

(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.

(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 subchapter.

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

(11) Linkages with postsecondary educational institutions.

(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) of this section.

(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 part 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.

(Pub. L. 105-220, title II, §223, Aug. 7, 1998, 112 Stat. 1067.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a)(8), was in the original “this title”, meaning title II of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 1059, known as the Adult Education and Family Literacy Act, which enacted this subchapter, amended sections 6362, 6365, 6366, 6813, and 7881 of this title, and section 3013 of Title 42, The Public Health and Welfare, and repealed sections 1201 to 1213d of this title and provisions set out as notes under sections 1201, 1213c, 2963, and 2966 of this title. For complete classification of title II to the Code, see Short Title note set out under section 9201 of this title and Tables.

§ 9224. State plan

(a) 5-year plans

(1) In general

Each eligible agency desiring a grant under this part for any fiscal year shall submit to, or have on file with, the Secretary a 5-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.

(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—

(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 part;

(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 9212 of this title;

(4) a description of the performance measures described in section 9212 of this title 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 part 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 part prior to using funds for adult education and literacy activities provided under this part for support services;

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

(7) a description of how the eligible agency will fund local activities in accordance with the considerations described in section 9241(e) of this title;

(8) an assurance that the eligible agency will expend the funds under this part only in a manner consistent with fiscal requirements in section 9251 of this title;

(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 with limited English proficiency;

(11) a description of how the adult education and literacy activities that will be carried out with any funds received under this part 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

(12) a description of the steps the eligible agency will take to ensure direct and equitable access, as required in section 9241(c)(1) of this title.

(c) Plan revisions

When changes in conditions or other factors require substantial revisions to an approved