

**(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).

**(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 subchapter 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 imposed by the State or outlying area.

(Pub. L. 113–128, title II, § 223, July 22, 2014, 128 Stat. 1615.)

**Statutory Notes and Related Subsidiaries**

## 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.

**§ 3304. State plan**

Each State desiring to receive funds under this subchapter for any fiscal year shall submit and have approved a unified State plan in accordance with section 3112 of this title or a combined State plan in accordance with section 3113 of this title.

(Pub. L. 113–128, title II, § 224, July 22, 2014, 128 Stat. 1617.)

**Statutory Notes and Related Subsidiaries**

## 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.

**§ 3305. Programs for corrections education and other institutionalized individuals****(a) Program authorized**

From funds made available under section 3302(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) 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) adult education and literacy activities;
- (2) special education, as determined by the eligible agency;
- (3) secondary school credit;
- (4) integrated education and training;
- (5) career pathways;
- (6) concurrent enrollment;
- (7) peer tutoring; and

(8) transition to re-entry initiatives and other postrelease services with the goal of reducing recidivism.

**(c) Priority**

Each eligible agency that is using assistance provided under this section to carry out a program for criminal offenders within 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) Report**

In addition to any report required under section 3141 of this title, each eligible agency that receives assistance provided under this section shall annually prepare and submit to the Secretary a report on the progress, as described in section 3141 of this title, of the eligible agency with respect to the programs and activities carried out under this section, including the relative rate of recidivism for the criminal offenders served.

**(e) Definitions**

In this section:

**(1) 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.

**(2) Criminal offender**

The term “criminal offender” means any individual who is charged with or convicted of any criminal offense.

(Pub. L. 113–128, title II, § 225, July 22, 2014, 128 Stat. 1617.)

**Statutory Notes and Related Subsidiaries**

## 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 C—LOCAL PROVISIONS

**§ 3321. Grants and contracts for eligible providers****(a) Grants and contracts**

From grant funds made available under section 3302(a)(1) 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) use the grant or contract to establish or operate programs that provide adult education and literacy activities, including programs that provide such activities concurrently.

**(c) Direct and equitable access; same process**

Each eligible agency receiving funds under this subchapter shall ensure that—

(1) all eligible providers have direct and equitable access to apply and compete 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 subchapter 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 3272(4) 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 activities. In providing family literacy activities under this subchapter, an eligible provider shall attempt to coordinate with programs and services that are not assisted under this subchapter prior to using funds for adult education and literacy activities under this subchapter for activities other than activities for eligible individuals.

**(e) Considerations**

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

(1) the degree to which the eligible provider would be responsive to—

(A) regional needs as identified in the local plan under section 3123 of this title; and

(B) serving individuals in the community who were identified in such plan as most in need of adult education and literacy activities, including individuals—

(i) who have low levels of literacy skills; or

(ii) who are English language learners;

(2) the ability of the eligible provider to serve eligible individuals with disabilities, including eligible individuals with learning disabilities;

(3) past effectiveness of the eligible provider in improving the literacy of eligible individuals, to meet State-adjusted levels of performance for the primary indicators of performance described in section 3141 of this title, especially with respect to eligible individuals who have low levels of literacy;

(4) the extent to which the eligible provider demonstrates alignment between proposed activities and services and the strategy and goals of the local plan under section 3123 of this title, as well as the activities and services of the one-stop partners;

(5) whether the eligible provider's program—

(A) is of sufficient intensity and quality, and based on the most rigorous research available so that participants achieve substantial learning gains; and

(B) uses instructional practices that include the essential components of reading instruction;

(6) whether the eligible provider's activities, including whether reading, writing, speaking, mathematics, and English language acquisition instruction delivered by the eligible provider, are based on the best practices derived from the most rigorous research available and appropriate, including scientifically valid research and effective educational practice;

(7) whether the eligible provider's activities effectively use technology, services, and delivery systems, including distance education in a manner sufficient to increase the amount and quality of learning and how such technology, services, and systems lead to improved performance;

(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.)

**Statutory Notes and Related Subsidiaries**

## 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.)

**Statutory Notes and Related Subsidiaries**

## 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.)

**Statutory Notes and Related Subsidiaries**

## 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