

AMENDMENTS

1998—Subsec. (d)(1). Pub. L. 105-277 struck out “, but less than 61 years of age” after “16 years of age”.

§ 9212. 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 part, 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

(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.

(B) Additional indicators

An eligible agency may identify in the State plan additional indicators for adult education and literacy activities authorized under this part.

(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 part. 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

9224 of this title, 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 years

In order to ensure an optimal return on the investment of Federal funds in adult education and literacy activities authorized under this part, 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 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 2871(i)(1) of title 29, 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 part.

(c) Report**(1) In general**

Each eligible agency that receives a grant under section 9211(b) of this title 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.

(Pub. L. 105-220, title II, §212, Aug. 7, 1998, 112 Stat. 1064; Pub. L. 105-277, div. A, §101(f) [title VIII, §404(c)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-416.)

AMENDMENTS

1998—Subsec. (b)(3)(A)(vi). Pub. L. 105-277 substituted “2871(i)(1) of title 29” for “2871(j) of title 29”.

SUBPART 2—STATE PROVISIONS

§ 9221. State administration

Each eligible agency shall be responsible for the State or outlying area administration of activities under this part, 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 part; and

(3) coordination and nonduplication with other Federal and State education, training, corrections, public housing, and social service programs.

(Pub. L. 105-220, title II, §221, Aug. 7, 1998, 112 Stat. 1066.)

§ 9222. State distribution of funds; matching requirement**(a) State distribution of funds**

Each eligible agency receiving a grant under this part for a fiscal year—

(1) shall use not less than 82.5 percent of the grant funds to award grants and contracts under section 9241 of this title and to carry out section 9225 of this title, of which not more

than 10 percent of the 82.5 percent shall be available to carry out section 9225 of this title;

(2) shall use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 9223 of this title; and

(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.

(b) Matching requirement**(1) In general**

In order to receive a grant from the Secretary under section 9211(b) of this title 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 part.

(Pub. L. 105-220, title II, §222, Aug. 7, 1998, 112 Stat. 1066.)

§ 9223. State leadership activities**(a) In general**

Each eligible agency shall use funds made available under section 9222(a)(2) of this title 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 9241(b) of this title, 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.