

(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6362, 6365, 6366, 6813, and 7881 of this title, and section 3013 of Title 42, The Public Health and Welfare, and repealed sections 1201 to 1213d of this title and provisions set out as notes under sections 1201, 1213c, 2963, and 2966 of this title.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

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

(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.

(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 part.

(g) Transition

The provisions of this section shall be subject to section 9276(b) of this title.

(Pub. L. 105-220, title II, §224, Aug. 7, 1998, 112 Stat. 1068; Pub. L. 105-332, §4(1), Oct. 31, 1998, 112 Stat. 3126.)

AMENDMENTS

1998—Subsec. (g). Pub. L. 105-332 added subsec. (g).

§ 9225. Programs for corrections education and other institutionalized individuals

(a) Program authorized

From funds made available under section 9222(a)(1) of this title for a fiscal year, each eligible agency shall carry out corrections education and education for other institutionalized individuals.

(b) Uses of funds

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

(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 5 years of participation in the program.

(d) Definitions

(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.

(Pub. L. 105-220, title II, §225, Aug. 7, 1998, 112 Stat. 1069; Pub. L. 105-277, div. A, §101(f) [title VIII, §404(d)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-417.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1204 of this title prior to repeal by Pub. L. 105-220.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277, §101(f) [title VIII, §404(d)(1)], substituted “and education” for “or education”.

Subsec. (c). Pub. L. 105-277, §101(f) [title VIII, §404(d)(2)], substituted “within” for “with” before “5 years”.

SUBPART 3—LOCAL PROVISIONS

§ 9241. Grants and contracts for eligible providers

(a) Grants and contracts

From grant funds made available under section 9211(b) of this title, 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) of this section 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 part 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 part 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