

size, scope, and quality to be effective in an amount less than \$75,000 if, after awarding subgrants under paragraph (1) for that fiscal year in accordance with subparagraphs (A) and (B), less than \$75,000 is available to the State educational agency to award those subgrants.

(Pub. L. 89-10, title I, §1233, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1558.)

§ 6381c. Uses of funds

(a) In general

In carrying out an Even Start program under this subpart, a recipient of funds under this subpart shall use those funds to pay the Federal share of the cost of providing intensive family literacy services that involve parents and children, from birth through age 7, in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

(b) Federal share limitation

(1) In general

(A) Federal share

Except as provided in paragraph (2), the Federal share under this subpart may not exceed—

- (i) 90 percent of the total cost of the program in the first year that the program receives assistance under this subpart or its predecessor authority;
- (ii) 80 percent in the second year;
- (iii) 70 percent in the third year;
- (iv) 60 percent in the fourth year;
- (v) 50 percent in the fifth, sixth, seventh, and eighth such years; and
- (vi) 35 percent in any subsequent year.

(B) Remaining cost

The remaining cost of a program assisted under this subpart may be provided in cash or in kind, fairly evaluated, and may be obtained from any source, including other Federal funds under this chapter.

(2) Waiver

The State educational agency may waive, in whole or in part, the Federal share described in paragraph (1) for an eligible entity if the entity—

- (A) demonstrates that it otherwise would not be able to participate in the program assisted under this subpart; and
- (B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver will be applicable.

(3) Prohibition

Federal funds provided under this subpart may not be used for the indirect costs of a program assisted under this subpart, except that the Secretary may waive this paragraph if an eligible recipient of funds reserved under section 6381a(a)(1)(C) of this title demonstrates to the Secretary's satisfaction that the recipient otherwise would not be able to participate in the program assisted under this subpart.

(c) Use of funds for family literacy services

(1) In general

A State educational agency may use a portion of funds reserved under section 6381b(a) of this title, to assist eligible entities receiving a subgrant under section 6381b(b) of this title in improving the quality of family literacy services provided under Even Start programs under this subpart, except that in no case may a State educational agency's use of funds for this purpose for a fiscal year result in a decrease from the level of activities and services provided to program participants in the preceding year.

(2) Priority

In carrying out paragraph (1), a State educational agency shall give priority to programs that were of low quality, as evaluated based on the indicators of program quality developed by the State educational agency under section 6381i of this title.

(3) Technical assistance to help local programs raise additional funds

In carrying out paragraph (1), a State educational agency may use the funds referred to in that paragraph to provide technical assistance to help local programs of demonstrated effectiveness to access and leverage additional funds for the purpose of expanding services and reducing waiting lists, including requesting and applying for non-Federal resources.

(4) Technical assistance and training

Assistance under paragraph (1) shall be in the form of technical assistance and training, provided by a State educational agency through a grant, contract, or cooperative agreement with an entity that has experience in offering high-quality training and technical assistance to family literacy providers.

(Pub. L. 89-10, title I, §1234, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1559.)

§ 6381d. Program elements

Each program assisted under this subpart shall—

- (1) include the identification and recruitment of families most in need of services provided under this subpart, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators;
- (2) include screening and preparation of parents, including teenage parents, and children to enable those parents and children to participate fully in the activities and services provided under this subpart, including testing, referral to necessary counselling, other developmental and support services, and related services;
- (3) be designed to accommodate the participants' work schedule and other responsibilities, including the provision of support services, when those services are unavailable from other sources, necessary for participation in the activities assisted under this subpart, such as—
 - (A) scheduling and locating of services to allow joint participation by parents and children;

(B) child care for the period that parents are involved in the program provided under this subpart; and

(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this subpart;

(4) include high-quality, intensive instructional programs that promote adult literacy and empower parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

(5) with respect to the qualifications of staff the cost of whose salaries are paid, in whole or in part, with Federal funds provided under this subpart, ensure that—

(A) not later than December 21, 2004—

(i) a majority of the individuals providing academic instruction—

(I) shall have obtained an associate's, bachelor's, or graduate degree in a field related to early childhood education, elementary school or secondary school education, or adult education; and

(II) if applicable, shall meet qualifications established by the State for early childhood education, elementary school or secondary school education, or adult education provided as part of an Even Start program or another family literacy program;

(ii) the individual responsible for administration of family literacy services under this subpart has received training in the operation of a family literacy program; and

(iii) paraprofessionals who provide support for academic instruction have a secondary school diploma or its recognized equivalent; and

(B) all new personnel hired to provide academic instruction—

(i) have obtained an associate's, bachelor's, or graduate degree in a field related to early childhood education, elementary school or secondary school education, or adult education; and

(ii) if applicable, meet qualifications established by the State for early childhood education, elementary school or secondary school education, or adult education provided as part of an Even Start program or another family literacy program;

(6) include special training of staff, including child-care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this subpart;

(7) provide and monitor integrated instructional services to participating parents and children through home-based programs;

(8) operate on a year-round basis, including the provision of some program services, including instructional and enrichment services, during the summer months;

(9) be coordinated with—

(A) other programs assisted under this chapter;

(B) any relevant programs under the Adult Education and Family Literacy Act [20 U.S.C. 9201 et seq.], the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.], and title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.]; and

(C) the Head Start program, volunteer literacy programs, and other relevant programs;

(10) use instructional programs based on scientifically based reading research for children and adults, to the extent that research is available;

(11) encourage participating families to attend regularly and to remain in the program a sufficient time to meet their program goals;

(12) include reading-readiness activities for preschool children based on scientifically based reading research, to the extent available, to ensure that children enter school ready to learn to read;

(13) if applicable, promote the continuity of family literacy to ensure that individuals retain and improve their educational outcomes;

(14) ensure that the programs will serve those families most in need of the activities and services provided by this subpart; and

(15) provide for an independent evaluation of the program, to be used for program improvement.

(Pub. L. 89-10, title I, §1235, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1560.)

REFERENCES IN TEXT

The Adult Education and Family Literacy Act, referred to in par. (9)(B), is title II of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 1059, as amended, which is classified principally to subchapter I (§9201 et seq.) of chapter 73 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Individuals with Disabilities Education Act, referred to in par. (9)(B), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

The Workforce Investment Act of 1998, referred to in par. (9)(B), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended. Title I of the Act is classified principally to chapter 30 (§2801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

§ 6381e. Eligible participants

(a) In general

Except as provided in subsection (b) of this section, eligible participants in an Even Start program are—

(1) a parent or parents—

(A) who are eligible for participation in adult education and literacy activities under the Adult Education and Family Literacy Act [20 U.S.C. 9201 et seq.]; or

(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this subpart, or who are attending secondary school; and