec 133(b)(2)(A) and (B) and (C)(3) titles</p> <p>Change “employment and training” to read “employment, training, and adult education and workforce skills”</p> <p>(B) Change “employment and training” to read “employment, training, and adult education and workforce skills”</p> <p>(C)(3) Change “employment and training” to read “employment, training, and workforce skills”</p>
<p>Sec. 133 (b) (4) (A) and (b) (5) (A) and (b) (5) (B) (i) and (b) (5) (B) (ii) and (b) (5) (C) (1) adult employment and training activities; and</p> <p>(B) dislocated worker employment and training activities.</p> <p>(5) Allocation.--</p> <p>(A) In general.--The Governor of the State shall allocate the funds described in paragraph (1) to local areas under paragraphs (2) and (3) for the purpose of providing a single system of employment and training activities for adults and dislocated workers in accordance with subsections (d) and (e) of section 134.</p> <p>(B) Additional requirements.--</p> <p>(i) Adults.--Funds allocated under paragraph (2)(A) or (3) shall be used by a local area to contribute proportionately to the costs of the one-stop delivery system described in section 134(c) in the local area, and to pay for employment and training activities provided to adults in the local area, consistent with section 134.</p> <p>(ii) Dislocated workers.--Funds allocated under paragraph (2)(B) shall be used by a local area to contribute proportionately to the costs of the one-stop delivery system described in section 134(c)</p>	<p>Sec. 133 (b) (4) (A) and (b) (5) (A) and (b) (5) (B) (i) and (b) (5) (B) (ii) and (b) (5) (C) (1)</p> <p>Change “employment and training” to read “employment, training, and adult education and workforce skills”</p>

in the local area, and to pay for employment and training activities provided to dislocated workers in the local area, consistent with section 134.

(c) Reallocation Among Local Areas.--

(1) In general.--The Governor may, in accordance with this subsection, reallocate to eligible local areas within the State amounts that are allocated under paragraph (2)(A) or (3) of subsection (b) for adult employment and training activities and that are available for reallocation.

Sec 134 USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES

Sec. 134 (a) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES

Sec. 134 (a) (1) (B) (i) and (a) (1) (B) (ii) shall be used to carry out the statewide employment and training activities described in paragraph (2)(B); and (ii) may be used to carry out any of the statewide employment and training activities described in paragraph (3)

Sec 134(a)(2)(B) Other required statewide employment and training activities.--A State shall use funds reserved as described in sections 128(a) and 133(a)(1) (regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b)) to carry out other statewide employment and training activities

Sec 134 USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES

<p>Sec. 134 (a) (3) ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES</p> <p>Sec 134(a)(3)(A) In general.--A State may use funds reserved as described in sections 128(a) and 133(a)(1) (regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b)) to carry out additional statewide employment and training activities</p> <p>Sec. 134 (a) (3) (B) (ii) and (b) (1) and (b) (2) Use of funds.--Funds made available for administrative costs under clause (i) may be used for the administrative cost of any of the statewide youth activities or statewide employment and training activities, regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b).</p> <p>(b) Local Employment and Training Activities.--Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to a local area for dislocated workers under section 133(b)(2)(B)--</p> <p>(1) shall be used to carry out employment and training activities described in subsection (d) for adults or dislocated workers, respectively; and</p> <p>(2) may be used to carry out employment and training activities described in subsection (e) for adults or dislocated workers, respectively.</p> <p>(c) Establishment of One-Stop Delivery System.--</p> <p>(1) In general.--There shall be</p>	<p>Sec. 134 (a)(3) ALLOWABLE... Change “employment and training” to read “employment, training, and adult education and workforce skills”</p> <p>Sec 134(a)(3)(A) Change “employment and training” to read “employment, training, and adult education and workforce skills”</p> <p>Sec. 134 (a) (3) (B) (ii) and (b) (1) and (b) (2) Change “employment and training” to read “employment, training, and adult education and workforce skills”</p>
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established in a State that receives an allotment under section 132(b) a one-stop delivery system, which--

(A) shall provide the core services described in subsection (d)(2);

(B) shall provide access to intensive services and training services as described in paragraphs (3) and (4) of subsection

(d), including serving as the point of access to individual training accounts for training services to participants in accordance with subsection (d)(4)(G);

(C) shall provide access to the activities carried out under subsection (e), if any;

(D) shall provide access to programs and activities carried out by one-stop partners and described in section 121(b); and

(E) shall provide access to the information described in section 15 of the Wagner-Peyser Act and all job search, placement, recruitment, and other labor exchange services authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(2) One-stop delivery.--At a minimum, the one-stop delivery system--

(A) shall make each of the programs, services, and activities described in paragraph (1) accessible at not less than one physical center in each local area of the State; and

(B) may also make programs, services, and activities described in paragraph (1) available--

(i) through a network of affiliated sites that can provide one or more of the programs, services, and activities to individuals; and

(ii) through a network of eligible one-stop partners--

(I) in which each partner provides one or more of the programs, services, and activities to such individuals and is accessible at an affiliated site that consists of a physical location or an

<p>electronically or technologically linked access point; and</p> <p>(II) that assures individuals that information on the availability of the core services will be available regardless of where the individuals initially enter the statewide workforce investment system, including information made available through an access point described in subclause (I).</p> <p>(3) Specialized centers.--The centers and sites described in paragraph (2) may have a specialization in addressing special needs, such as the needs of dislocated workers.</p> <p>Sec 134(d) REQUIRED LOCAL EMPLOYMENT AND TRAINING ACTIVITIES</p> <p>Sec. 134 (d) (1) (A) (IV) to provide training services described in paragraph (4) to adults and dislocated workers, respectively, described in such paragraph.</p> <p>Sec. 134 (d) (3) (A) (i) (I) and (II) who are unemployed and are unable to obtain employment through core services provided under paragraph (2); and (II) who have been determined by a one-stop operator to be in need of more intensive services in order to obtain employment</p> <p>Sec. 134 (d) (A) (i) who have met the eligibility requirements for intensive services under paragraph (3)(A) and who</p>	<p>Sec 134(d) REQUIRED LOCAL EMPLOYMENT AND TRAINING ACTIVITIES</p> <p>Change “ employment and training” to read “employment, training, and adult education and workforce skills.”</p> <p>Sec. 134 (d) (3) (A) (i) (I) and (II)</p> <p>Strike this subsection except (II).</p> <p>Sec. 134 (d) (A) (i)</p> <p>Strike this subsection.</p>
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<p>are unable to obtain or retain employment through such services</p> <p>Sec. 134 (d)(4)(A) (ii) who after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to be in need of training services and to have the skills and qualifications to successfully participate in the selected program of training services</p> <p>Sec. 134 (d) (4) (B) (i) (I) and (II) Requirement.--Except as provided in clause (ii), provision of such training services shall be limited to individuals who-- (I) are unable to obtain other grant assistance for such services, including Federal Pell Grants established under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); or (II) require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants</p> <p>Sec. 134 (d) (4) (D) (viii) adult education and literacy activities provided in combination with services described in any of clauses (i) through (vii)</p> <p>Sec.134(d)(4)(G) (ii)(II) and (III) Use of individual training accounts.-- (i) In general.--Except as provided in clause (ii), training services provided under this paragraph shall be provided through the use of individual training accounts in accordance with this paragraph, and shall be provided to eligible individuals through the one-stop delivery system.</p>	<p>Sec 134(d)(4)(A)(ii) who after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to be in need of training or adult education and workforce skills services and to have the skills and qualifications to successfully participate in the selected program of services that leads to family sustaining employment.</p> <p>Sec. 134(d)(4)(B)(i)(I) and (II)</p> <p>Sec. 134 (d) (4) (D) (viii) Change “adult education and literacy” to “adult education and workforce skills.”</p> <p>Sec 134 (d)(4)(G) (ii)(II) and (III) Replace (II) and (III) with ARRA language that reads “local board may award a contract to an institution of higher education or other eligible training provider if the local board determines it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit consumer</p>
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Comment: Need better term, but realize the term is already set by law.

Comment: While counseling, referral, and “case management” appear to be functions of Title I, instructional services for participants, and paying for them, ought in general to be Title II’s responsibility, unless, as in the case of Trade Adjustment, there appears to be funding for instruction, and even in this circumstance, Title II agencies should be reimbursed for instructional services.

<p>(ii) Exceptions.--Training services authorized under this paragraph may be provided pursuant to a contract for services in lieu of an individual training account if the requirements of subparagraph (F) are met and if--</p> <p>(I) such services are on-the-job training provided by an employer or customized training;</p> <p>(II) the local board determines there are an insufficient number of eligible providers of training services in the local area involved (such as in a rural area) to accomplish the purposes of a system of individual training accounts; or</p> <p>(III) the local board determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization or another private organization to serve special participant populations that face multiple barriers to employment.</p>	<p>choice.</p>
<p>Sec. 134 (e) PERMISSIBLE LOCAL EMPLOYMENT AND TRAINING ACTIVITIES</p>	<p>Sec. 134 (e) PERMISSIBLE...</p> <p>Change “adult education and literacy” to “adult education and workforce skills.”</p>
<p>Sec 134(e)(3)(B)(i) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility for employment and training activities for dislocated workers under this subtitle</p>	<p>Sec. 134(e)(3)(B)(i)</p> <p>Change “adult education and literacy activities” to “adult education and workforce skills activities.”</p>
<p>Sec. 136 Performance Accountability Systems</p>	<p>Sec. 136 Performance Accountability Systems</p> <p>As appropriate, the measures should be complementary with those in WIA II Performance Accountability Systems</p>

Comment: This should be cross-walked to the direct and equitable language in Sec. 231(c) of Title II.

Comment: (1) There are legitimate reasons for Title I and II to have somewhat different, albeit overlapping, areas of focus. Completion of education and training credentials seems the most relevant to Title I. Learning gains for those still enrolled might also be a possibility, though in Title I generally outcomes are only measured for individuals when they exit services. The provision about measuring performance over a 2-year program span isn't necessary as programs can currently carry individuals from year to year – the disincentive is more a question of spending program resources on adults that you can't count until they exit. (2) Should specify outcomes for “integrated programs.”

Sec. 136 (b) (2) (A) Core indicators of performance.--

(i) In general.--The core indicators of performance for employment and training activities authorized under section 134 (except for self-service and informational activities) and (for participants who are eligible youth age 19 through 21) for youth activities authorized under section 129 shall consist of--

(I) entry into unsubsidized employment;

(II) retention in unsubsidized employment 6 months after entry into the employment;

(III) earnings received in unsubsidized employment 6 months after entry into the employment; and

(IV) attainment of a recognized credential relating to achievement of educational skills, which may include attainment of a secondary school diploma or its recognized equivalent, or occupational skills, by participants who enter unsubsidized employment, or by participants who are eligible youth age 19 through 21 who enter postsecondary education, advanced training, or unsubsidized employment.

Sec. 136 (f) (2) Wage records.--In measuring the progress of the State on State and local performance measures, a State shall utilize quarterly wage records, consistent with State law. The Secretary shall make arrangements, consistent with State law, to ensure that the wage records of any State are available to any other State to the extent that such wage records are required by the State in carrying out the State plan of the State or completing the annual report described in subsection (d)

Sec. 136(b)(2)(A) Core indicators...

Make younger youth requirements applicable to all youth. Along with placement in employment, retention therein, and wage gain, add to adult reportable categories (1) number of participants referred to Title II for educational upgrading, and (2) number of college-, training-, or employment-ready participants received from Title II.

Comment: More a reporting requirement than an indicator.

Sec. 136 (f) (2) Wage records.--

Comment: Some states are prohibited from using Social security numbers for wage match purposes.

Sec. 171 Demonstration and Pilot Programs

Sec. 171 Demonstration and Pilot Programs

In (b)(1), add “college- and job-training programs that include integrated and sequential approaches” and “career pathway programs.”

Some new technology provisions may be needed, e.g.:

WIA I adult education programs shall collaborate with WIA II programs in all feasible ways to foster improved communication and collaboration, in such areas as the following:

- Disseminate information about effective technology-based programs and best practices that can be used on state and local levels.
- Assist managers in using technology-enabled data collection, program management, and outcome measures that fulfill federal and state requirements.
- Develop joint measurement, certification, and evaluation plans appropriate to the requirements of the federal and state government and of the business community
- Use the new National Portal for aggregating and providing information about and access to technology-based learning for adults
- Identify or jointly develop technology systems that are interoperable across states, enabling program managers, local and state administrators to identify best

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	<p>practices, reduce duplication of curriculum, and identify software programs designed to meet reporting requirements</p> <ul style="list-style-type: none">○ Develop joint plans to engage local providers in employing technology for instructional, data management, and measurement purposes in a way that fits the state's goals, outcomes, and accountability and assessment measures.
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**WIA TITLE II Side-by-Side – Proposed Amendments
CURRENT LAW**

**NATIONAL COMMISSION ON ADULT
LITERACY AMENDMENTS**

**Sec. 201 SHORT Title – Adult Education
and Family Literacy Act**

**Sec. 201 Short Title – Adult Education and
Economic Growth Act**

Comment: Entire bill is Adult Education and Economic Growth Act, not just WIA II.

Comment: (1) The definition of “adult education” under the new Act means adult education and workforce skills services or instruction below the postsecondary level that increase the “basic” and “soft skills” needed to move along a continuum from the most basic level to readiness for postsecondary education and job training, including acquisition of a GED or high school diploma equivalency. Services provided are to be aligned/connected through comprehensive state planning that sets the adult education and workforce skills enterprise in an economic development context as appropriate to each state. The term “Economic Growth” is intended to reflect new outcome goals of readiness for jobs, job training, and college – leading to jobs that pay a family-sustaining wage and as essential for economic growth and international competitiveness in the 21st century. (2) The new Act focuses service on the needs of the unemployed; low-skilled incumbent workers; immigrants with limited or no English; parents or caregivers with low basic skills; incarcerated adults; high-school dropouts; and high school graduates not ready for college – the primary long-term goal being to make them more employable and capable of earning family-sustaining wages.

SEC. 202. PURPOSE.

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

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

(2) assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children; and

(3) assist adults in the completion of a secondary school education.

SEC. 202. PURPOSE.

It is the purpose of this title to create a partnership among the Federal Government, States, and localities to provide adult education and workforce skills in order to—

(1) assist adults to obtain the skills of reading, writing, and math and other basic skills required to function effectively in American society, exercise the rights and responsibilities of citizenship, and obtain the knowledge and skills needed for self sufficiency and employment ;

(2) assist adults who are parents to improve their employability prospects and obtain the educational skills necessary to become full partners in the educational development of their children;

(3) assist adults to complete a secondary school education;

(4) assist adults with limited English proficiency and limited basic skills to obtain the knowledge, basic skills, and educational

qualifications necessary for entry into postsecondary education or occupational training, and to obtain or advance in employment at a family supporting wage;

SEC. 203. DEFINITIONS.

In this subtitle:

(1) Adult education.--The term "adult education" means services or instruction below the postsecondary level for individuals--

(A) who have attained 16 years of age;

(B) who are not enrolled or required to be enrolled in secondary school under State law; and

(C) who--

(i) lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society

(ii) do not have a secondary school diploma or its recognized equivalent, and have not achieved an equivalent level of education; or

(iii) are unable to speak, read, or write the English language.

(2) Adult education and literacy activities.-- The term "adult education and literacy activities" means activities described in section 231(b).

SEC. 203. DEFINITIONS.

In this subtitle:

(1) Adult education and workforce skills.-- The term "adult education and workforce skills" means services or instruction at the most basic level and/or along pathways to high school equivalency, job training, college readiness, and employment for individuals --

(A) who have attained 16 years of age;

(B) who are not enrolled or required to be enrolled in secondary school under State law; and who have one or more of the following characteristics:

(i) lack sufficient mastery of basic skills to function effectively in society, in college, and in the workplace;

(ii) do not have a secondary school diploma or its recognized equivalent, and have not achieved an equivalent level of education;

(iii) have a high school diploma, but are not college ready.

(iv) have limited proficiency in reading, writing, or speaking the English language or comprehending spoken English.

(2) Basic Skills -- The term "basic skills" under the Adult Education and Economic Growth Act means basic reading, writing, math, and English language ability.

(3) Workplace Skills -- The term "workplace skills" means the basic skills plus knowing how to communicate, acquire information, think critically, solve problems, use technology, and work in teams.

(4) Adult Education and Workforce Skills Activities -- The term "adult education and workforce skills activities" means activities described in section 231(b).

Comment: Although states should be held harmless for current funding for a period of time as provided by the Adult Education and Family Literacy Act (which is being replaced by AEEG), it should no longer be referred to simply as "adult education" in WIA lest we mistakenly convey that we have or should have two parallel systems. The Commission's recommendation is to transform the current adult education system into a new Adult Education and Workforce Skills System and all states are expected to participate under the new AEEG requirements.

(4) Add other definitions:

(a) Career pathway (same as WIA Title I)

(b) Integrated education (same as WIA I)

(c) Sequential education (same as WIA I)

(d) Dual enrollment (same as WIA Title I)

(e) College ready – The term “college ready” means the ability to meet the placement test requirements for entry into particular postsecondary courses or programs, or an approved job training program.

(f) Counseling and Mentoring. – The term “counseling and mentoring” means (a) support services provided by program staff, and by staff of other agencies that offer such services through cooperative agreements, provided to participants to eliminate or ameliorate problems and situations that might interfere with learning or cause a participant to leave a program; and (b) assistance to participants in formulating educational and vocational goals, encouragement to pursue said goals, reinforcement that goals are being met, and outreach arrangements to staff of agencies offering “next step” opportunities to participants.

(3) Educational service agency.--The term “educational service agency” means a regional public multi-service agency authorized by State statute to develop and manage a service or program, and to provide the service or program to a local educational agency.

(5) Educational service agency.--The term “educational service agency” means a regional public multi-service agency authorized by State statute to develop and manage a service or program, and to provide the service or program to a local educational agency.

(4) Eligible agency.--The term “eligible agency” means the sole entity or agency in a State or an outlying area responsible for administering or supervising policy for adult education and literacy in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively.

(6) Eligible agency.--The term “eligible agency” means the sole entity or agency in a State or an outlying area responsible for administering or supervising policy for adult education and workforce skills in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively.

(5) Eligible provider.--The term “eligible provider” means—

- (A) a local educational agency;
- (B) a community-based organization of demonstrated effectiveness;

(7) Eligible provider.--The term “eligible provider” means a provider of demonstrated effectiveness that is --

- (A) a local educational agency;
- (B) a community-based organization;
- (C) a voluntary literacy organization;

(C) a volunteer literacy organization of demonstrated effectiveness;

(D) an institution of higher education;
(E) a public or private nonprofit agency;

(F) a library;
(G) a public housing authority;
(H) a nonprofit institution that is not described in any of subparagraphs (A) through (G) and has the ability to provide literacy services to adults and families; and
(I) a consortium of the agencies, organizations, institutions, libraries, or authorities described in any of subparagraphs (A) through (H).

(6) English literacy program.--The term "English literacy program" means a program of instruction designed to help individuals of limited English proficiency achieve competence in the English language.

(7) Family literacy services.--The term "family literacy services" means services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

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

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

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

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

(8) Governor.--The term "Governor" means the chief executive officer of a State or outlying area.

(D) an institution of higher education;
(E) a public or private nonprofit agency;

(F) a library;
(G) a public housing authority;
(H) a nonprofit institution that is not described in any of subparagraphs (A) through (G) and has the ability to provide adult education services to adults and families; and

(I) a consortium of the agencies, organizations, institutions, libraries, or authorities described in any of subparagraphs (A) through (H).

(9) English language program.--The term "English language program" means a program of instruction to help individuals with limited English proficiency to improve their ability to read, write, and speak the English language and comprehend spoken English.

(10) Family literacy services.--The term "family literacy services" means services that (a) are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in the employability prospects of parents, and that (b) aim to better enable parents to support their children's learning and that integrate all of the following activities:

(A) Parent adult education and workforce skills training (including ESL) that leads to readiness for jobs training and college and puts parents on pathways to economic self-sufficiency and better job prospects.

(B) Interactive basic skills activities between parents and their children.

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

(D) An age-appropriate education to prepare children for success in school and life experiences including the future workforce.

(11) Governor.--The term "Governor" means the chief executive officer of a State or outlying area.

Comment: Employers can be providers as part of a consortium or partnership but can't get funds directly.

(9) Individual with a disability.--

(A) In general.--The term "individual with a disability" means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(B) Individuals with disabilities.--The term "individuals with disabilities" means more than one individual with a disability.

(10) Individual of limited English proficiency.--The term "individual of limited English proficiency" means an adult or out-of-school youth who has limited ability in speaking, reading,

writing, or understanding the English language, and (A) whose native language is a language other than English; or

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

(11) Institution of higher education.--The term "institution of higher education" has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

(12) Individual with a disability.--

(A) In general.--The term "individual with a disability" means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(B) Individuals with disabilities.--The term "individuals with disabilities" means more than one individual with a disability.

(13) Individual of limited English proficiency.--The term "individual of limited English proficiency" means an adult or out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language, and whose native language is a language other than English.

(14) Institution of postsecondary education.--The term "institution of postsecondary education" has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

(15) Integrated English Language and Civics Education Programs [from HR 2214] – The term "integrated English literacy and civics education programs" means programs of instruction designed to help an individual of limited English proficiency achieve competence in English through contextualized instruction on the rights and responsibilities of citizenship, naturalization procedures, civic participation, and United States history and government to help such an individual acquire the skills and knowledge to become an active and informed parent, worker, and community member.

Comment: This provision is not related to the employment and educational outcome goals of the Adult Education and Economic Growth Act, but it's already in HR2213.

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

(Delete) Literacy. Replaced by Sec. 203 (2) above.

(13) Local educational agency.--The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(14) Local educational agency.--The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(15) Longitudinal research – The term "longitudinal research" means research that records and reports the progress students make in improving their basic skills, obtaining high school equivalency or other certifications, attaining the levels of basic skills required for entry into programs of postsecondary education or occupational training, entering and completing such programs, placement in employment, wage gains, and meeting other goals established by adult education and workforce skills programs over a period of not less than 5 years from the time students first enroll in those programs.

(14) Outlying area.--The term "outlying area" has the meaning given the term in section 101.

(16) Outlying area.--The term "outlying area" has the meaning given the term in section 101.

(15) Postsecondary educational institution.--The term "postsecondary educational institution" means--

(17) Postsecondary educational institution.--The term "postsecondary educational institution" means--

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

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

(B) a tribally controlled community college; or

(B) a tribally controlled community college; or

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

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

(18) Recognized Equivalent. – The term "recognized equivalent" means a certificate or diploma recognized by states as the equivalent to a regular high school diploma but earned through a process other than having earned the requisite number of Carnegie units awarded to a regular diploma.

(16) Secretary.--The term "Secretary" means the Secretary of Education.

(19) Secretary.--The term "Secretary" means the Secretary of Education.

Comment: The most utilized process by which a candidate demonstrates such equivalence is by attaining a state-set qualifying score on the Tests of General Educational Development (GED) produced by the American Council on Education.

Comment: GM: Most states (if not all) use the same qualifying score, which is the score attained on each battery by the 41st percentile of a norming group of high school seniors. Note that 40% of America's regular high school graduates could not attain a qualifying score on the GED at the time they graduated, although they may have been proficient in skills not measured by the GED tests. Note also that getting a qualifying score on the GED tests is a significant step on the pathway to college readiness but the person attaining that score usually requires additional instruction.

Standard Score Class Rank of National Sample of Seniors

700 Top 1%

670 Top 2%

660 Top 3%

640 Top 5%

610 Top 10%

580 Top 15%

570 Top 20%

550 Top 25%

530 Top 33%

520 Top 40%

500 Top 50%

460 Top 55%

450 Top 60%

Getting a minimum passing score of 450 means that one has outscored 40% of the national sample of high school seniors that is used to set the standards for the GED. Unfortunately, there is a popular tendency to view getting a GED as attaining only the minimum score of 450, and to observe (usually correctly) that someone getting that score is not ready for postsecondary instruction without additional transitional instruction. But someone getting a 570 has gotten a higher score than 80% of the senior sample. Such a person might still need some developmental work in the writing of papers (there is no such requirement in GED preparation), but other than that he or she ought to be an excellent candidate for postsecondary instruction.

In short, we should stop looking at the GED as a 450 and realize that, like the SAT, the test accommodates a range of potential performance and that instructional and career strategies can encompass striving for a higher score than the minimum necessary to receive a certificate.

(17) State.--The term ``State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(20) State.--The term ``State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(21) Workforce Skills – “Workforce skills” means basic education, ESL, secondary completion, family literacy, work skills (soft skills), postsecondary readiness, occupational training readiness, and incumbent worker training,

(18) Workplace literacy services.--The term ``workplace literacy services" means literacy services that are offered for the purpose of improving the productivity of the workforce through the improvement of literacy skills.

(22) Workplace education services.--The term “workplace education services” means contextualized basic skill instructional programs for lower-skilled incumbent workers developed in partnership with or sponsored by employers, trade associations, unions, workforce, and economic development organizations.

SEC. 204. HOME SCHOOLS.

SEC. 204. HOME SCHOOLS

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

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SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

SEC. 205 AUTHORIZATION OF APPROPRIATIONS

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

There is authorized to be appropriated for this subtitle the sum of \$1,500,000,000 for fiscal year 2010, \$3,000,000,000 for fiscal year 2011, and such sums as may be necessary to reach a goal of 20 million participants served annually by fiscal year 2020.

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

(a) Reservation of Funds.--From the sum appropriated under section 205 for a fiscal year, the Secretary--

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

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

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

(b) Grants to Eligible Agencies.--

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

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

(c) Allotments.--

(1) Initial allotments.--From the sum appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall allot to each eligible agency

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

(a) Reservation of Funds.--From the sum appropriated under section 205 for a fiscal year, the Secretary--

(1) shall reserve 2.5% to carry out the functions of section 242 (NIFAL), except that this amount so reserved shall not exceed \$50 million in any fiscal year, and shall not exceed \$15 million in Year 1;

(2) shall reserve 1% to carry out the functions of section 243 (National Leadership), except that the amount so reserved shall not exceed \$15 million in any fiscal year, and shall not exceed \$8 million in Year 1.

(3) shall reserve an amount for integrated English language and adult education and workforce skills programs that reflects the percentage of qualifying adults in Sec. 211(d)(5);

(b) Grants to Eligible Agencies.--

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

(2) Purpose of grants.--The Secretary may award a grant under paragraph (1) only if the eligible entity involved agrees to expend the grant for adult education and workforce skills activities as defined under the Adult Education and Economic Growth Act.

(c) Allotments.--

(1) Initial allotments.--From the sum appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall allot to each eligible agency

Comment: This is really EL-Civics but is possibly the wrong language and placement.

Comment: But states should be held harmless at current funding levels for a time and states not yet ready or able to fully undertake the new challenges of the AEEG may in the near term expend funds for adult education activities as defined in the current Adult Education and Family Literacy Act (although they are not exempted from comprehensive planning). Language is needed to allow for this in the short term that does not undercut the outcomes and purposes of the AEEG and states should be required to move toward full implementation of the AEEG, with a match provided at least at the same percentage level, on a planned basis.

having a State plan approved under section 224(f)--

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

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

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

(d) Qualifying Adult.--For the purpose of subsection (c)(2), the term "qualifying adult" means an adult who--

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

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

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

(4) is not enrolled in secondary school.

(e) Special Rule.--

(1) In general.--From amounts made available under subsection

(c) for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Secretary determines are not inconsistent with this subsection.

having a State plan approved under section 224(f)--

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

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

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

(d) Qualifying Adult.--For the purpose of subsection (c)(2), the term "qualifying adult" means an adult who--

(1) is at least 16 years of age;

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

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

(4) is not enrolled in or required to be enrolled in secondary school

(5) is 16 and older and speaks English less than very well.

(e) Special Rule.--

(1) In general.--From amounts made available under subsection

(c) for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Secretary determines are not inconsistent with this subsection.

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

(3) Termination of eligibility.--Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.

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

(f) Hold-Harmless.--

(1) In general.--Notwithstanding subsection (c)--

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

(B) for fiscal year 2000 and each succeeding fiscal year, no eligible agency shall receive an allotment under this subtitle that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this subtitle.

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

(g) Reallotment.--The portion of any eligible agency's allotment under this subtitle for a fiscal year that the Secretary determines will not be required for the period such allotment is

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

(3) Termination of eligibility.--Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.

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

(f) Hold-Harmless.--

(1) In general.--Notwithstanding subsection (c)--

(A) Delete

(B) no eligible entity shall receive an allotment under this subtitle for any program year that is less than 100% of the allotment it received under this provisions of Title II of the Workforce Investment Act of 1998 in the program year in which this Act is enacted.

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

(g) Reallotment.--The portion of any eligible agency's allotment under this subtitle for a fiscal year that the Secretary determines will not be required for the period such allotment is

Comment: Unless this provision is adopted, it is very likely that some states will have their funding reduced from what it is now unless total funding greatly increases. Not only will these states and the state ABE directors oppose the Act, but these states will probably reduce service – contrary to the Act's intent.

available for carrying out activities under this subtitle, shall be available for reallocation from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under this subtitle for such year.

available for carrying out activities under this subtitle, shall be available for reallocation from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under this subtitle for such year.

SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.

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

(b) Eligible Agency Performance Measures.--

(1) In general.--For each eligible agency, the eligible agency performance measures shall consist of--

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

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

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

(2) Indicators of performance.--

SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) Purpose.--The purpose of this section is to establish a comprehensive performance accountability system, comprised of the activities described in this section, to assess the effectiveness of eligible agencies in achieving continuous improvement of adult education and workforce skills activities funded under this subtitle, in order to optimize the return on investment of Federal funds in adult education and workforce skills activities and ensure that adults enrolled in such activities are achieving or moving measurably toward the outcome goals of readiness for college and occupational training and employment.

(b) Eligible Agency Performance Measures.--

(1) In general.--For each eligible agency, the eligible agency performance measures shall consist of--

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

(ii) attainment of work readiness, workforce skills, and certificates; and

(iii) additional indicators of performance (if any) identified by the eligible agency under paragraph (2)(B); and

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

(2) Indicators of performance.--

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Comment: 5/5/09 Comments memo to Kennedy-Hinojosa team calls for insertion of language into Sec. 212 for a **system to sanction states** whose performance under the AEEG is inadequate - as a means to give states reason to want to comply as well as meaningful accountability for expenditure of federal funds. We recommend a system that is essentially the same as the system of sanctions in Title I, Section 136(f) of WIA. The Comments memo also points to the **need for accountability measures in all areas essential to achieving the purposes of the Title II of AEEG Act**, such as providing adequate service to special populations emphasized by the Commission and breaking down silos. We urge that the section establishing accountability measures include some language like the following: "And such other accountability measures as the Secretary may specify are necessary to ensure that eligible entities are in compliance with their state Plans and to achieve the purposes of the Act.

Comment: Some language should be added about reforming the current National Reporting System (NRS).

Comment: Not presently a part of the NRS. Certificates need to be nationally-based or industry-based.

(A) Core indicators of performance.--
The core indicators of performance shall include the following:

(i) Demonstrated improvements in literacy skill levels in reading, writing, and speaking the English language, numeracy, problem solving, English language acquisition, and other literacy skills.

(ii) Placement in, retention in, or completion of, postsecondary education, training, unsubsidized employment or career advancement.

(iii) Receipt of a secondary school diploma or its recognized equivalent.

(A) Core indicators of performance.--
The core indicators of performance shall include the following:

(i) Demonstrated improvements in basic skill levels in reading, writing, and speaking the English language, numeracy, problem solving, English language acquisition, ability to use technology, and other workforce skills.

(ii) Placement in, retention in, or completion of postsecondary education or workforce training, or placement and retention in unsubsidized employment and increase in wages for participants who are enrolled in activities to prepare for transitions to postsecondary education, occupational training, or placement in a job.

(iii) Receipt of a secondary school diploma or its recognized equivalent.

(iv) Attainment of work readiness, workforce skills, and certificates that are nationally- or industry-recognized or approved by the state or local workforce area board.

(B) Employment Performance Indicator – Consistent with applicable Federal and State privacy laws, an eligible agency shall identify in the State plan the following individual participant employment performance indicators:

(i) Entry into employment and retention and earnings therein.

(ii) Data Collection –

–The State agency responsible for maintaining and analyzing these data shall implement a system of longitudinal research (as defined in Section 203) to measure the progress individual students make toward the attainment of core indicators of performance and such other indicators as the agency or the Secretary shall specify. The Secretary shall specify what form this system of longitudinal research shall take and when it should be implemented, but in no case shall it be implemented less than 3 years after the date of enactment of this Act. The Secretary shall specify how the findings of this research should be included in the annual report of each eligible agency specified under sub-section (c).

– Each eligible entity shall provide

Comment: Additional material provided separately (4/29) to clarify data collection and tracking needs. Note: NRS is a core issue re need for state efforts to be nationally anchored.

DATA COLLECTION

There is a paucity of strong, meaningful data systems in states across the country, which constitutes a major barrier to effective program planning, program and instructional improvement, funding, and policy development.

State plans should create new data systems (or develop or adapt existing ones) that collect and track comparable student data across their adult education and workforce skills systems so as to enable state and federal government to determine achievement of “readiness” for college, job training, or employment progress along pathways toward these goals. These data systems should be anchored to a strong national data system, probably a refined NRS that more fully captures the AEEG intent and differences in state experience (the NRS is widely known to be in need of reform).

Data collection is needed on a longitudinal basis so that movement of individual students toward desired outcome goals reflects more than just one year of enrollment. Only data collected over time can provide a basis for national research and for meaningful state and national analysis to assess experience and plan effectively for the future.

State data systems should include information on the state’s demographics, enrollments in relation to essential outcome goals, and labor market needs. They should indicate how many of what kind of adults (1) earn GEDs or other secondary diplomas, (2) advance in ESL proficiency to an appropriate level, (3) transition to postsecondary education, (4) achieve work-based certificates from a nationally- or industry-recognized source, and (5) engage in incumbent worker training.

See *Reach Higher, America*, p. 18, for current and projected enrollment outcomes.

technical and financial assistance to local entities to help them gather and make use of longitudinal data for purposes of this requirement and for other purposes the eligible entity may deem appropriate. Nothing in this sub-section shall be construed to prevent eligible entities or local entities from implementing programs of longitudinal research at a date earlier than required by the Secretary or from carrying out such programs that exceed the specifications of the Secretary.

(B) Additional indicators.--An eligible agency may identify in the State plan additional indicators for adult education and literacy activities authorized under this subtitle.

(C) Additional indicators.--An eligible agency may identify in the State plan additional indicators for adult education and workforce skills activities authorized under this subtitle.

(D) Special efforts shall be undertaken to collect and examine performance of family literacy programs.

(3) Levels of performance.--

(A) Eligible agency adjusted levels of performance for core indicators.--

(i) In general.--For each eligible agency submitting a State plan, there shall be established, in accordance with this subparagraph, levels of performance for each of the core indicators of performance described in paragraph

(2)(A) for adult education and literacy activities authorized under this subtitle. The levels of performance established under this subparagraph shall, at a minimum--

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

(II) show the progress of the eligible agency toward continuously improving in performance.

(ii) Identification in state plan.--Each eligible agency shall identify, in the State plan submitted under section 224, expected levels of performance for each of the core indicators of performance for the first 3 program years covered by the State plan.

(iii) Agreement on eligible agency adjusted levels of performance for first 3

(3) Levels of performance.--

(A) Eligible agency adjusted levels of performance for core indicators.--

(i) In general.--For each eligible agency submitting a State plan, there shall be established, in accordance with this subparagraph, levels of performance for each of the core indicators of performance described in paragraph

(2)(A) for adult education and workforce skills activities authorized under this subtitle. The levels of performance established under this subparagraph shall, at a minimum--

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

(II) show the progress of the eligible agency toward continuously improving in performance.

(ii) Identification in state plan.--Each eligible agency shall identify, in the State plan submitted under section 224, expected levels of performance for each of the core indicators of performance for each of the 3 program years covered by the State plan.

(iii) Delete

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years.--In order to ensure an optimal return on the investment of Federal funds in adult education and literacy activities authorized under this subtitle, the Secretary and each eligible agency shall reach agreement on levels of performance for each of the core indicators of performance, for the first 3 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the eligible agency adjusted levels of performance for the eligible agency for such years and shall be incorporated into the State plan prior to the approval of such plan.

(iv) Factors.--The agreement described in clause (iii) or (v) shall take into account--

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

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

(v) Agreement on eligible agency adjusted levels of performance for 4th and 5th years.--Prior to the fourth program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on levels of performance for each of the core indicators of performance for the fourth and fifth program years covered by the State plan, taking into account the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the eligible agency adjusted levels of performance for the eligible agency for such years and shall be incorporated into the State plan.

(vi) Revisions.--If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (iv)(II), the eligible agency may request

(iv) Factors.--The agreement described in clause (iii) or (v) shall take into account—

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

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

(v) Delete

(vi) Revisions. --If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (iv)(II), the eligible agency may request

that the eligible agency adjusted levels of performance agreed to under clause (iii) or (v) be revised.

The Secretary, after collaboration with the representatives described in section 136(j), shall issue objective criteria and methods for making such revisions.

(B) Levels of performance for additional indicators.--The eligible agency may identify, in the State plan, eligible agency levels of performance for each of the additional indicators described in paragraph (2)(B). Such levels shall be considered to be eligible agency adjusted levels of performance for purposes of this subtitle.

that the eligible agency adjusted levels of performance agreed to under clause (iii) or (v) be revised.

The Secretary, after collaboration with the representatives described in section 136(j), shall issue objective criteria and methods for making such revisions.

(B) Levels of performance for additional indicators.--The eligible agency may identify, in the State plan, eligible agency levels of performance for each of the additional indicators described in paragraph (2)(B). Such levels shall be considered to be eligible agency adjusted levels of performance for purposes of this subtitle.

(c) Performance Measures For Eligible Agencies Who Elect to Submit Short-Term State Plans to Provide Solely Adult Education Service Under the “hold harmless” Provisions of Sec. 211(f). Such agencies shall be subject to the performance measures specified in (b) except that they shall not be subject to all of the measures specified, such as in sub-sections (b) (2) (B) (ii) and (b) (2) (A) (iv).

Comment: This language may not be quite right. It shouldn't undercut the AEEG outcome goals and purposes or the need for states that do short-term plans to be moving actively toward alignment of System elements and the outcome goals of the AEEG.

(c) Report.--

(1) In general.--Each eligible agency that receives a grant under section 211(b) shall annually prepare and submit to the Secretary a report on the progress of the eligible agency in achieving eligible agency performance measures, including information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance.

(2) Information dissemination.--The Secretary--

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

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

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

(d) Report.--

(1) In general.--Each eligible agency that receives a grant under section 211(b) shall annually prepare and submit to the Secretary a report on the progress of the eligible agency in achieving eligible agency performance measures, including information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance.

(2) Information dissemination.--The Secretary--

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

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

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

SEC. 221. STATE ADMINISTRATION.

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

- (1) the development, submission, and implementation of the State plan;
- (2) consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of activities assisted under this subtitle; and
- (3) coordination and non-duplication with other Federal and State education, training, corrections, public housing, and social service programs.

SEC. 221. STATE ADMINISTRATION

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

- (1) the development, submission, and implementation of the State plan;
- (2) consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of activities assisted under this subtitle; and
- (3) coordination and non-duplication with other Federal and State education, training, corrections, public housing, and social service programs.

State-Imposed Requirements.--Whenever a State or outlying area implements any rule or policy relating to the administration or operation of a program authorized under this subtitle that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State or outlying area interpretation of a Federal statute, regulation, or guideline), the State or outlying area shall identify, to eligible providers, the rule or policy as being State- or outlying area-imposed.

Comment: Transferred from Sec. 223.

SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

(a) State Distribution of Funds.--Each eligible agency receiving a grant under this subtitle for a fiscal year—

(1) shall use not less than 82.5 percent of the grant funds to award grants and contracts under section 231 and to carry out section 225, of which not more than 10 percent of the 82.5 percent shall be available to carry out section 225;

(2) shall use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 223; and

SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

(a) State Distribution of Funds.--Each eligible agency receiving a grant under this subtitle for a fiscal year—

(1) shall use not less than 75 percent of the grant funds to award grants and contracts under section 231, of which not less than 5 percent of the 75 percent shall be available for family literacy and not less than 5 percent shall be available for correctional education programs;

(2) shall use not more than 15 percent of the grant funds to carry out State leadership activities under section 223; and

Comment: We developed various scenarios to capture the variables and contingencies for “hold harmless.” Last language provided on 5-1-09 is:

To facilitate transition from Title II (WIA 1998) to Title II of the Adult Education and Economic Growth Act (AEEG), states must be given about one year to meet the extraordinary planning requirement of AEEG and to give OVAE about the same amount of time to help states develop plans in compliance with the Act and create a new accountability system. Otherwise many (perhaps most) states will not be able to go through the specified planning process that is essential to accomplishing the goals of AEEG (such as breaking down silos) and/or OVAE will be placed in a position where it must effectively rubber stamp inadequate plans. Some version of the following language should be adopted to solve these problems:

“The provisions of Section 224 [state plans] and Section 212 [performance accountability] of this Act shall not take effect until one year after the date of the enactment of this Act. During that one year period the State Plan for each eligible entity shall be the same as the State Plan in effect in the program year in which this Act is enacted, and each eligible entity shall be held accountable by the Performance Measures in effect in the program year in which this Act is enacted [The Plan and Performance Measures adopted under the provisions of the Workforce Investment Act of 1998], except that no eligible entity shall be required to report on Levels of Performance for a period of less than 9 months of any program year. After this one year period, all eligible entities shall be subject to all provisions of Sections 224 and 212 of this Act.”*

“Nothing in this Act shall be construed to prohibit any eligible entity from using funds authorized under this Act to provide the full range of adult education and workforce skills services as defined in Section 203 of this Act during the program year in which this Act is enacted or any subsequent program year.”

•Or perhaps 6 months, something to be decided closer to when the Act is enacted. Note: Program years for Adult Education begin on July 1 of each year.

Comment: The percentages proposed in Sec. 222 (a) assume that the appropriated funding levels in Sec. 205 will occur at the levels proposed.

(3) shall use not more than 5 percent of the grant funds, or \$65,000, whichever is greater, for the administrative expenses of the eligible agency.

(3) shall use not more than 10 percent of the grant funds for the administrative expenses of the eligible agency.

Comment: Over the history of the Adult Education Act, limitations on federal funds used to administer the state program have ranged from **No Limitation to 8% to the current 5%**. This has created a burden on many states because their state law also limits use of **state funds** for administration, and even with the federal funds, the amount is too small to provide adequate program administration. Some of these states use State Leadership funds to pay part or all of the salaries of state staff. And WIA Title II encourages this practice by allowing the use of State Leadership funds for "program monitoring" - essentially an administrative function - not really "leadership." Will new money (above the hold harmless level) help? Yes, somewhat, but as federal funding to states increases, so does the administrative load, and the level of accountability. Plus, with required changes/improvements in program planning, outcomes measurement, reporting and collaboration (just to name four), many states would still be over-loaded, and unable to meet new requirements. Note that raising the administrative limitation to 10% **does not mean that states must expend that much**. States that have more state funds for this function or find other ways to meet administrative needs could expend a lesser amount.

(b) Matching Requirement.—

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

(A) in the case of an eligible agency serving an outlying area, 12 percent of the total amount of funds expended for adult education and literacy activities in the outlying area, except that the Secretary may decrease the amount of funds required under this subparagraph for an eligible agency; and

(B) in the case of an eligible agency serving a State, 25 percent of the total amount of funds expended for adult education and literacy activities in the State.

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

SEC. 223. STATE LEADERSHIP ACTIVITIES.

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

(1) The establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under section 231(b),

(b) Matching Requirement for States or outlying areas that elect to submit plans to temporarily provide only adult education services as defined under the former Adult Education and Family Literacy Act.—

(1) In general.--In order to receive a grant from the Secretary under section 211(b) each eligible agency shall provide, for the costs to be incurred by the eligible agency in carrying out the adult education and workforce skills activities for which the grant is awarded, a non-Federal contribution in a cash amount that is not less than--

(A) in the case of an eligible agency serving an outlying area, 12 percent of the total amount of funds expended for adult education and workforce skills activities in the outlying area, except that the Secretary may decrease the amount of funds required under this subparagraph for an eligible agency; and

(B) in the case of an eligible agency serving a State, 25 percent of the total amount of funds expended for adult education and workforce skills activities in the State.

(2) Non-Federal contribution.--An eligible agency's non-Federal contribution required under paragraph (1) may be provided in cash or in kind, fairly evaluated, shall not include in-kind contributions, and shall include only non-Federal funds that are used for adult education and workforce skills activities in a manner that is consistent with the purpose of this subtitle.

SEC. 223. STATE LEADERSHIP ACTIVITIES.

(a) In General.--Each eligible agency shall use funds made available under section 222(a)(2) for the following adult education and workforce skills activities:

(1) The establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under section 231(b).

Comment: This “hold harmless” language needs careful review to be sure it’s workable in light of the AEEG’s broader outcomes and purposes. Also, see Comment box above and following language (provided to ML/RB): **“The provisions of this sub-section [25% required state match] shall only apply to the portion of the allocation to each eligible entity under Section 211 that is equal to the eligible entity’s allocation under the provisions of Title II of the Workforce Investment Act of 1998 in the program year in which this Act is enacted.”**

Note: Unless this provision is adopted it is likely that some (perhaps many) states, such as Texas, will not be in compliance with the Act from the outset. Because there is no way to enforce compliance, there will be little incentive for other states to remain in compliance in future years. If compliance is enforced, some states may refuse some or all of their Title II funding and greatly curtail their adult education services. Furthermore, states will point out that Title I money requires no federal match.

Comment: The Commission recommends not allowing in-kind matches.

Comment: To be eligible for NEW funds while operating under the “hold harmless” provision states are not required to provide an additional match but they must submit for review and approval a comprehensive statewide plan, crafted by all stakeholders in the state, as specified in the State Plan, and they must always provide a match at least at the percentage level required under the Adult Education and Family Literacy Act. They should be encouraged to make a state financial commitment even above that matching minimum and speak to this in their state plan.

including instruction incorporating phonemic awareness, systematic phonics, fluency, and reading comprehension, and instruction provided by volunteers or by personnel of a State or outlying area.

(2) The provision of technical assistance to eligible providers of adult education and literacy activities.

(3) The provision of technology assistance, including staff training, to eligible providers of adult education and literacy activities to enable the eligible providers to improve the quality of such activities.

(4) The support of State or regional networks of literacy resource centers.

(5) The monitoring and evaluation of the quality of, and the improvement in, adult education and literacy activities.

(6) Incentives for--
(A) program coordination and integration; and
(B) performance awards.

(7) Developing and disseminating curricula, including curricula incorporating phonemic awareness, systematic phonics, fluency, and reading comprehension.

(8) Other activities of statewide significance that promote the purpose of this title.

(2) The provision of technical assistance to eligible providers of adult education and workforce skills activities to enable them to fulfill the purposes of this title under Sec. 202.

(3) The provision of technical assistance, including staff training, to eligible providers of adult education and workforce skills activities to enable the eligible providers to expand and improve the quality of such activities, including the use of technology.

(4) Coordination with the Workforce Investment Systems supported under Title I of WIA.

(5) The support of State or regional networks of adult education and workforce skills resource center, if applicable.

(6) The evaluation of the quality of, and improvement in, adult education and workforce skills activities.

(7) Incentives for--
(A) teacher training;
(B) student participation and completion;
(C) program coordination and integration; and
(D) performance awards.

(8) Developing and disseminating curricula to the level of postsecondary and job training readiness, including curricula for using technology for distance learning for instructional and teacher training purposes.

(9) Other activities of statewide significance that promote the purpose of this title.

(9) Coordination with existing support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, to adults enrolled in such activities.

(10) Coordination with existing support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and workforce skills, for adults enrolled in such activities.

(10) Integration of literacy instruction and occupational skill training, and promoting linkages with employers.

(11) Developing innovative models for both sequential and integrated education and training programs, and promoting linkages with employers.

(12) Developing innovative models to foster the transition to postsecondary education or career pathways.

(11) Linkages with postsecondary educational institutions.

(13) Linkages with postsecondary educational institutions.

(14) Linkages with community-based and voluntary organizations.

(15) Developing and implementing programs of longitudinal research, as defined in Sec. 203 (when required by the Secretary of Education) on the performance of individual students and assisting local entities in gathering and making use of data and analyses from this program of research as specified in Sec. 212.

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

(b) Delete

(c) State-Imposed Requirements.--Whenever a State or outlying area implements any rule or policy relating to the administration or operation of a program authorized under this subtitle that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State or outlying area interpretation of a Federal statute, regulation, or guideline), the State or outlying area shall identify, to eligible providers, the rule or policy as being State- or outlying area-imposed.

(c) See Sec. 221.

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SEC. 224. STATE PLAN.

SEC. 224. STATE PLAN.

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Comment: Text of Title I Sec. 112 needs to mesh as appropriate with the provisions provided here.

(a) 5-Year Plans.--
(1) In general.--Each eligible agency desiring a grant under this subtitle for any fiscal year shall submit to, or have on file with, the Secretary a 5-year State plan.

(a) 3-Year Plans.—
(1) In general.--Each eligible agency desiring a grant under this subtitle for any fiscal year shall submit to the Secretary for approval a 3-year State plan.

(2) Comprehensive plan or application.-- The eligible agency may submit the State plan as part of a comprehensive plan or application for Federal education assistance.

(2) Comprehensive plan or application -- This 3-year plan shall be comprehensive in nature and developed and monitored by a planning group comprised of all stakeholders in the state including adult learners, community based and voluntary organizations, and business and labor.

Comment: Clarification given in 5/5/09 Comment memo to K-H staff: "The language of this paragraph fails to mention many of the most important "stakeholders" -- such as Title I agencies -- or even say what a "stakeholder" is. As a result, it is more than possible that states may exclude important "stakeholders" -- either through misinterpretation or on purpose. Because one of the most important ways the AEEG tries to "break down silos" is through this requirement of the state planning process, it is strongly recommended that this language be made more explicit to read something like: " shall be developed and monitored by all the stakeholders in the state's adult education and workforce development system, including but not limited to: the agencies responsible for the state's programs under Title I of this Act, for TANF, for community colleges and other postsecondary institutions, for elementary and secondary education, for corrections, for economic development, for family literacy, for special services to immigrants, and for early childhood education, as well as community-based and voluntary organizations that do or can support the adult education and workforce development system, representatives of business, organized labor, and adult learners."

(b) This plan, while allowing that some states and local programs may need time to fully meet or adapt to the outcome purposes and partnership arrangements of the AEEG, shall specify how the state will align and integrate services and programs provided in the state's adult education and workforce skills system, including ESL and the basic and workforce skills as defined in this Act, for the purpose of moving adults in the state along pathways to verifiable readiness for college and job training, with the ultimate goal of developing a competitive workforce that earns family-sustaining wages.

(c) This plan shall set forth the manner in which adult education and workforce skills System elements, including family literacy and correctional education services, will be aligned/connected and how that System relates to the state's economic development goals.

(d) This plan shall explain the state's program to invest in the skills of workers, including plans for involving business as an active partner in the effort.

Comment: In some states, a cross-agency planning body may already exist; it others it may need to be created. In some states, a cabinet level position might be either established or strengthened. Whatever the approach, wherever possible the involvement of the governor's office is recommended. This is a hot-button issue that requires careful in the wording. NOTE: This is not about governance!

(b) Plan Contents.--In developing the State plan, and any revisions to the State plan, the eligible agency shall include in the State plan or revisions—

(e) Plan Contents. -- To qualify for federal assistance under the AEEG Act, the eligible agency shall include in the State Plan or revisions--

(1) an objective assessment of the needs of

(1) an objective assessment of the needs of

individuals in the State or outlying area for adult education and literacy activities, including individuals most in need or hardest to serve;

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

(3) a description of how the eligible agency will evaluate annually the effectiveness of the adult education and literacy activities based on the performance measures described in section 212;

(4) a description of the performance

individuals in the State or outlying area for adult education and workforce skills programs, including individuals at the lowest skills level;

(2) a description of the adult education and workforce skills programs that will be carried out with any funds received under this subtitle, including enrollment goals for—

- (i) high school equivalency/GED
- (ii) workforce certification
- (iii) transition to postsecondary education with little or no remediation
- (iv) acquisition of basic and transferable workplace skills
- (v) ESL proficiency to the advanced level, including the number of English language students who--
 - are at the level of proficiency where they are prepared to make transitions to postsecondary education with little or no remediation,
 - are at the level of proficiency where they are prepared to make transitions to postsecondary education but must enroll in one or more levels of credit ESL,
 - are at a level of proficiency where they are prepared to make transitions to occupational training programs that provide integrated training in English and occupational skills (such as VESL programs) or to sequential programs, as appropriate,
 - have made these types of transitions in the last calendar year, and
 - are reported according to percentage represented in each of the above categories.

(3) a description of how technology will be used as part of the adult education and workforce skills system.

(4) a description of how the eligible agency will evaluate annually the effectiveness of adult education and workforce skills programs, including family literacy and correctional education services, based on the performance measures described in section 212;

(5) a description of the performance

Comment: The ESL population in need of adult education and workforce skills services is a huge and growing group whose needs cut across (i) through (iv).

Comment: Including collaboration with provider(s) of children's education services, such as Head Start, K-12, or state-funded Pre-K.

measures described in section 212 and how such performance measures will ensure the improvement of adult education and literacy activities in the State or outlying area;

(5) an assurance that the eligible agency will award not less than one grant under this subtitle to an eligible provider who offers flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities, or individuals with other special needs, to participate in adult education and literacy activities, which eligible provider shall attempt to coordinate with support services that are not provided under this subtitle prior to using funds for adult education and literacy activities provided under this subtitle for support services;

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

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

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

(9) a description of the process that will be used for public participation and comment with respect to the State plan;

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

- (A) low-income students;
- (B) individuals with disabilities;
- (C) single parents and displaced homemakers; and
- (D) individuals with multiple barriers to educational enhancement, including individuals

measures described in section 212 and how such performance measures will ensure the improvement of adult education and workforce skills programs in the State or outlying area;

(6) an assurance that the eligible agency will award at least one grant, or more as appropriate, under this subtitle to an eligible provider who offers flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities, or individuals with other special needs, to participate in adult education and workforce skills programs, which eligible provider shall attempt to coordinate with support services that are not provided under this subtitle prior to using funds for adult education and workforce skills programs provided under this subtitle for support services;

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

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

(9) a description of the technical assistance and support services to be provided to local programs;

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

(11) a description of the process that will be used for public participation and comment with respect to the State plan;

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

- (A) low-income students;
- (B) individuals with disabilities;
- (C) low-skilled incumbent workers;
- (D) individuals with barriers to educational enhancement, including low-

with limited English proficiency;

skilled parents, those with limited English proficiency, and those in correctional settings;

(E) high school dropouts and no college, and

(F) high school graduates who do not meet the basic skill or English language requirement to enter postsecondary education, job training, or employment.

(11) a description of how the adult education and literacy activities that will be carried out with any funds received under this subtitle will be integrated with other adult education, career development, and employment and training activities in the State or outlying area served by the eligible agency; and

(13) a description of how the adult education and workforce skills programs that will be carried out with any funds received under this subtitle will be integrated with other adult education, career development, and employment and training activities in the State or outlying area served by the eligible agency; including use of other federal funds available under WIA I and other relevant federal programs with adult education and workforce skills components.

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

(14) a description of the steps the eligible agency will take to ensure direct access, as required in section 231(c)(1).

(15) a description of the knowledge and skills necessary for postsecondary education and training.

(16) a description of any certification or other requirements for instructors in eligible adult education and workforce skills program providers in the state.

(17) a description of the professional development needs of adult education and workforce skills providers in the state.

(18) a description of how the state will use technology to expand access to and improve the quality of adult education and workforce skills services.

(19) a description of how adult education and workforce skills programs will establish mentoring components to improve postsecondary persistence and create occupational and career supports within the Adult Education and Workforce Skills System to maximize personal and academic success.

(20) a description of how adult education and workforce skills programs will create dual enrollment/dual credit integrated programs, programs of high intensity, and other types of special programs to shorten the time needed to earn a credential, achieve multiple learning

Comment: See Technology section, new Title VII (which section should be imbedded within NIFAL if the Institute is strengthened as proposed in Sec. 242).

outcomes, and increase the number of earned credentials, certificates, and degrees.

(21) a description of how adult education and workforce skills programs will invest in professional development and increase the quality of professional development offerings, validate instructor competence, and elevate the quality and status of instructors.

(22) a description of how adult education and workforce skills programs will provide incentives to adults to participate in education and reward their achievement of goals and outcomes.

(23) a description of how instruction in civics and citizenship will be included in adult education and workforce skills program.

(24) a description of any public-private partnerships engaged in by the eligible agency or local programs including partnerships with business and philanthropy that provide new funding opportunities.

(25) a description of how the state will offer incentives for professionals in the business community to provide pro bono services to help strengthen the infrastructure or educational programs in adult education and workforce skills.

(26) a description of the methods by which the state will gather data to meet the accountability requirements of Sec. 212 (b)(2) for measuring student progress in learning gains, transitions, job placement, retention, income gains, and other indicators of progress and to assist the state and programs in improving the quality of service, including a description of how progress will be measured on a longitudinal basis to measure progress on a multi-year basis as required by the Secretary of Education.

(27) an assurance that nothing in this section shall be construed to prohibit states from charging students fees for any adult education or workforce skills service for which the states receive Federal funding under the provisions of this sub-title, provided that (a) states that wish to charge fees shall include a description of the amount of those fees, the services for which they are charged, the reasons for charging them, and the state's policy for exempting students for whom fees may be a hardship or create undue financial burden that would limit

Comment: Civics and citizenship aren't part of the definition of workforce skills. Not sure if this should be here.

program access.

(c) Plan Revisions.--When changes in conditions or other factors require substantial revisions to an approved State plan, the eligible agency shall submit the revisions to the State plan to the Secretary.

(c) Plan Revisions.--When changes in conditions or other factors require substantial revisions to an approved State plan, the eligible agency shall submit the revisions to the State plan to the Secretary.

(d) Consultation.--The eligible agency shall--
(1) submit the State plan, and any revisions to the State plan, to the Governor of the State or outlying area for review and comment; and

(d) Consultation.--The eligible agency shall--
(1) submit the State plan, and any revisions to the State plan, to the Governor of the State or outlying area for review and comment; and

(2) ensure that any comments by the Governor regarding the State plan, and any revision to the State plan, are submitted to the Secretary.

(2) ensure that any comments by the Governor regarding the State plan, and any revision to the State plan, are submitted to the Secretary.

(e) Peer Review.--The Secretary shall establish a peer review process to make recommendations regarding the approval of State plans.

(e) Peer Review --

Comment: WIA Title II requires the Secretary of Education to "establish a peer review process to make recommendations regarding the approval of State plans." For ED, "peer" is defined as other state directors of adult education (or their state staff designates). Too few state directors/staff have been qualified or available to perform this task, so a handful has carried the load. We recommend that peer reviews be assigned to same-state WIA partners such as state agency directors, state or local community college directors, state or local WIB officials, employers or their representatives (trade associations, etc.), union officials, or other knowledgeable state program partners. States could recommend to ED the persons they believe are appropriate to conduct the review of their state plan. However, ED would actually choose the peer reviewer(s).

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

(f) Plan Approval.--A State plan submitted to the Secretary shall be approved by the Secretary unless the Secretary makes a written determination, within 60 days after receiving the plan, that the plan is inconsistent with the specific provisions of this subtitle.

SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

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

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

(b) Uses of Funds.--The funds described in subsection (a) shall be used for the cost of educational programs for criminal offenders in correctional institutions and for other institutionalized individuals, including

(b) Uses of Funds.--The funds described in subsection (a) shall be used for the cost of educational programs for criminal offenders in correctional institutions and for other institutionalized individuals, including

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academic programs for--
(1) basic education;
(2) special education programs as determined by the eligible agency;
(3) English literacy programs; and
(4) secondary school credit programs.

academic programs for--
(1) basic education;
(2) special education programs as determined by the eligible agency;
(3) English literacy programs;
(4) secondary school credit programs.
(5) integrated education and training programs
(6) sequential education programs
(7) career pathways programs
(8) dual enrollment programs
(9) preparation for postsecondary education or training
(10) workforce readiness

Comment: Should "civics" be included in this list ?

(c) Priority.--Each eligible agency that is using assistance provided under this section to carry out a program for criminal offenders in a correctional institution shall give priority to serving individuals who are likely to leave the correctional institution with 5 years of participation in the program.

(c) Priority.--Each eligible agency that is using assistance provided under this section to carry out a program for criminal offenders in a correctional institution shall give priority to serving individuals who are likely to leave the correctional institution within 3 years of participation in the program.

(d) Definition of Criminal Offender.--
(1) Criminal offender.--The term "criminal offender" means any individual who is charged with or convicted of any criminal offense.
(2) Correctional institution.--The term "correctional institution" means any--
(A) prison;
(B) jail;
(C) reformatory;
(D) work farm;
(E) detention center; or
(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

(d) Definition of Criminal Offender.--
(1) Criminal offender.--The term "criminal offender" means any individual who is charged with or convicted of any criminal offense.
(2) Correctional institution.--The term "correctional institution" means any--
(A) prison;
(B) jail;
(C) reformatory;
(D) work farm;
(E) detention center; or
(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

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SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

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

(b) Required Local Activities.--The eligible agency shall require that each eligible provider receiving a grant or contract under subsection (a) use the grant or contract to establish or operate one or more programs that provide services or instruction in one or more of the following categories:

(1) Adult education and literacy services, including workplace literacy services.

(2) Family literacy services.

(3) English literacy programs.

(c) Direct and Equitable Access; Same Process.--Each eligible agency receiving funds under this subtitle shall ensure that--

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

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

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

SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

(a) Grants and Contracts.--From grant funds made available under section 211(b), each eligible agency shall award multiyear grants or contracts, on a competitive basis, to eligible providers within the State or outlying area to enable the eligible providers to develop, implement, and improve adult education and workforce skills activities within the State.

(b) Required Local Activities.--The eligible agency shall require that each eligible provider receiving a grant or contract under subsection (a) use the grant or contract to establish or operate one or more programs that provide services or instruction in one or more of the following categories:

(1) Adult education and workforce skills programs, including workplace education services, sequential and integrated education and training services, and transition to postsecondary education or training or career pathways.

(2) Family literacy services.

(3) English language programs.

(c) Direct Access; Same Process.--Each eligible agency receiving funds under this subtitle shall ensure that--

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

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

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

coordinate with programs and services that are not assisted under this subtitle prior to using funds for adult education and literacy activities under this subtitle for activities other than adult education activities.

(e) Considerations.--In awarding grants or contracts under this section, the eligible agency shall consider--

(1) the degree to which the eligible provider will establish measurable goals for participant outcomes;

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

(3) the commitment of the eligible provider to serve individuals in the community who are most in need of literacy services, including individuals who are low-income or have minimal literacy skills;

(4) whether or not the program--
(A) is of sufficient intensity and duration for participants to achieve substantial learning gains; and

(B) uses instructional practices, such as phonemic awareness, systematic phonics, fluency, and reading comprehension that research has proven to be effective in teaching individuals to read;

(5) whether the activities are built on a strong foundation of research and effective educational practice;

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

(7) whether the activities provide learning in real life contexts to ensure that an individual has the skills needed to compete in the workplace and exercise the rights and responsibilities of citizenship;

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

coordinate with programs and services that are not assisted under this subtitle prior to using funds for adult education and literacy activities under this subtitle for activities other than adult education activities.

(e) Considerations.--In awarding grants or contracts under this section, the eligible agency shall consider--

(1) the degree to which the eligible provider will establish measurable goals for participant outcomes;

(2) the past effectiveness of an eligible provider in improving the skills of adults and families, and, after the 1-year period beginning with the adoption of an eligible agency's performance measures under section 212, the success of an eligible provider receiving funding under this subtitle in meeting or exceeding such performance measures;

(3) the commitment of the eligible provider to serve individuals in the community who are most in need of services;

(4) whether or not the program is of sufficient intensity and duration for participants to achieve substantial learning gains; and

(5) whether the activities are built on a strong foundation of research and effective educational practice;

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

(7) whether the activities provide learning in real life contexts to ensure that an individual has the skills needed to compete in the workplace and exercise the rights and responsibilities of citizenship;

(8) whether the activities are staffed by well-trained and certified instructors,

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administrators;

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

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

(11) whether the activities maintain a high-quality information management system that has the capacity to report participant outcomes and to monitor program performance against the eligible agency performance measures; and

(12) whether the local communities have a demonstrated need for additional English literacy programs.

counselors, and administrators;

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

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

(11) whether the activities maintain a high-quality information management system that has the capacity to report participant outcomes and to monitor program performance against the eligible agency performance measures; and

(12) whether the local communities have a demonstrated need for additional English literacy programs.

(13) whether the activities serve incumbent workers through formal agreements or contracts with employers and/or unions.

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SEC. 232. LOCAL APPLICATION.

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

(1) a description of how funds awarded under this subtitle will be spent; and

(2) a description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult education and literacy activities.

SEC. 232. LOCAL APPLICATION.

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

(1) a description of how funds awarded under this subtitle will be spent; and

(2) a description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult education and workforce skills activities.

(3) a description of the educational goals the proposed program services are designed to meet.

SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.

(a) In General.--Subject to subsection (b), of the amount that is made available under this subtitle to an eligible provider

(1) not less than 95 percent shall be expended for carrying out adult education and literacy activities; and

(2) the remaining amount, not to exceed 5 percent, shall be used for planning, administration, personnel development, and interagency coordination.

(b) Special Rule.--In cases where the cost limits described in subsection (a) are too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination, the eligible provider shall negotiate with the eligible agency in order to determine an adequate level of funds to be used for non-instructional purposes.

SEC. 241. ADMINISTRATIVE PROVISIONS.

(a) Supplement Not Supplant.--Funds made available for adult education and literacy activities under this subtitle shall supplement and not supplant other State or local public funds expended for adult education and literacy activities.

(b) Maintenance of Effort.--

(1) In general.--

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

(B) Proportionate reduction.--Subject to paragraphs (2), (3), and (4), for any fiscal year

SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.

In General.--Subject to subsection (b), of the amount that is made available under this subtitle to an eligible provider

(1) not less than 90 percent shall be expended for carrying out adult education and workforce skill activities; and

(2) the remaining amount, not to exceed 10 percent, shall be used for planning, administration, personnel development, and interagency coordination.

(b) Special Rule.--In cases where the cost limits described in subsection (a) are too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination, the eligible provider shall negotiate with the eligible agency in order to determine an adequate level of funds to be used for non-instructional purposes.

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(b) Maintenance of Effort.--

(1) In general.--

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

(B) Proportionate reduction.--Subject to paragraphs (2), (3), and (4), for any fiscal year

with respect to which the Secretary determines under subparagraph (A) that the fiscal effort or the aggregate expenditures of an eligible agency for the preceding program year were less than such effort or expenditures for the second preceding program year, the

Secretary--

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

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

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

(3) Decrease in federal support.--If the amount made available for adult education and literacy activities under this subtitle for a fiscal year is less than the amount made available for adult education and literacy activities under this subtitle for the preceding fiscal year, then the fiscal effort per student and the aggregate expenditures of an eligible agency required in order to avoid a reduction under paragraph (1)(B) shall be decreased by the same percentage as the percentage decrease in the amount so made available.

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

with respect to which the Secretary determines under subparagraph (A) that the fiscal effort or the aggregate expenditures of an eligible agency for the preceding program year were less than such effort or expenditures for the second preceding program year, the

Secretary--

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

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

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

(3) Decrease in federal support.--If the amount made available for adult education and literacy activities under this subtitle for a fiscal year is less than the amount made available for adult education and literacy activities under this subtitle for the preceding fiscal year, then the fiscal effort per student and the aggregate expenditures of an eligible agency required in order to avoid a reduction under paragraph (1)(B) shall be decreased by the same percentage as the percentage decrease in the amount so made available.

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

SEC. 242. NATIONAL INSTITUTE FOR LITERACY.

(a) Purpose.--The purpose of this section is to establish a National Institute for Literacy that

- (1) provides national leadership regarding literacy;
- (2) coordinates literacy services and policy; and (3) serves as a national resource for adult education and literacy programs by

(A) providing the best and most current information available, including the work of the National Institute of Child Health and Human Development in the area of phonemic awareness, systematic phonics, fluency, reading comprehension, to all recipients of Federal assistance that focuses on reading, including programs under titles I and VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq. and 7401 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and this Act; and (B) supporting the creation of new ways to offer services of proven effectiveness.

SEC. 242. NATIONAL INSTITUTE FOR ADULT LEARNING

(a) Purpose --The purpose of this section is to establish a National Institute for Adult Learning that—

- (1) provides national leadership regarding adult education and workforce skills services as defined in this Act;
- (2) serves as the national center for basic and applied research on adult education and workforce skills services;
- (3) disseminates the findings of any research it may conduct or commission to assist in the improvement of adult education and workforce skills services.
- (4) serves as the national center for development and use of technology in the provision of adult education and workforce skills services.
- (5) disseminates information and provides technical assistance about the use of technology in the provision of adult education and workforce skills service by, among other means, the establishment of one or more national web portals.

(A) providing the best and most current information available to support the creation of new ways to offer adult education and workforce skills services of proven effectiveness.

Comment: Because of the interagency nature of the NIFAL, and assuming that the significant strengthening of NIFAL proposed in Sec. 242 occurs, the proposed Section VII for Technology at the end of this document should probably be incorporated here rather than advanced as a separate new title.

(b) Establishment.--

(1) In general.--There is established the National Institute for Literacy (in this section referred to as the "Institute"). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary of Education with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the "Interagency Group"). The Interagency Group may include in the Institute any research and development center, institute, or clearinghouse established within the Department of Education, the Department of Labor, or the Department of Health and Human Services the purpose of which is determined by the Interagency Group to be related to the purpose of the Institute.

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

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

(4) Daily operations.--The daily operations of the Institute shall be administered by the Director of the Institute.

(b) Establishment.--

(1) In general.--There is established the National Institute for Adult Learning (in this section referred to as the "Institute"). The Institute shall be advised by the Secretaries of Education, Labor, and Health and Human Services (in this section referred to as the "Interagency Group"). The Interagency Group shall appoint a senior member from each federal department to represent Department Secretaries in activities with the Institute, from which Group an individual shall be designated to serve as chair of the Interagency operating group.

(2) Offices.--The Institute shall have offices separate from the offices of the Interagency Group members.

(3) Recommendations.--The Interagency Group shall make recommendations to the NIFAL Board (in this section referred to as the "Board") established under subsection (e) in planning the goals of the Institute and in the implementation of any programs to achieve the goals.

(4) Daily operations.--The daily operations of the Institute shall be developed and directed by the Director of the Institute.

Comment: The Commission and the AEEG Act call for coordination of all federal programs that provide adult education and workforce skills services to be coordinated in the interest of better planning, evaluation, and program effectiveness. ED, DOL, and HHS programs are the major ones, but Commerce, Justice, Veterans Affairs, and Housing and Urban Development also have significant adult education activities as defined in this ACT, and as explored in a background paper prepared by Garrett Murphy for the National Commission (and available at the Commission website). Some connective language to those departments/programs is needed.

(5) Director and staff qualifications- The Institute Board with advice from the Interagency Group, shall identify the qualifications needed by the Director and professional staff for the successful implementation of this section.

(6) Competitive hiring- The position of Director and professional staff shall be widely advertised to the field, and filled through a process of competitive hiring.

(c) Duties.--

(1) In general.--In order to provide leadership for the improvement and expansion of the system for delivery of literacy services, the Institute is authorized—

(A) to establish a national electronic data base of information that disseminates information to the broadest possible audience within the literacy and basic skills field, and that includes—

(i) effective practices in the provision of literacy and basic skills instruction, including instruction in phonemic awareness, systematic phonics, fluency, and reading comprehension, and the integration of literacy and basic skills instruction with occupational skills training;

(ii) public and private literacy and basic skills programs, and Federal, State, and local policies, affecting the provision of literacy services at the national, State, and local levels;

(iii) opportunities for technical assistance, meetings, conferences, and other opportunities that lead to the improvement of literacy and basic skills services; and

(iv) a communication network for literacy programs, providers, social service agencies, and students;

(B) to coordinate support for the provision of literacy and basic skills services across Federal agencies and at the State and local levels;

(c) Duties.--

(1) In general--In order to provide leadership for the improvement and expansion of the system for adult education and workforce skills services, the Institute is authorized—

(A) to carry out and disseminate a national program of basic and applied research, including the area of technology, which may be conducted

- either directly with outside organizations or consultants on the basis of solicited or unsolicited proposals in areas of interest and responsibility,

- or through awards and contracts competed nationally through an open process with universities and other nonprofit centers qualified to undertake effective research projects and programs.

(B) to carry out its research, technical assistance efforts, technology, and other activities to advance adult education and workforce skills services with a focus on topics of fundamental importance in improving adult education, literacy, and workforce skills and that are not adequately investigated by other organizations or agencies, such as –

(i) the literacy needs of individuals with learning disabilities or other special needs and how those needs can best be served,

(ii) the desirability and design of national and/or state systems for certification or accreditation of adult education and workforce skills teachers and how such systems, if desirable, can be implemented,

(iii) the design and implementation of improved systems of training for adult

(C) to coordinate the support of reliable and replicable research and development on literacy and basic skills in families and adults across Federal agencies, especially with the Office of Educational Research and Improvement in the Department of Education, and to carry out basic and applied research and development on topics that are not being investigated by other organizations or agencies, such as the special literacy needs of individuals with learning disabilities;

(D) to collect and disseminate information on methods of advancing literacy that show great promise, including phonemic awareness, systematic phonics, fluency, and reading comprehension based on the work of the National Institute of Child Health and Human Development.

(E) to provide policy and technical assistance to Federal, State, and local entities for the improvement of policy and programs relating to literacy;

(F) to fund a network of State or regional adult literacy resource centers to assist State and local public and private nonprofit efforts to improve literacy by

(i) encouraging the coordination of literacy services;

(ii) enhancing the capacity of State and local organizations to provide literacy services; and

(iii) serving as a link between the Institute and providers of adult education and literacy activities for the purpose of sharing information, data, research, expertise, and literacy resources:

(G) to coordinate and share information with national organizations and associations

education and workforce skills teachers.

(iv) the evaluation of the adequacy of available standardized tests of student achievement in adult education and workforce skills for measuring student progress for instructional, program management, national or state accountability, and program of system improvement, and the specification of different forms (if any) that standardized tests for these purposes should take,

(v) determining how well existing standardized tests of student achievement for native-English speaking students and ESL students align with the COMPASS, Accuplacer, and other tests used for community college placement, and how they might better be aligned,

(vi) determining the appropriateness of college-ready skills certifications for adult education and workforce skills students, and how such certifications (if desirable) can best be developed,

(vii) determining how to improve the retention and learning gains of students with very low levels of adult education and workforce skills and/or very low levels of English language proficiency, with special attention to the needs of students with limited prior education,

(viii) determining and developing effective incentives for incarcerated individuals to participate in adult education and workforce skills programs – such as “good time” for obtaining a GED or other high school equivalency or vocational certifications.

(ix) determining how the GED and other equivalency diplomas might be used more extensively and effectively, and how they should be revised to align with standards for entry into postsecondary education with little or no remediation, in collaboration with the GED Testing Service and other relevant organizations and the U.S. Department of Education.

(C) to maintain a national electronic data base of information that disseminates its own research results and other information to the broadest possible audience within adult education and workforce skills, and that includes—

that are interested in literacy and workforce investment activities;

(i) effective practices in the provision of adult education and workplace skills and integrated English language and civics instruction, and the integration of adult education and workforce skills instruction with occupational training;

(ii) public and private adult education and workforce skills programs, and Federal, State, and local policies, affecting the provision of such services at the national, State, and local levels;

(iii) opportunities for technical assistance, meetings, conferences, and other such activities that lead to the improvement of adult education and workforce skills services; and

(iv) a communication network for literacy programs, providers, social service agencies, and students;

(D) to conduct surveys and national demonstration projects and related research on issues of fundamental importance in the design and delivery of adult education and workforce skills services. Where applicable, the areas covered in (A) through (C) should be included, and such issues as the following should be addressed in collaboration with the Census Bureau, the Departments of Education, Labor, and Health and Human services, and other federal agencies:

(i) developing more accurate means of determining the size and characteristics of the limited English proficient population in the U.S. and in particular measuring the level of English proficiency of individuals in that population in the separate skills of reading, writing, speaking, and comprehending spoken English, and conducting national and (if feasible) state and local surveys to determine the size, characteristics, and level of proficiency of that population.

(ii) determining best practices for improving the retention, learning gains, transitions to postsecondary education, and readiness for occupational training of individuals served by adult education and workforce skills programs including but not limited to (a) improvement of curricula, (b) use of high intensity instruction, (c) use of “managed enrollment,” (d) use of sequential

and integrated program designs, (e) use of dual enrollment, and (f) counseling, mentoring, and supportive services.

(iii) determining the best ways to promote interagency collaboration and partnerships with private agencies (such as voluntary organizations and CBOs, immigrant-serving organizations, and business and organized labor for the provision of counseling, mentoring, supportive services, and referral to needed instructional services.

(iv) determining how and at what level math is taught in adult education and workforce skills programs; whether math instruction is adequate to meet the needs of enrolled individuals to make transitions to occupational training, postsecondary education, and life skills training; and carrying out related demonstrations.

(v) determining the effectiveness of various types of adult education and workforce skills services and policies for reducing recidivism and enhancing employability of incarcerated adults.

(vi) determining the differences in program and effectiveness and outcomes among different kinds of providers – including schools, community colleges, CBOs and voluntary organizations, labor unions, libraries, and businesses working in collaboration with public providers.

(vii) determining the effectiveness, and ways to improve and measure outcomes of English Literacy and Civics Instruction, incumbent worker training programs conducted in partnership with business, and family literacy services that include workforce readiness components.

(E) develop and maintain a national technology development and application program (as outlined in preliminary fashion in the proposed WIA III material of CAAL's 4-13-09 side-by-side) – including a national web portal to substantially improve and expand services to more adults and a national diffusion and adoption network (NDN) to validate best uses of technology and other program practices, and provide training for local program implementation.

Comment: If NIFAL is given real leadership capacity as proposed by the Commission and CAAL's side-by-side, the technology activities proposed for a new WIA III should be pulled into NIFAL.

(F) identify state, regional, and local sector and employer needs so as to plan and carry out effective programs and services and demonstrate return on investment.

~~(G) to advise Congress and Federal departments and agencies regarding the development of policy with respect to adult education and workforce skills;~~

Comment: This item doesn't belong here. It should be pulled into NIFAL's purposes as the policy strand.

(H) to advise Congress and Federal departments and agencies regarding the development of policy with respect to literacy and basic skills; and

(I) to undertake other activities that lead to the improvement of the Nation's literacy delivery system and that complement other such efforts being undertaken by public and private agencies and organization

(2) Grants, contracts, and cooperative agreements.—The Institute may award grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute.

(d) Literacy Leadership.

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

(2) Fellowships.--Fellowships awarded under this subsection shall be used, under the

(H) to coordinate and share information with national and international organizations and associations that are interested in adult education and workforce skills and workforce investment activities;

(I) to advise Congress and Federal departments and agencies regarding the development of policy with respect to adult education and workforce skills; and

(J) to undertake other activities that lead to the improvement of the Nation's adult education and workforce skills delivery system and that complement other such efforts being undertaken by public and private agencies and organizations.

(3) Grants, contracts, and cooperative agreements.—The Institute may award grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute.

(d) Adult Education and Workforce Skills Leadership.--

(1) In general.--The Institute may award fellowships, with such stipends and allowances that the Director considers necessary, to outstanding individuals pursuing careers in adult education and workforce skills development in the areas of instruction, management, research, or innovation.

(2) Fellowships.--Fellowships awarded under this subsection shall be used, under the

auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

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

(e) National Institute for Literacy Advisory Board.--

(1) Establishment.--

(A) In general.--There shall be a National Institute for Literacy Advisory Board (in this section referred to as the "Board"), which shall consist of 10 individuals appointed by the President with the advice and consent of the Senate.

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

auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education and workforce skills development, including the training of volunteer literacy providers at the national, State, or local level.

(3) Interns and volunteers.--The Institute may award paid and unpaid internships to individuals seeking to assist the Institute in carrying out its mission. Notwithstanding section 1342 of title 31, United States Code, the Institute may accept and use voluntary and uncompensated services as the Institute determines necessary.

(e) National Institute for Adult Learning Board.--

(1) Establishment --

(A) In general -- There shall be a National Institute for Adult Learning Board (in this section referred to as the "Board"), which shall consist of 12 individuals appointed by the President. In the initial Board, the Departments of Education, Labor, and Health and Human Services shall each nominate not more than 6 members each, within 90 days after enactment of the AEEG. Board terms should initially be staggered one-, two-, and three-year terms. As these terms expire, the Departments of Education, Labor, and Health and Human Services shall nominate no more than 2 persons each to fill expired positions.

(B) Composition.--The Board shall be comprised of individuals who are not otherwise officers or employees of the Federal Government; who have expert knowledge of adult basic skills and education and workforce skills in terms of service provision and the populations targeted by the Adult Education and Economic Growth Act, adult education and workforce skills research, the use of technology for adult education and workforce skills purposes, and the needs of business; and who are representative of entities such as—

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

(ii) businesses that have demonstrated interest in literacy programs;

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

(iv) experts in the area of literacy research;

(v) State and local governments;

(vi) State Directors of adult education; and

(vii) representatives of employees, including representatives of labor organizations.

(2) Duties.--The Board shall--

(A) make recommendations concerning the appointment of the Director and staff of the Institute;

(B) provide independent advice on the operation of the Institute; and

(C) receive reports from the Interagency Group and the Director.

(i) adult education and workforce skills organizations and providers of literacy services, including nonprofit providers, providers of English literacy programs and services, social service organizations, voluntary organization, community based organizations, and eligible providers receiving assistance under this subtitle;

(ii) businesses that have demonstrated interest in adult education and workforce skills programs;

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

(iv) experts in the area of adult education and workforce skills research;

(v) State and local governments;

(vi) State Directors of adult education;

(vii) representatives of community colleges; and

(viii) representatives of employees, including representatives of labor organizations.

(viii) experts in the use of technology for adult education and workforce skills purposes.

(2) Duties.--The Board shall---

(A) in consultation with the Director and with advice from the Interagency Group, establish and oversee the Institute's policies, programs, budgets and management systems;

(B) receive suggestions for the activities and management of the Institute transmitted in writing from the Interagency Group, and if it does not accept such suggestions, provide the reasons in writing .

(C) provide annual reports of activities and progress to the Interagency Group and Congress.

(D) have the authority to award grants to or enter into contracts or cooperative agreements with individuals, public or private institutions, agencies, organizations or consortia thereof to carry out the Institute's purposes.

(3) Federal Advisory Committee Act.-- Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(3) Federal Advisory Committee Act.-- Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(4) Appointments.--

(A) In general.--Each member of the Board shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

(B) Vacancies.--Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(5) Quorum.--A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation of the Board may be passed only by a majority of the Board's members present.

(6) Election of officers.--The Chairperson and Vice Chairperson of the Board shall be elected by the members of the Board. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

(7) Meetings.--The Board shall meet at the call of the Chairperson or a majority of the members of the Board.

(4) Appointments.--

(A) In general.--Each member of the Board shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

(B) Vacancies.--Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(5) Quorum.--A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation of the Board may be passed only by a majority of the Board's members present.

(6) Election of officers.--The Chairperson and Vice Chairperson of the Board shall be elected by the members of the Board. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

(7) Meetings.--The Board shall meet at least four times a year and on other occasions at the request of the Director, Chairperson, or a majority of the members of the Board. The Board shall designate one meeting per year as its Annual meeting, which shall conduct a comprehensive review of the Institute's activities and expenditures during the previous year and work with the Director, with advice

from the Interagency Group, to adopt a plan of activities and budget for the next two years.

(f) Gifts, Bequests, and Devises.--

(1) In general.--The Institute may accept, administer, and use gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

(2) Rules.--The Board shall establish written rules setting forth the criteria to be used by the Institute in determining whether the acceptance of contributions of services, money, or property whether real or personal, tangible or intangible, would reflect unfavorably upon the ability of the Institute or any employee to carry out the responsibilities of the Institute or employee, or official duties, in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of the Institute's programs or any official involved in those programs.

(g) Mails.--The Board and the Institute may use the United State mails in the same manner and under the same conditions as other departments and agencies of the United States.

(h) Staff.--The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.

(i) Applicability of Certain Civil Service Laws.--The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for level IV of the Executive Schedule.

(j) Experts and Consultants.--The Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(k) Report.--The Institute shall submit a report biennially to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the

(f) Gifts, Bequests, and Devises.--

(1) In general.--The Institute may accept, administer, and use gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

(2) Rules.--The Institute shall establish written rules setting forth the criteria to be used by the Institute in determining whether the acceptance of contributions of services, money, or property whether real or personal, tangible or intangible, would reflect unfavorably upon the ability of the Institute or any employee to carry out the responsibilities of the Institute or employee, or official duties, in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of the Institute's programs or any official involved in those programs.

(g) Mails.--The Institute may use the United State mails in the same manner and under the same conditions as other departments and agencies of the United States.

(h) Staff.--The Board shall appoint and fix the pay of a Director as consistent with federal law governing salary level and range for agency heads generally.

(i) Applicability of Certain Civil Service Laws.--The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for level IV of the Executive Schedule.

(j) Experts and Consultants.--The Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(k) Report.—Not less than one month following the Institute's Annual Board meeting the Director and Board shall submit an annual report to the House Committee on Education and Labor and the Senate Committee on

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Comment: Or whatever the right language is. Note: Effective Jan. 2009, rates of basic pay for the Executive Schedule (EX) are: Level I (196,700), II (177,000), III (162,900), IV (153,200), and V (143,500). Secretaries are Level I, Deputy Secretaries Level II, Undersecretaries III, and Assistant Secretaries Level IV. The NIFAL director should probably be a Level IV.

Senate. Each report submitted under this subsection shall include—

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

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

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

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

Health, Education, Labor and Pensions. Each report submitted under this subsection shall include—

(1) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in the field of adult education and workforce skills for the period covered by the report;

(2) a description of how plans for the operation of the Institute for the succeeding 2 fiscal years will facilitate achievement of the goals of the Institute and the goals of the adult education and workforce skills programs within the Department of Education, the Department of Labor, and the Department of Health and Human Services;

(3) Delete.

(1) Funding.— The funds appropriated under 205 of this Act should flow directly to the Institute – in amounts not less than \$10 million for the first federal fiscal year following enactment of this Act, not less than \$30 million in the second fiscal year, not less than \$50 million in the third fiscal year, and such sums as shall be necessary thereafter, in accordance with the provisions of Section 211. Any amounts appropriated to the Secretary of Education, the Secretary of Labor, the Secretary of Health and Human Services, or any other department that participates in the Institute for purposes that the Institute is authorized to perform under this section may be provided by those departments to the Institute for such purposes.

Comment: Right Committees?

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Comment: Congressional staff (legislative counsel) will have to supply the language required to allow NIFAL to expend funds appropriated on its behalf, keep records of expenditures, report those expenditures to OMB, Congress and others, take legal advice, sue and be sued, hire and fire staff, etc. in the same fashion (and according to the same regulations) as any agency of the federal government OR to contract at cost with an agency of the federal government to assume these and other administrative functions on its behalf.

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SEC. 243. NATIONAL LEADERSHIP ACTIVITIES.

The Secretary shall establish and carry out a program of national leadership activities to enhance the quality of adult education and literacy programs nationwide. Such activities may include the following:

(1) Technical assistance, including—

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

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

(C) assistance in distance learning and promoting and improving the use of technology in the classroom.

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

(A) developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults, including instructional practices using phonemic awareness, systematic phonics,

SEC. 243. NATIONAL LEADERSHIP ACTIVITIES.

The Secretary shall establish and carry out within the Department of Education a program of national leadership activities to assist the Office of Adult and Vocational Education and other relevant Department adult education programs in administering Title II of this Act. Such activities shall include but are not limited to the following:

(1) Technical Assistance including:

(A) Assistance to eligible providers and local programs in developing, improving, and amending state plans in compliance with Section 224 of this Act, in meeting the requirements of the Performance Accountability System specified in Section 212 of this Act, conducting the State Leadership Activities specified in Section 223 of this Act, and in meeting other state and local responsibilities specified by this Act;

(B) Assistance to eligible providers and local programs in developing and using performance measures, certification systems, program monitoring and evaluation procedures, and data systems for the improvement of any adult education and workforce skills services for which funds are authorized under this Act, including family literacy, corrections education, transitions to postsecondary education or occupational training, integrated English literacy and civics service, and incumbent worker education;

(C) Assistance to eligible providers and local programs in implementing and improving professional development

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fluency, and reading comprehension, based on the work of the National Institute of Child Health and Human Development;

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

(C) carrying out research, such as estimating the number of adults functioning at the lowest levels of literacy proficiency;

(D)(i) carrying out demonstration programs;

(ii) developing and replicating model and innovative programs, such as the development of models for basic skill certificates, identification of effective strategies for working with adults with learning disabilities, and with individuals with limited English proficiency who are adults, and workplace literacy programs; and

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

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

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

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

(iii) the extent to which the provision of support services to adults enrolled in adult education and family literacy programs increase the rate of enrollment in, and

activities for teachers and administrators;

(D) Assistance in to eligible providers and local programs in improving any adult education and workforce skills service authorized by this Act by disseminating information about best practices in instruction, program management, counseling, and supportive services.

(E) Assistance to eligible providers and local programs in making the most effective use of technology for instruction, teacher training, program management, performance reporting, and other purposes.

(F) Assistance to eligible providers and local programs in making use of multi-year data collection and analysis for purposes of reporting performance under Section 212 of this Act, program improvement, and national research by OVAE and other agencies of the Department of Education, NIFAL, the Department of Labor, the Department of Health and Human Services, and other relevant federal agencies;

(G) Collaborating with NIFAL in the dissemination of the findings of any basic or applied research NIFAL may conduct to (as relevant) eligible entities, local programs, other public and private agencies, and the general public.

(2) Basic and Applied Research to support these and other forms of technical assistance, including but not limited to:

(A) Surveys and National Demonstration Programs conducted in collaboration with NIFAL and other

successful completion of, such programs; and

(iv) the extent to which eligible agencies have distributed funds under section 231 to meet the needs of adults through community-based organizations;

(F) supporting efforts aimed at capacity building at the State and local levels, such as technical assistance in program planning, assessment, evaluation, and monitoring of activities

carried out under this subtitle;

(G) collecting data, such as data regarding the improvement of both local and State data systems, through technical assistance and development of model performance data collection systems; and

(H) other activities designed to enhance the quality of adult education and literacy activities nationwide.

agencies as specified in Section (B) of the Research responsibilities of NIFAL.

(B) Basic and applied research on how states, local programs, and the federal government can best implement systems of multi-year data collection and analysis for the purposes of program improvement, reporting program outcomes, other forms of accountability, improving the policies and operations of the adult education and workforce skills system, and improving collaboration of providers of adult education and workforce skills with other relevant institutions such as agencies supported by funding for Title I of the Workforce Investment Act, institutions of postsecondary education, providers of vocational training, providers of TANF services, and the business community.

(C) Such other Basic and Applied Research as the Secretary shall consider necessary to support the implementation of Title II of this Act.

(b) The Secretary shall appoint a deputy assistant secretary under the Assistant Secretary of the Office of Vocational and adult Education to be responsible for directing and reporting on the National Leadership Activities described above, such individual required to work closely with the NIFAL director to make maximum use of available resources and avoid duplication of effort.

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WIA TITLE VI Employer Incentive Program (NEW)

Comment: This section must eventually be cross referenced to (or incorporated into) the new WIA, as appropriate.

(a) In General – Each eligible agency shall develop a program of Employer Incentives that will co-invest with business and the federal government in the skills of the workforce to ensure that workers continually adapt to evolving workforce needs, and enable companies to be more productive and profitable. The program shall provide technical assistance to employers to enable them to establish a qualified education assistance program under section 127 of the Internal Revenue Code and the appropriate state code. The federal government and the state shall contribute an equal share of the tax credits provided to participating employers.

(b) The qualified education assistance program plan shall meet the following requirements:

- (1) the benefit must be offered on a non-discriminatory basis that does not favor highly compensated employees
- (2) reasonable notification of the availability and terms of the program must be provided to eligible employees
- (3) there must be a separate, written plan for the program
- (4) the program may only be for the benefit of employees (including retired, disabled or laid-off employees) and not for the benefit of an employee's spouse or children
- (5) the plan cannot offer the employee a choice of taxable income or educational assistance.
- (6) eligible adults shall be provided with access to workforce assessments and certifications.
- (7) the use of assessments and certificates shall be a condition for workforce tax credits.

(c) the basis for the tax credit shall be limited to expenditures up to \$5,250 per year per employee. (the current cap imposed by section 127). The federal and state tax credit per employee shall be two-thirds of qualified expenditures, therefore not exceeding \$3,500.

(d) Qualified expenses shall include tuition, fees, book supplies for employees-

- (1) enrolled in for-credit programs leading to a sub-baccalaureate degree or technical certificate from a federally-approved postsecondary institution; or
- (2) in adult education and workforce skills programs leading to a nationally- or industry-recognized workforce skills certificate.

(e) postsecondary education programs payment shall include (as provided in the Higher Education Act, Title IV) –

- (1) direct payments to education institutions, on the part of employees, or
- (2) reimbursement to employees who have initially incurred the costs.

(f) adult education and workforce skills program payments shall include –

- (1) payments to a third party provider or
- (2) direct training costs incurred by the employer.

(g) Credit shall be calculated –

- (1) In General- the credit determined under this section with respect to any employer for the taxable year is an amount equal to two-thirds of qualified education program expenses for the taxable year.
- (2) Limitation- The amount of the credit shall not exceed an amount equal to the product of \$3,500 multiplied by the average number of full-time employees of the employer for the taxable year.
- (3) employers shall receive credit through the normal state and federal tax filing processes.

The federal government, states and the business community shall give priority to low-skilled incumbent worker training and provide incentives to increase participation. States shall provide matching tax credits to companies that provide transferable skill training to their lower-wage and entry-level employees.

States may also consider:

- Using the unemployment insurance tax (UI) to fund employer-based incumbent worker programs.
- Furnishing matching grants to a sector or consortium of employers with similar skills needs.

**Proposed (NEW) WIA Title VII:
21st Century Technologies for Adult Education and Training**

Comment: If the new NIFAL, as proposed by the Commission Steering Committee, is given the independent authority and authorized activities proposed, this Section should probably be incorporated into the National Institute for Adult Learning.

Purposes –

- Expand access for individuals to adult education and workforce skills services, through the use of technology.
- Assist states in integrating the use of technology for delivery of adult education and workforce skills services.
- Disseminate information to individuals, as well as to program managers and instructors, about effective technology-based adult education and workforce skills programs and best practices that can be used on national, state, and local levels.
- Assist public and private sector managers in using technology-enabled data collection, program management, and outcome measures that fulfill federal and state requirements.
- Provide professional development to providers of adult education and workforce skills services so that they can
 - use technology to supplement and expand access to instruction and courses both in classrooms and at a distance;
 - use technology-based learning tools, content, and methods to improve instruction and accelerate the achievement of basic educational skills, English language literary, secondary school equivalency or postsecondary education and training readiness for adult learners;
 - effectively use technology to deliver services; and
- Assist adults in acquiring basic technology skills (using computers, mobile devices), accessing and using the Internet for searching, assessing value of, and making appropriate use of information [often described as “digital or information literacy.”]

Definitions

-- The term “technology” means electronic media, including television and radio, computers, CDROM, mobile devices, camcorders, software programs and applications (courseware and content); access to hardware and the Internet; and practices for successful use of technology in the learning process.

-- The term “basic technology skills” means the ability and knowledge to use and access information, communication, and learning technologies in a manner necessary for lifelong learning, employment, and citizenship in the knowledge-based, digital, and global economy, which includes the abilities to effectively communicate, collaborate, and evaluate, manage, and create information; and to do so in a safe and ethical manner [taken from the ATTAIN Act, H.R. 558

Authorization of Appropriations

Comment: The greater use of technology, on a scale consistent with the Commission’s recommendation to serve 20 million adults in the adult education and workforce skills system by 2020, will take significant new federal (and private sector) funding above that involved in WIA I and II.

Reservations and Allotment of Funds

Comment: Questions: Should there be a reservation for national activities? How much should states keep for state-level activities? How much should states send to local programs? Should there be a funding trigger for a formula below which the program operates as a competitive grant? Should there be a minimum grant?

National Activities –

- Develop a national web portal for technology-based learning for adult education and workforce skills, with the following elements:
 - (a) The portal will be established and overseen by the Departments of Education (Office of Adult and Vocational Education), Labor (ETA), and HHS, with links to other federal agencies that develop and use technology-based learning (including the Departments of Commerce, Defense, Commerce, Energy, HUD, and Veterans Affairs and other public agencies as appropriate).
 - (b) States with interest in and programs/systems that use technology for adult education and workforce skills will be encouraged to provide links to their program websites on the national portal.
 - (c) The portal will serve as a location for aggregating and providing information about and access to technology-based learning for adults, including:
 - (i) state programs, plans, legislation, and funding that have incorporated technology into adult education access, delivery, certification, professional development, and measures;
 - (ii) successful models and practices developed and supported by public-private partnerships;
 - (iii) evidence and outcomes-based research on technology-based/distance adult learning;
 - (iv) links to individual platforms, programs, applications, and curricular for adult learning and teacher professional development.
- Develop a technology-based national reporting system for program outcomes to which states can gear their systems.
- Research and Development Center(s)
 - (a) Establish one or more centers to develop new technology applications and refine existing applications suited to particular tools (mobile phones, iPods) or to all tools (portable devices, computers, video) for use in expanding access to and improving adult education and workforce skills development.
 - (b) Develop and improve online access and assessment for certifications/system of certifications for distance learning programs that can be used for credit in postsecondary institutions, in collaboration with postsecondary institutions and job training programs, and for industry and/or qualification-specific certifications such as information technology.
 - (c) Institute demonstration projects and research to evaluate the use and success of technology-based learning related to outcomes (rather than classroom instruction).
 - (d) Develop demonstration projects and research to develop and/or evaluate innovative uses of technology-based learning to accelerate adult learners' gains in skills and knowledge.

Comment: This effort should take into account the foundation already laid by Project IDEAL and USA Learns, in an OVAE-funded and directed project that produced www.adultedonline.org. More than one national web portal may be desirable depending on the purpose(s) to which put and the available funding.

Comment: For example, Microsoft Office, Computer Driving License.

State Applications – Each state grant application should include:

- the technology strategies and actions in the state plan for the adult education and workforce skills system
- a description of how the State proposes to use grant funds to
 - (a) provide technical assistance and support to local programs
 - (b) use technology to expand adult education and workforce skills services to more adults, including those in rural areas where lack of population density does not support a full range of services and where the often dispersed populations are not within easy reach of program locations.
 - (c) support planning activities to determine long-term goals and strategies for improving outcomes for adult learners
 - (d) undertake and promote professional development activities
 - (e) develop measurement, certification, and evaluation plans appropriate to the requirements of the federal and state government and of the business community
- a description of how the state will ensure that grants are of sufficient size and scope to achieve the purposes of this title
- a plan to seek out private sector companies and philanthropy to participate as funders and beneficiaries in public-private partnerships
- a description of the state's plans to acquire and implement technology tools, applications, and other resources to be used in professional development activities
- a description of the state's plans to engage local providers (including workplace programs) in employing technology for instructional, data management, and measurement purposes in a way that fits the state's goals, outcomes, and accountability and assessment measures.

Comment: (1) When necessary, waivers should be allowed to companies to provide in-kind products or services, to demonstrate prototype products developed primarily for adult learning, and/or to link their own workplace-based training activities to adult education and workforce skills programs. (2) Note that links to "adult education" programs may not be acceptable to the federal government but prohibiting this, as at present, is a real barrier for private sector participation (e.g., Microsoft cannot now contribute its operating systems to federally-purchased computers without a waiver for EACH ONE).

Local Application & Local Activities

Comment: Local Application & Local Activities material has been incorporated into various sections of Title I and II and deleted here because they don't seem to be needed.

Title IV— National Trust for Adult Education and Workforce Skills Development

We could use this to support:

- ~~The development of data systems to support states develop and sustain their own Adult Education and Workforce Skills System~~
- ~~A national investment in fellowships/ educational or professional development opportunities for adult education teachers/ program providers~~
- ~~National research center [Adults Achieving the American Dream proposed housing such a center at IES]~~

Comment: (1) In *Reach Higher, America*, the National Commission on Adult Literacy suggests (p.17) that a National Trust or National Training Fund be developed. It is offered as an example of a creative approach to new funding for the reformed Adult Education and Workforce Skills System laid out by the Commission. CAAL, the Commission's agent for follow-up and implementation, developed a memorandum (December 4th, 2008) containing suggestions on purpose, structure, placement, funding, and governance for such a trust and circulated it to various Congressional legislative aides for discussion purposes. The document put the Trust proposal credibly on the table. However, the Trust idea, which has generated considerable interest and enthusiasm, needs to be more fully developed and discussed in the coming months; it is not sufficiently fleshed out at this stage to either include as a new section with WIA or advance in some other way. (2) There appear to be two feasible approaches to further development of the Trust idea. CAAL can seek funding for a task force project to develop the idea in detail with the aim of introducing it into Congress by 2010. Or WIA can provide modest funding for a Congressional task force to take this on, with a few outsiders appointed to the group (Commission members and leaders from the new partnership "superagency" under development). (3) Some aspects of a Trust may depend on the final provisions of the new WIA legislation. (4) The Trust, once ready for advancement, should not be set solely within WIA Title II, or necessarily within WIA at all, although in broad purpose it should reflect their adult education and workforce skills development goals and build on them. (5) The Trust should be as independent of government as possible, and, as envisioned by the Commission, rely on one or more tax revenues rather than appropriated funds. Its specific purposes should be determined by its board.