

(8) whether the eligible provider's activities provide learning in context, including through integrated education and training, so that an individual acquires the skills needed to transition to and complete postsecondary education and training programs, obtain and advance in employment leading to economic self-sufficiency, and to exercise the rights and responsibilities of citizenship;

(9) whether the eligible provider's activities are delivered by well-trained instructors, counselors, and administrators who meet any minimum qualifications established by the State, where applicable, and who have access to high quality professional development, including through electronic means;

(10) whether the eligible provider's activities coordinate with other available education, training, and social service resources in the community, such as by establishing strong links with elementary schools and secondary schools, postsecondary educational institutions, institutions of higher education, local workforce investment boards, one-stop centers, job training programs, and social service agencies, business, industry, labor organizations, community-based organizations, non-profit organizations, and intermediaries, for the development of career pathways;

(11) whether the eligible provider's activities offer flexible schedules and coordination with Federal, State, and local support services (such as child care, transportation, mental health services, and career planning) that are necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs;

(12) whether the eligible provider maintains a high-quality information management system that has the capacity to report measurable participant outcomes (consistent with section 3141 of this title) and to monitor program performance; and

(13) whether the local areas in which the eligible provider is located have a demonstrated need for additional English language acquisition programs and civics education programs.

(Pub. L. 113–128, title II, § 231, July 22, 2014, 128 Stat. 1618.)

#### EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113–128, set out as a note under section 3101 of this title.

### § 3322. Local application

Each eligible provider desiring a grant or contract from an eligible agency 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 subchapter will be spent consistent with the requirements of this subchapter;

(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;

(3) a description of how the eligible provider will provide services in alignment with the

local plan under section 3123 of this title, including how such provider will promote concurrent enrollment in programs and activities under subchapter I, as appropriate;

(4) a description of how the eligible provider will meet the State adjusted levels of performance described in section 3141(b)(3) of this title, including how such provider will collect data to report on such performance indicators;

(5) a description of how the eligible provider will fulfill one-stop partner responsibilities as described in section 3151(b)(1)(A) of this title, as appropriate;

(6) a description of how the eligible provider will provide services in a manner that meets the needs of eligible individuals; and

(7) information that addresses the considerations described under section 3321(e) of this title, as applicable.

(Pub. L. 113–128, title II, § 232, July 22, 2014, 128 Stat. 1620.)

#### EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113–128, set out as a note under section 3101 of this title.

### § 3323. Local administrative cost limits

#### (a) In general

Subject to subsection (b), of the amount that is made available under this subchapter 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 (including carrying out the requirements of section 3141 of this title), professional development, and the activities described in paragraphs (3) and (5) of section 3322 of this title.

#### (b) Special rule

In cases where the cost limits described in subsection (a) are too restrictive to allow for the activities described in subsection (a)(2), 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. 113–128, title II, § 233, July 22, 2014, 128 Stat. 1620.)

#### EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113–128, set out as a note under section 3101 of this title.

## PART D—GENERAL PROVISIONS

### § 3331. Administrative provisions

#### (a) Supplement not supplant

Funds made available for adult education and literacy activities under this subchapter 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 subchapter for any fiscal year if the Secretary finds that the fiscal effort per student or the aggregate expenditures of such eligible agency for activities under this subchapter, in the second preceding fiscal year, were not less than 90 percent of the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy activities in the third preceding fiscal year.

**(B) Proportionate reduction**

Subject to paragraphs (2), (3), and (4), for any fiscal year with respect to which the Secretary determines under subparagraph (A) that the fiscal effort or the aggregate expenditures of an eligible agency for the preceding program year were less than such effort or expenditures for the second preceding program year, the Secretary—

(i) shall determine the percentage decreases in such effort or in such expenditures; and

(ii) shall decrease the payment made under this subchapter for such program year to the agency for adult education and literacy activities by the lesser of such percentages.

**(2) Computation**

In computing the fiscal effort and aggregate expenditures under paragraph (1), the Secretary shall exclude capital expenditures and special one-time project costs.

**(3) Decrease in Federal support**

If the amount made available for adult education and literacy activities under this subchapter for a fiscal year is less than the amount made available for adult education and literacy activities under this subchapter for the preceding fiscal year, then the fiscal effort per student and the aggregate expenditures of an eligible agency required in order to avoid a reduction under paragraph (1)(B) shall be decreased by the same percentage as the percentage decrease in the amount so made available.

**(4) Waiver**

The Secretary may waive the requirements of this subsection for not more than 1 fiscal year, if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or an unforeseen and precipitous decline in the financial resources of the State or outlying area of the eligible agency. If the Secretary grants a waiver under the preceding sentence for a fiscal year, the level of effort required under paragraph (1) shall not be reduced in the subsequent fiscal year because of the waiver.

(Pub. L. 113-128, title II, §241, July 22, 2014, 128 Stat. 1620.)

## EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section

506 of Pub. L. 113-128, set out as a note under section 3101 of this title.

**§ 3332. National leadership activities****(a) In general**

The Secretary shall establish and carry out a program of national leadership activities to enhance the quality and outcomes of adult education and literacy activities and programs nationwide.

**(b) Required activities**

The national leadership activities described in subsection (a) shall include technical assistance, including—

(1) assistance to help States meet the requirements of section 3141 of this title;

(2) upon request by a State, assistance provided to eligible providers in using performance accountability measures based on indicators described in section 3141 of this title, and data systems for the improvement of adult education and literacy activities;

(3) carrying out rigorous research and evaluation on effective adult education and literacy activities, as well as estimating the number of adults functioning at the lowest levels of literacy proficiency, which shall be coordinated across relevant Federal agencies, including the Institute of Education Sciences; and

(4) carrying out an independent evaluation at least once every 4 years of the programs and activities under this subchapter, taking into consideration the evaluation subjects referred to in section 3224(a)(2) of this title.

**(c) Allowable activities**

The national leadership activities described in subsection (a) may include the following:

(1) Technical assistance, including—

(A) assistance related to professional development activities, and assistance for the purposes of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education and literacy activities, based on scientifically valid research where available;

(B) assistance in distance education and promoting and improving the use of technology in the classroom, including instruction in English language acquisition for English language learners;

(C) assistance in the development and dissemination of proven models for addressing the digital literacy needs of adults, including older adults; and

(D) supporting efforts aimed at strengthening programs at the State and local levels, such as technical assistance in program planning, assessment, evaluation, and monitoring of activities carried out under this subchapter.

(2) Funding national leadership activities either directly or through grants, contracts, or cooperative agreements awarded on a competitive basis to or with postsecondary educational institutions, institutions of higher education, public or private organizations or agencies (including public libraries), or consortia of such institutions, organizations, or agencies, which may include—