

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

9202(1) of this title, except that such agency may use such funds for such purpose if such programs, services, or activities are related to family literacy services. In providing family literacy services under this part, an eligible provider shall attempt to coordinate with programs and services that are not assisted under this part prior to using funds for adult education and literacy activities under this part for activities other than adult education activities.

**(e) Considerations**

In awarding grants or contracts under this section, the eligible agency shall consider—

(1) the degree to which the eligible provider will establish measurable goals for participant outcomes;

(2) the past effectiveness of an eligible provider in improving the literacy skills of adults and families, and, after the 1-year period beginning with the adoption of an eligible agency's performance measures under section 9212 of this title, the success of an eligible provider receiving funding under this part in meeting or exceeding such performance measures, especially with respect to those adults with the lowest levels of literacy;

(3) the commitment of the eligible provider to serve individuals in the community who are most in need of literacy services, including individuals who are low-income or have minimal literacy skills;

(4) whether or not the program—

(A) is of sufficient intensity and duration for participants to achieve substantial learning gains; and

(B) uses instructional practices, such as phonemic awareness, systematic phonics, fluency, and reading comprehension that research has proven to be effective in teaching individuals to read;

(5) whether the activities are built on a strong foundation of research and effective educational practice;

(6) whether the activities effectively employ advances in technology, as appropriate, including the use of computers;

(7) whether the activities provide learning in real life contexts to ensure that an individual has the skills needed to compete in the workplace and exercise the rights and responsibilities of citizenship;

(8) whether the activities are staffed by well-trained instructors, counselors, and administrators;

(9) whether the activities coordinate with other available resources in the community, such as by establishing strong links with elementary schools and secondary schools, post-secondary educational institutions, one-stop centers, job training programs, and social service agencies;

(10) whether the activities offer flexible schedules and support services (such as child care and transportation) that are necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs;

(11) whether the activities maintain a high-quality information management system that has the capacity to report participant out-

comes and to monitor program performance against the eligible agency performance measures; and

(12) whether the local communities have a demonstrated need for additional English literacy programs.

(Pub. L. 105-220, title II, §231, Aug. 7, 1998, 112 Stat. 1070.)

**§ 9242. Local application**

Each eligible provider desiring a grant or contract under this part shall submit an application to the eligible agency containing such information and assurances as the eligible agency may require, including—

(1) a description of how funds awarded under this part will be spent; and

(2) a description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult education and literacy activities.

(Pub. L. 105-220, title II, §232, Aug. 7, 1998, 112 Stat. 1072.)

**§ 9243. Local administrative cost limits**

**(a) In general**

Subject to subsection (b) of this section, of the amount that is made available under this part to an eligible provider—

(1) not less than 95 percent shall be expended for carrying out adult education and literacy activities; and

(2) the remaining amount, not to exceed 5 percent, shall be used for planning, administration, personnel development, and interagency coordination.

**(b) Special rule**

In cases where the cost limits described in subsection (a) of this section are too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination, the eligible provider shall negotiate with the eligible agency in order to determine an adequate level of funds to be used for noninstructional purposes.

(Pub. L. 105-220, title II, §233, Aug. 7, 1998, 112 Stat. 1072.)

SUBPART 4—GENERAL PROVISIONS

**§ 9251. Administrative provisions**

**(a) Supplement not supplant**

Funds made available for adult education and literacy activities under this part shall supplement and not supplant other State or local public funds expended for adult education and literacy activities.

**(b) Maintenance of effort**

**(1) In general**

**(A) Determination**

An eligible agency may receive funds under this part for any fiscal year if the Secretary finds that the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy