

## EX. ORD. NO. 13445. STRENGTHENING ADULT EDUCATION

Ex. Ord. No. 13445, Sept. 27, 2007, 72 F.R. 56165, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**SECTION 1. Policy.** It is the policy of the United States to use existing Federal programs that serve adults, including new Americans, to strengthen literacy skills, improve opportunities for postsecondary education and employment, and facilitate participation in American life.

**SEC. 2. Definitions.** As used in this order:

(a) “agency” means an executive agency as defined in section 105 of title 5, United States Code, other than the Government Accountability Office; and

(b) “adult education” means teaching or instruction below the postsecondary level, for individuals who are 16 years of age or older, designed to provide:

(i) mastery of basic education skills needed to function effectively in society;

(ii) a secondary school diploma or its equivalent; or

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

**SEC. 3. Establishment of Interagency Adult Education Working Group.** The Secretary of Education shall establish within the Department of Education for administrative purposes only, an Interagency Adult Education Working Group (Working Group), consistent with this order.

**SEC. 4. Membership and Operation of the Working Group.**

(a) The Working Group shall consist exclusively of:

(i) the Secretary of Education, who shall serve as Chair;

(ii) the Secretary of the Treasury, the Attorney General, and the Secretaries of the Interior, Labor, Health and Human Services, Housing and Urban Development, and Veterans Affairs; and

(iii) other officers or full-time or permanent part-time employees of the United States, as determined by the Chair, with the concurrence of the head of the agency concerned.

(b) The Chair, or the Chair’s designee under subsection (c) of this section, in implementing section 5 of this order, shall convene and preside at the meetings of the Working Group, determine its agenda, direct its work, and establish and direct subgroups of the Working Group, as appropriate to deal with particular subject matters, that shall consist exclusively of members of the Working Group or their designees under subsection (c) of this section.

(c) A member of the Working Group may designate, to perform the Working Group or Working Group subgroup functions of the member, any person who is a part of the member’s agency and who is either an officer of the United States appointed by the President or a member of the Senior Executive Service.

**SEC. 5. Functions of the Working Group.** Consistent with the policy set forth in section 1 of this order, the Working Group shall:

(a) identify Federal programs that:

(i) focus primarily on improving the basic education skills of adults;

(ii) have the goal of transitioning adults from basic literacy to postsecondary education, training, or employment; or

(iii) constitute programs of adult education;

(b) as appropriate, review the programs identified under subsection (a) of this section and submit to the heads of the agencies administering those programs recommendations to:

(i) promote the transition of adults from such programs to postsecondary education, training, or employment;

(ii) increase the effectiveness, efficiency, and availability of such programs;

(iii) minimize unnecessary duplication among such programs;

(iv) measure and evaluate the performance of such programs; and

(v) undertake and disseminate the results of research related to such programs;

(c) identify gaps in the research about effective ways to teach adult education for postsecondary readiness, recommend areas for further research to improve adult education programs and services, and identify promising practices in disseminating valid existing and future research findings; and

(d) obtain information and advice as appropriate, in a manner that seeks individual advice and does not involve collective judgment or consensus advice or deliberation, concerning adult education from:

(i) State, local, territorial, and tribal officials; and

(ii) representatives of entities or other individuals;

(e) at the request of the head of an agency, unless the Chair declines the request, promptly review and provide advice on a proposed action by that agency relating to adult education; and

(f) report to the President, through the Assistant to the President for Domestic Policy, on its work, and on the implementation of any recommendations arising from its work, at such times and in such formats as the Chair may specify, with the first such report to be submitted no later than 9 months after the date of this order.

**SEC. 6. Administration of the Working Group.** (a) To the extent permitted by law, the Department of Education shall provide the funding and administrative support the Working Group needs, as determined by the Chair, to implement this order.

(b) The heads of agencies shall provide, as appropriate, such assistance and information as the Chair may request to implement this order.

**SEC. 7. General Provisions.** (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an agency or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies or entities, its officers, employees, or agents, or any other person.

GEORGE W. BUSH.

**§ 9202. Definitions**

In this subchapter:

**(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 9241(b) of this title.

**(3) Educational service agency**

The term “educational service agency” means a regional public multiservice agency authorized by State statute to develop and manage a service or program, and to provide the service or program to a local educational agency.

**(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.

**(5) Eligible provider**

The term “eligible provider” means—

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

**(9) Individual with a disability****(A) In general**

The term “individual with a disability” means an individual with any disability (as defined in section 12102 of title 42).

**(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 1001 of this title.

**(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.

**(13) Local educational agency**

The term “local educational agency” has the meaning given the term in section 7801 of this title.

**(14) Outlying area**

The term “outlying area” has the meaning given the term in section 2801 of title 29.

**(15) 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;
- (B) a tribally controlled community college; or
- (C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

**(16) Secretary**

The term “Secretary” means the Secretary of Education.

**(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.

**(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.

(Pub. L. 105-220, title II, § 203, Aug. 7, 1998, 112 Stat. 1060; Pub. L. 105-244, title I, § 102(d)(2), Oct. 7, 1998, 112 Stat. 1622; Pub. L. 105-277, div. A, § 101(f) [title VIII, § 404(a)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-416; Pub. L. 107-110, title X, § 1076(s), Jan. 8, 2002, 115 Stat. 2092.)

## AMENDMENTS

2002—Par. (13). Pub. L. 107-110 substituted “section 7801” for “section 8801”.

1998—Pub. L. 105-277 made technical amendment to reference in original act which appears in text as reference to this subchapter.

Par. (11). Pub. L. 105-244 substituted “section 1001” for “section 1141”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

**§ 9203. Home schools**

Nothing in this subchapter 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.

(Pub. L. 105-220, title II, §204, Aug. 7, 1998, 112 Stat. 1062; Pub. L. 105-277, div. A, §101(f) [title VIII, §404(a)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-416.)

AMENDMENTS

1998—Pub. L. 105-277 made technical amendment to reference in original act which appears in text as reference to this subchapter.

**§ 9204. Authorization of appropriations**

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

(Pub. L. 105-220, title II, §205, Aug. 7, 1998, 112 Stat. 1062; Pub. L. 105-277, div. A, §101(f) [title VIII, §404(a)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-416.)

AMENDMENTS

1998—Pub. L. 105-277 made technical amendment to reference in original act which appears in text as reference to this subchapter.

PART A—ADULT EDUCATION AND LITERACY PROGRAMS

CODIFICATION

This part was, in the original, designated subtitle A of title II of Pub. L. 105-220 and has been redesignated part A of this subchapter for purposes of codification. This subchapter does not contain a part B, because subtitle B (§251) of title II of Pub. L. 105-220 repealed numerous sections of the Code and has been executed to those sections, see Tables.

SUBPART 1—FEDERAL PROVISIONS

**§ 9211. Reservation of funds; grants to eligible agencies; allotments**

**(a) Reservation of funds**

From the sum appropriated under section 9204 of this title for a fiscal year, the Secretary—

(1) shall reserve 1.5 percent to carry out section 9252 of this title, except that the amount so reserved shall not exceed \$8,000,000;

(2) shall reserve 1.5 percent to carry out section 9253 of this title, 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 9273 of this title.

**(b) Grants to eligible agencies**

**(1) In general**

From the sum appropriated under section 9204 of this title and not reserved under subsection (a) of this section for a fiscal year, the Secretary shall award a grant to each eligible agency having a State plan approved under section 9224 of this title in an amount equal to the sum of the initial allotment under subsection (c)(1) of this section and the additional allotment under subsection (c)(2) of this section for the eligible agency for the fiscal year, subject to subsections (f) and (g) of this section, to enable the eligible agency to carry out the activities assisted under this part.

**(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 part.

**(c) Allotments**

**(1) Initial allotments**

From the sum appropriated under section 9204 of this title and not reserved under subsection (a) of this section for a fiscal year, the Secretary shall allot to each eligible agency having a State plan approved under section 9224(f) of this title—

(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 9204 of this title, not reserved under subsection (a) of this section, 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) of this section, 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; and

(4) is not enrolled in secondary school.

**(e) Special rule**

**(1) In general**

From amounts made available under subsection (c) of this section for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, the