

**Comparison of Adult Education Act as Amended by the National Literacy Act of 1991
With the Adult Education and Family Literacy Act**

Topic	Adult Education Act as amended by the National Literacy Act of 1991	Adult Education and Family Literacy Act
Authorizations	<p>\$260 million is authorized to carry out the Adult Education Act, of which:</p> <ul style="list-style-type: none"> • in any fiscal year in which appropriations exceed \$108 million, not more than \$3 million shall be reserved for national programs <p>\$15 million is authorized for the National Institute for Literacy.</p> <p>There is no authorization for incentive grants.</p> <p>There are separate authorizations for State Literacy Resource Centers, Workplace Literacy grants, English Literacy grants, Education Program for Commercial Drivers.</p>	<p>Such sums are authorized for each of fiscal years 1999 through 2003 to carry out the Act, of which:</p> <ul style="list-style-type: none"> • 1.5% (but not more than \$8 million) shall be reserved for national leadership activities • 1.5% (but not more than \$8 million) shall be reserved for the National Institute for Literacy • 1.72% shall be reserved for incentive grants. <p>Separate authorizations are not provided for these activities.</p>
Eligible State Agency	State educational agency	Sole entity or agency in a State responsible for administering or supervising policy for adult education and literacy in the State, consistent with State law

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State Allotments	<p><i>Minimum Grant</i></p> <p>\$100,000 initial allotment to Guam, American Samoa, Northern Mariana Islands, U.S. Virgin Islands, Micronesia, Marshall Islands, and Palau.</p> <p>\$250,000 initial allotment to States and District of Columbia and Puerto Rico.</p> <p><i>Formula</i></p> <p>Remainder allotted to States, District of Columbia, Puerto Rico, Guam, American Samoa, and Virgin Islands on the basis of the ratio of adults age 16 and older who do not have a high school diploma or equivalent</p>	<p><i>Minimum Grant</i></p> <p>\$100,000 initial allotment to Guam, American Samoa, Northern Mariana Islands, U.S. Virgin Islands, Micronesia, Marshall Islands, and Palau.</p> <p>\$250,000 initial allotment to States and District of Columbia and Puerto Rico.</p> <p><i>Formula</i></p> <p>Remainder allotted to all eligible agencies on the basis of the ratio of adults age 16 and older who do not have a high school diploma or equivalent and who are not enrolled in secondary school.</p>
Special Rule for Outlying Areas	No comparable provision.	<p>Allotments reserved for Marshall Islands, Micronesia and Palau shall be awarded competitively pursuant to recommendations by the Pacific Region Educational Laboratory to Guam, American Samoa, Northern Mariana Islands, Marshall Islands, Micronesia, or Palau.</p> <p>No funds may be provided to Marshall Islands, Micronesia, and Palau in FY 2002 and subsequent fiscal years.</p> <p>Secretary may provide not more than 5% of funds reserved for Marshall Islands, Micronesia, and Palau to the Pacific Region Education Laboratory to pay its administrative costs.</p>

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Hold Harmless	No comparable provision.	In FY 99, no eligible agency may receive less than 90% of its FY 98 allotment. In succeeding fiscal years, no agency may receive less than 90% of its allotment for the preceding fiscal year.
Cost-Sharing	<p><i>States, DC, Puerto Rico:</i> To receive a grant, State agency must provide a non-Federal contribution in an amount equal to 25% of the total costs of programs carried out with the grant.</p> <p><i>Outlying Areas:</i> No cost-sharing required.</p>	<p><i>States, DC, Puerto Rico:</i> To receive a grant, State agency must provide a non-Federal contribution in an amount equal to 25% of the total amount of funds expended for adult education and literacy activities in the State.</p> <p><i>Outlying Areas:</i> To receive a grant, eligible agency must provide a non-Federal contribution in an amount equal to 12% of the total amount of funds expended for adult education and literacy activities in the outlying area. Secretary has discretion to reduce required match.</p>
Maintenance of Effort	No grant may be made to an agency unless its non-Federal expenditures for adult education during the 2 nd year prior to the grant year were equal to or greater than its non-Federal expenditures during the 3 rd year prior to the grant year. Maintenance of effort may be calculated on a per student or total expenditure basis.	<p>An agency may not receive the full amount of its grant unless its non-Federal expenditures for adult education during the 2nd year prior to the grant year were at least equal to 90% of its non-Federal expenditures during the 3rd year prior to the grant year. Maintenance of effort may be calculated on a per student or total expenditure basis. The grant amount payable to an eligible agency shall be reduced by the percentage by which its total expenditures or its expenditures per student were reduced whichever is less.</p> <p>In any fiscal year in which appropriations for the Act are less than appropriations made during the preceding fiscal year, the maintenance of effort required for an eligible agency to receive the full amount of its grant shall be reduced by the same percentage by which appropriations were reduced.</p>

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Maintenance of Effort (cont'd)	Secretary may waive maintenance of effort requirement for one year if the reduction in expenditures was due to "exceptional or uncontrollable circumstances."	Same as previous law.
Supplement, Not Supplant	Funds must be used to supplement and not supplant State and local funds.	Same as previous law.
State Distribution of Funds	<p>10% of allotment shall be reserved by the State agency for professional development activities</p> <p>5% of allotment shall be reserved by the State agency for professional development activities or special demonstration projects, or both.</p> <p>Not less than 10% of allotment shall be reserved for corrections education.</p> <p>Not more than 5% (or \$50,000, whichever is greater) of allotment may be used for State administrative costs.</p>	<p>Not more than 12.5% of allotment may be used to carry out State leadership activities, including professional development.</p> <p>82.5% of allotment shall be used to support local programs and corrections education. Not more than 8.25% of allotment may be used for corrections education.</p> <p>Not more than 5% (or \$65,000, whichever is greater) of allotment may be used for State administrative costs.</p>
State Uses of Funds	<p>10% of allotment shall be reserved by the State agency for professional development activities for:</p> <ul style="list-style-type: none"> • persons engaged in or preparing to engage as personnel in adult education programs • professional teachers, volunteers, and administrators, with a particular emphasis on— 	<p>Not more than 12.5% of allotment may be used to carry out one or more of the following activities:</p> <ul style="list-style-type: none"> • professional development activities to improve the quality of instruction provided by local programs, volunteers, or State personnel, including instruction incorporating phonemic awareness, systematic phonics, fluency, and reading comprehension

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<p>State Uses of Funds (cont'd)</p>	<ul style="list-style-type: none"> ➤ training full-time professional adult educators, minority adult educators, and educators of adults with limited English proficiency ➤ training teachers to recognize and more effectively serve illiterate individuals with learning disabilities and individuals with reading ability below 5th grade level <p>5% of allotment shall be reserved by the State agency for professional development activities described above or special demonstration projects, or both.</p> <p>Special projects must involve:</p> <ul style="list-style-type: none"> • the use of innovative methods (including innovative methods for educating persons with disabilities, the homeless, and persons of limited English proficiency), systems, materials, or programs which may be of national significance or will be of special value in promoting effective programs; or • programs of adult education, including education for persons with disabilities, the homeless, and persons of limited English proficiency that are part of community school programs, carried out in cooperation with other Federal, State or local programs that have unusual promise in promoting a comprehensive or coordinated approach to the problems of adults with educational deficiencies. 	<ul style="list-style-type: none"> • technical assistance to local providers • technology assistance, including staff training, to local programs • support for State or regional networks of literacy resource centers • monitoring and evaluation • providing incentives for program coordination and integration and performance awards • developing and disseminating curricula, including curricula incorporating phonemic awareness, systematic phonics, fluency, and reading comprehension • other activities of Statewide significance • 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 • integration of literacy instruction and occupational skill training and promoting linkages with employers

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State Advisory Council	The law authorizes States to designate or establish a State Advisory Council on Adult Education and Literacy that is appointed by the Governor.	No comparable provision.
State Plan—Duration and Date of Submission	The duration of the State plan is four years. Plan must be submitted by July 1 preceding the beginning of the first fiscal year for which the plan is in effect.	The duration of the State plan is five years. Date for submission of State plan is not specified in the law.
State Plan—Procedures for Development	<p>State agency must hold public hearings to provide the public, including groups representing educationally disadvantaged adults, an opportunity to present their views and make recommendations. Summary of recommendations and agency response must be included with State plan.</p> <p>If State has established or designated an Advisory Council, State agency must utilize the Council in developing the State plan. At least 60 days prior to submission of plan to Secretary, State agency shall submit proposed plan to the Council for review. Council may submit timely objections to plan with the agency. Agency must respond to “all substantial objections” in submitting plan to Secretary. Secretary must consider Council comments in reviewing the State plan.</p> <p>At least 60 days prior to submission of plan to Secretary, State agency shall submit proposed plan to the following agencies for review and comment:</p> <ul style="list-style-type: none"> • State board for vocational education • State Job Training Coordinating Council • State board for postsecondary education 	<p>Public hearings are not required by the law (hearings may, however, be required by State law). State plan must describe the process that will be used for public participation and comment with respect to the plan contents.</p> <p>The law does not authorize a State Advisory Council.</p> <p>No comparable requirement.</p>

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State Plan— Procedures for Development (cont'd)	<p>State agency must respond to comments (if received in a timely fashion) and include comments and response in submitting plan to the Secretary. Secretary must consider comments in reviewing the State plan.</p> <p>Submission of the plan to the Governor for review and comment is not required.</p>	<p>State agency shall submit plan (and any revisions) to the Governor for review and comment. Governor's comments must be submitted with the plan.</p>
Additional Options for Submission of State Plan	<p>No comparable provision.</p> <p>No comparable provision.</p>	<p>State plan may be submitted as part of a comprehensive plan or application for Federal assistance in lieu of a separate State plan. Contents of plan relating to Adult Education and Family Literacy Act must meet all of the requirements of the Act.</p> <p>State plan may be submitted as part of a unified plan under section 501 of the Workforce Investment Act. Contents of unified plan relating to Adult Education and Family Literacy Act must meet all of the requirements of the Act.</p>
Consideration and Approval of State Plan by Secretary	<p>Peer review of State plans is not required.</p> <p>Secretary shall approve plans that meet the requirements of the Act within 60 days of their submission.</p>	<p>Peer review of State plans is required.</p> <p>Secretary shall approve plans that are not inconsistent with the requirements of the Act within 90 days of their submission.</p>

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Accountability— Core Indicators of Performance	State must develop indicators of program quality to determine whether programs are effective, including whether programs are successfully recruiting, retaining, and improving the literacy skills of the individuals served.	<p>State must identify core indicators of performance that include, at a minimum, measures of the following:</p> <ul style="list-style-type: none"> • Demonstrated improvements in literacy skill levels in reading, writing, and speaking the English language, numeracy, problem solving, English language acquisition, and other literacy skills • Placement in, retention in, or completion of postsecondary education, training, unsubsidized employment or career advancement • Receipt of a secondary school diploma or its recognized equivalent
Accountability— Negotiated Levels of Performance	<p>State shall gather and analyze data to determine the extent to which programs are achieving the goals set forth in the State plan.</p> <p>No requirements with respect to the attainment of specific performance levels.</p> <p>State agency reports program performance data to the Secretary annually.</p>	<p>State must identify levels of performance for each of the core indicators. Levels of performance shall be expressed in an objective, quantifiable and measurable form and show progress toward continuously improving in performance.</p> <p>State and Secretary reach agreement on levels of performance for each program year, which are incorporated in State plan.</p> <p>Agreement shall take into account the levels of performance established for other States, characteristics of participants, services and instruction provided, the extent to which the levels of performance promote continuous improvement, and ensure optimal return on the investment of Federal funds.</p> <p>State agency shall report annually to the Secretary regarding its progress in meeting the negotiated levels of performance.</p>

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Accountability— Negotiated Levels of Performance (cont'd)		The Secretary shall make State reports available to the public and Congress and shall disseminate State-by-State comparisons of information.
Accountability— Local Performance Evaluation	<p>Local recipients of funds shall identify projected goals with respect to participant recruitment, retention, and educational achievement and how they will measure and report progress in meeting its goals.</p> <p>State agency required to evaluate 20% of local grant recipients annually. Evaluations shall consider:</p> <ul style="list-style-type: none"> • The projected goals of the recipient as identified in grant application • The planning and content of the program • The curriculum, instructional materials, equipment, and qualifications of all personnel • The success of the recipient in meeting the State’s indicators of program quality • Other factors determined to affect program operation <p>Evaluation results reported to the Secretary and the public.</p>	State agency shall report annually to the Secretary regarding its progress in meeting the negotiated levels of performance.
Accountability— Sanctions and Incentives	In awarding grants, State agency required to consider the past effectiveness of applicants in providing services (especially with respect to recruitment and retention of educationally disadvantaged adults and the learning gains demonstrated by such adults).	Beginning after 1 st program year covered by the plan, State agency required to give consideration in awarding grants to whether program met or exceeded State performance levels, especially with respect to adults with the lowest levels of literacy.

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Accountability—Sanctions and Incentives (cont'd)	The Secretary has no authority to award incentive grants to a State that exceeds its performance levels.	State that exceeds agreed-upon performance levels for Adult Education, Workforce Investment Act Title I programs, and Perkins vocational education programs may receive incentive grants.
Contents of State Plan	<p>In developing plan, State agency must make a thorough assessment of:</p> <ul style="list-style-type: none"> • The needs of adults, including educationally disadvantaged adults, eligible to be served as well as adults proposed to be served and those served; and • Capability of existing programs and institutions to meet those needs; and • State the changes and improvements required in adult education to fulfill the purposes of the Act, and the options for implementing these changes and improvements. <p>State plan must describe:</p> <ul style="list-style-type: none"> • How services will be significantly expanded (including efforts to reach typically underserved groups such as educationally disadvantaged adults, individuals with limited English proficiency, individuals with disabilities) through coordination with other agencies and institutions • How educational needs of adult immigrants, the incarcerated, individuals with disabilities, chronically unemployed, homeless, disadvantaged, and minorities will be addressed 	<p>State plan must include objective assessment of the needs of individuals in the State for adult education and literacy activities, including individuals most in need or hardest to serve.</p> <p>State plan must describe how agency will develop program strategies for populations that include, at a minimum:</p> <ul style="list-style-type: none"> • Low-income students • Individuals with disabilities • Single parents and displaced homemakers • Individuals with multiple barriers to educational enhancement, including individuals with limited English proficiency

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Contents of State Plan (cont'd)	<ul style="list-style-type: none"> • Methods for joint planning and coordination with programs under Perkins Vocational Education Act, JTPA, Rehab, IDEA, Immigration Reform and Control Act, HEA, Domestic Volunteer Service Act • Curriculum, equipment, and instruments being used by instruction personnel and how current these elements are • How public and private are involved in development and implementation of plan • Steps taken to utilize volunteers, particularly VISTA Literacy Corps and volunteers trained with funds under the Act, but only to the extent that such volunteers supplement and do not supplant salaried employees 	State plan must describe how activities assisted under the Act will be integrated with other adult education, career development, and employment and training activities in the State
Award of Funds to Local Programs— Direct and Equitable Access	<p>State agency shall provide direct and equitable access to financial assistance under the Act to:</p> <ul style="list-style-type: none"> • LEAs • Public or private nonprofit agencies • CBOs • Correctional education agencies • Postsecondary educational institutions • Institutions which serve educationally disadvantaged adults 	<p>State agency shall provide direct and equitable access to financial assistance under the Act to:</p> <ul style="list-style-type: none"> • LEAs • Public or private nonprofit agencies • CBOs of demonstrated effectiveness • Institutions of higher education • Volunteer literacy organizations of demonstrated effectiveness • Libraries • Public housing authorities • Nonprofit institutions not described above that have the ability to provide literacy services to adults and families • Consortia of the entities described above

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Award of Funds to Local Programs— Direct and Equitable Access (cont'd)		State agency shall use the same grant or contract announcement and application process for all eligible providers.
Award of Funds to Local Programs— For-Profit Entities	Funds may be awarded to a consortium that includes a for-profit entity if the entity can make a significant contribution to attaining the objectives of the Act.	For-profit entities are not eligible providers, independently or as members of a consortium.
Award of Funds to Local Programs— Duration of Grants/Contracts	Law does not specify the duration of grants or contracts to local providers.	Law specifies that grants and contracts be made on a multiyear basis.
Award of Funds to Local Programs— Program Quality Considerations	<p>In awarding grants or contracts to local programs, State agency must consider—</p> <ul style="list-style-type: none"> • The past effectiveness of applicants in providing services (especially with respect to recruitment and retention of educationally disadvantaged adults and the learning gains demonstrated by such adults) • The degree to which the applicant will coordinate and utilize other literacy and social services available in the community 	<p>In awarding grants and contracts to local programs, State must consider—</p> <ul style="list-style-type: none"> • The past effectiveness of applicants in improving the literacy skills of adults and families, and beginning 1 year following the adoption of State performance measures, the success of the provider in meeting or exceeding such performance standards, especially with respect to adults with the lowest levels of literacy • Whether the activities coordinate with other available resources in the community, such as by establishing strong links with elementary and secondary schools, postsecondary institutions, one-stop centers, job training programs, and social service agencies

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Requirements for Awarding Grants to Local Programs (cont'd)	<ul style="list-style-type: none"> • The commitment of the applicant to serve individuals in the community that are most in need of literacy services 	<ul style="list-style-type: none"> • The commitment of the applicant to serve individuals in the community that are most in need of literacy services, including individuals who are low-income or have minimal literacy skills • Whether or not the program is of sufficient intensity and duration for participants to achieve substantial learning gains • Whether or not the program uses instructional practices that research has proven to be effective in teaching individuals to read • Whether the activities are built on a strong foundation of research and effective educational practice • Whether the activities effectively employ advances in technology, as appropriate, including the use of computers • Whether the activities provide learning in real life contexts • Whether the activities are staffed by well-trained instructors, counselors, and administrators • 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

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Requirements for Awarding Grants to Local Programs (cont'd)		<ul style="list-style-type: none"> • Whether the activities maintain a high-quality information management system that has the capacity to report participant outcomes and to monitor program performance against State performance measures; • Whether the local communities have a demonstrated need for additional English literacy programs • The degree to which the eligible provider will establish measurable goals for participant outcomes
Adult Secondary Education	Not more than 20% of allotment may be used for high school equivalency programs.	No restriction on use of funds for high school equivalency programs.
Family Literacy Services	Funds may only be used to support services for individuals who are age 16 or older, out of school, and have poor literacy skills.	Funds may be used to support services to children in family literacy programs, but providers must attempt to obtain support for services to children from other programs prior to using funds under the Act for these services.
Public Housing Gateway Grants	Law requires State agency to make at least one competitive, 2-year grant to a public housing authority for literacy programs and related activities.	Law does not require that a grant be made to public housing authorities, but includes public housing authorities as eligible service providers that must be provided direct and equitable access to assistance.

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Corrections Education	<p>Not less than 10% of allotment shall be used for educational programs for criminal offenders in corrections institutions and for other institutionalized individuals, including:</p> <ul style="list-style-type: none"> • basic education with special emphasis on reading, writing, vocabulary, and arithmetic • special education programs as defined by State law • bilingual or ESL programs • secondary school programs • vocational training programs • library development and library service programs • corrections education programs, training for teacher personnel specializing in corrections education, particularly courses in special education, basic skills instruction, and abnormal psychology • guidance and counseling • supportive services, with special emphasis on coordinating educational services furnishing services to offenders after their release • cooperative programs with educational institutions, CBOs, and the private sector designed to provide education and training <p>No service priority is specified in the law.</p> <p>Correctional institution defined as any prison, jail, reformatory, work farm, detention center, halfway house of community-based rehabilitation center.</p>	<p>Not more than 8.25% of allotment may be used for educational programs for criminal offenders in correctional institutions and for other institutionalized individuals, including academic programs for:</p> <ul style="list-style-type: none"> • basic education • special education programs as determined by the State agency • ESL programs • secondary school credit programs <p>Providers of services to criminal offenders required to give priority to serving individuals who are likely to leave the correctional institution within 5 years of participation.</p> <p>Same as previous law.</p>

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Programs Offering Flexible Schedules and Support Services	State agency must describe in its plan the specialized efforts it will support to attract meaningful participation in adult education through flexible course schedules, auxiliary aids and services, convenient locations, adequate transportation, meeting child care needs.	State agency must assure in State plan that it will award at least one grant to a 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. Provider shall attempt to coordinate with support services provided under other programs prior to using funds under the Act to provide support services.
Local Administrative Costs	Local provider may use not more than 5% of funds awarded by the State agency for planning, administration, personnel development, and interagency coordination. Provider may negotiate with State agency for authorization to use additional program funds for these purposes.	Local provider may use not more than 5% of funds awarded by the State agency for planning, administration, personnel development, and interagency coordination. Provider may negotiate with State agency for authorization to use additional program funds for these purposes.