

# CRS Report for Congress

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## Adult Education and Literacy: Current Programs and Legislative Proposals in the 105<sup>th</sup> Congress

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## **ABSTRACT**

This report summarizes current programs for adult education and literacy, provides a funding history, and analyzes major provisions of the legislative proposals being considered by the 105<sup>th</sup> Congress for amending adult education and literacy programs. Specifically, the report examines the provisions of H.R. 1385, the Employment, Training, and Literacy Enhancement Act of 1997, as passed by the House, and H.R. 1385, the Workforce Investment Partnership Act of 1998, as amended by the Senate (originally considered as S. 1186). Key issues include state and local administration issues, comprehensive state plan requirements, integration with other federal training and employment programs, and program performance standards. The report will be updated as legislative action occurs.

Related CRS reports: CRS Report 97-536, *Job Training Reform: Legislation in the 105<sup>th</sup> Congress*, by Ann Lordeman; CRS Report 97-283, *Vocational Education: Legislation to Reauthorize the Carl D. Perkins Vocational and Applied Technology Education Act*, by Richard N. Apling; and CRS Report 94-224, *Rehabilitation Act: Major Programs, 105<sup>th</sup> Congress Legislation, and Funding*, by Carol V. O'Shaughnessy and Alice D. Butler.

# Adult Education and Literacy: Current Programs and Legislative Proposals in the 105<sup>th</sup> Congress

## Summary

The major federal adult education and literacy programs were funded at \$361 million in FY1998. These programs are primarily authorized under the Adult Education Act (AEA) and administered by the U.S. Department of Education. Federal funds account for only a small share of total expenditures for adult education and literacy; in the last reporting period, state and local funds accounted for 78% of all funds spent for such programs. These programs served 4 million participants out of an estimated target population of at least 44 million American adults. The National Adult Literacy Survey, 1992 (NALS) showed an estimated 40 to 44 million adults (21 to 23%) score in the lowest level of literacy proficiency.

The 105<sup>th</sup> Congress is considering reauthorizing the AEA. To date, two proposals have received legislative consideration by the 105<sup>th</sup> Congress:

- **As passed by the House**, H.R. 1385, the Employment, Training, and Literacy Enhancement Act of 1997, would, among other provisions, amend the AEA, extend its major provisions through FY2003, and rename it as the Adult Education and Family Literacy Act. The House amended and passed H.R. 1385 on May 16, 1997, by a vote of 343 to 60.
- **As amended by the Senate**, H.R. 1385, the Workforce Incentive Partnership Act of 1998, would, among other provisions, repeal the AEA but include its major provisions in a new Adult Education and Literacy Act, authorized through FY2004. The Senate passed H.R. 1385, amended in lieu of S. 1186, on May 5, 1998, by a vote of 91-7.

Both versions of H.R. 1385 would strengthen the planning and implementation linkages among programs for adult education, job training, and, in the Senate bill, vocational education at the state and local level. They would significantly increase the requirements for the implementation of performance measures at the state and local level, and the use of such measures for incentive grants and sanctions. Major differences between the House and Senate versions include: a separate Incentive Grant program in the Senate; the House hold harmless provision for state grants; the House exclusion of persons over 60 from the allocation formula; the Senate exclusion of for-profit entities from local award eligibility; the House provision to allow the Secretary to reduce state grants for failure to meet performance benchmarks; and the Senate repeal of the literacy program for homeless adults. However, most of the state and local adult education and literacy programs and activities that are currently supported by federal funds would be continued under either bill.

In the 104<sup>th</sup> Congress, a proposal to consolidate federal employment and training programs was considered (H.R. 1617), but not enacted.

**Latest action: The Senate amended and passed H.R. 1385, in lieu of S. 1186, on May 5, 1998, by a vote of 91 to 7.**

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# Adult Education and Literacy: Current Programs and Legislative Proposals in the 105<sup>th</sup> Congress

**Latest developments:** The Senate passed H.R. 1385, amended in lieu of S. 1186, on May 5, 1988, by a vote of 91 to 7. On May 16, 1997, the House passed its version of H.R. 1385 by a vote of 343 to 60. On February 2, 1998, the President proposed \$394.0 million for adult education and literacy programs in FY1999, an increase of \$33.4 million (9.3%) from the FY1998 amount of \$360.6 million.

## Overview of Adult Education and Literacy Programs

Four federal programs have adult education and literacy activities as their primary objective; the total FY1998 appropriation is \$360.6 million. The four programs are: the Adult Education State Grants, funded at \$345.3 million in FY1998; Literacy for Incarcerated Individuals, \$4.7 million; National Programs for Evaluation and Technical Assistance, \$5.0 million; and the National Institute for Literacy (NIFL), \$5.5 million. These programs are administered by the U.S. Department of Education (ED) with the exception of NIFL, which is an operates through an interagency agreement. All of these activities are authorized under the Adult Education Act (AEA) with the exception of Literacy for Incarcerated Individuals, which is authorized under the National Literacy Act of 1991 (NLA), P.L. 102-73.<sup>1</sup> **Table 1** shows funding for adult education programs for FY1991 and FY1992, the years before and after the enactment of NLA; the 3 most recent years, FY1996 through FY1998; and the FY1999 budget request.

**Authorization Status.** The AEA authorized State Grants and National Programs through FY1995, and the NIFL through FY1996. In addition, the NLA authorized the Literacy for Incarcerated Individuals program through FY1995.<sup>2</sup> However, appropriations have continued for these programs through FY1998, as shown in Table 1.

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<sup>1</sup> The Even Start program also authorizes adult education and literacy activities, but is not included in this report because such activities are authorized only as a part of a “unified family literacy program” that includes early childhood education and parenting education. Even Start is authorized under Title I of the Elementary and Secondary Education Act of 1965 (ESEA), administered by ED, and funded at \$124 million in FY1998.

<sup>2</sup> The General Education Provisions Act (GEPA), §422, provides for the automatic extension for one additional year of the authorization of appropriations for most education programs unless the law has been changed prior to the beginning of the final fiscal year.

**Table 1. Adult Education Funding for Selected Years**  
(in millions of dollars)

| <b>Program</b>  | <b>FY1991</b> | <b>FY1992</b> | <b>FY1996</b> | <b>FY1997</b> | <b>FY1998</b> | <b>FY1999<br/>request</b> |
|---|---------------|---------------|---------------|---------------|---------------|---------------------------|
| Basic State Grants  | 201.0         | 235.7         | 250.0         | 340.4         | 345.3         | 361.0                     |
| State Literacy<br>Resource Centers  | 0.0           | 5.0           | 0.0           | 0.0           | 0.0           | 0.0                       |
| English Literacy<br>Grants  | 1.0           | 1.0           | 0.0           | 0.0           | 0.0           | 0.0                       |
| Workplace Literacy<br>Partnerships  | 19.3          | 19.3          | 0.0           | 0.0           | 0.0           | 0.0                       |
| Commercial Driver<br>Literacy   | 2.0           | 2.5           | 0.0           | 0.0           | 0.0           | 0.0                       |
| Literacy for<br>Incarcerated<br>Individuals                               | 0.0           | 5.0           | 4.7           | 4.7           | 4.7           | 0.0                       |
| Literacy Training for<br>Homeless Adults                                  | 9.8           | 9.8           | 0.0           | 0.0           | 0.0           | 0.0                       |
| National Institute for<br>Literacy  | 4.9           | 5.0           | 4.9           | 4.5           | 5.5           | 6.0                       |
| National Programs,<br>including Evaluation<br>and Technical<br>Assistance | 2.8           | 4.0           | 0.0           | 5.0           | 5.0           | 27.0                      |
| <b>Total</b>  | 240.8         | 287.3         | 259.6         | 354.6         | 360.6         | 394.0                     |

**Source:** ED Budget Service press releases summarizing the annual budget request for various years. The FY1998 amounts may be changed through further legislation during FY1998. Numbers may not add to totals because of rounding.

**State Grants.** Under AEA State Grants, allocations are made to states by formula. States in turn make discretionary grants to eligible entities that provide adult education instruction and services. Adults are defined as those at least 16 years of age or otherwise beyond the age of compulsory school attendance. Adult education includes services or instruction below the college level for adults: who are not enrolled in secondary school; who lack sufficient mastery of basic educational skills to function effectively in society or who have not completed high school or the equivalent; or whose lack of basic skills in the English language constitutes a substantial impairment of their ability to obtain or retain employment “commensurate with their real ability.” Adult education services include: adult basic education and literacy; adult secondary education and high school equivalency; and English-as-a-second-language programs.

**Funding Sources.** With certain exceptions, the AEA requires state and local funds to support at a minimum 25% of total expenditures for adult education activities. Most states spend more than the minimum, and many spend significantly more. For the 1994 through 1996 period, the most recent for which ED has complete data, the total of federal, state, and local expenditures related to the State-Administered Adult Education Program was \$1,156 million. Of this amount, states and localities spent in aggregate 78% of all adult education expenditures, or \$903 million from state and local sources, compared to \$253 million from federal sources.

**Participation and Literacy Rates.** In the latest year for which state enrollment data are available from all states (1996), 4.0 million adults participated in programs supported by the AEA. Of this amount, 1.56 million participated in adult basic education programs, 1.56 million in English-as-a-second-language programs, and 0.93 million in adult secondary education activities. The Division of Adult Education and Literacy at ED has estimated the AEA target population from the 1990 Census to be more than 44 million adults, or nearly 27% of the adult population.<sup>3</sup> These adults are persons 16 years and older, who have not graduated from high school or the equivalent, and who are not currently enrolled in school. In 1992, the National Adult Literacy Survey (NALS) measured prose, document, and quantitative proficiencies among American adults and grouped the results into five different levels. The NALS found that between 40 and 44 million American adults, or 21 to 23% of the adult population, scored at the lowest level of each type of proficiency measured by the survey.

## Current Proposals for Adult Education and Literacy

The 105<sup>th</sup> Congress is considering two adult education proposals. The following analysis examines the major differences and similarities in the adult education and literacy provisions of the House and Senate bills, comparing them to current law under the AEA and the NLA.<sup>4</sup>

**The House bill.** H.R. 1385 was amended and passed by the House on May 16, 1997. Title V of the House bill would amend the AEA, extend its major provisions through FY2003, and rename it as the Adult Education and Family Literacy Act (AEFLA).

**The Senate bill.** H.R. 1385 was amended and passed by the Senate, in lieu of S. 1186, on May 5, 1998. Title II of the Senate bill would repeal the AEA but enact

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<sup>3</sup> U.S. Department of Education. Office of Vocational and Adult Education. *Adult Education and Literacy Fact Sheet*. Washington, January 1998.

<sup>4</sup> For other comparisons of the House and Senate versions of H.R. 1385, please see: CRS Report 97-536, *Job Training Reform: Legislation in the 105<sup>th</sup> Congress*, by Ann Lordeman; CRS Report 97-283, *Vocational Education: Legislation to Reauthorize the Carl D. Perkins Vocational and Applied Technology Education Act*, by Richard N. Apling; and CRS Report 94-224, *Rehabilitation Act: Major Programs, 105<sup>th</sup> Congress Legislation, and Funding*, by Carol V. O'Shaughnessy and Alice D. Butler.

many provisions similar to those of the AEA in a new Adult Education and Literacy Act (AELA), authorized through FY2004.

In its other titles, the **House bill** would amend and extend employment and training programs, primarily the Job Training Partnership Act (JTPA); the Wagner-Peyser Act (Employment Service programs); and the Rehabilitation Act of 1973. The **Senate bill** would repeal and replace the JTPA and the Carl D. Perkins Vocational and Applied Technology Education Act (Perkins Act), but amend and extend the Wagner-Peyser Act and the Rehabilitation Act of 1973. The House has passed a separate bill, H.R. 1835, to amend the Perkins Act.

**Key Features of Current Law and the House and Senate bills.**<sup>5</sup> Most of the programs and activities now authorized by the AEA and currently funded for FY1998 would be continued under both the House and Senate bills. However, both bills would strengthen the planning and implementation linkages at the state and local level among federal programs for adult education and job training, and, in the Senate bill, for vocational education as well. Both bills would significantly augment current requirements for the implementation of performance measures at the state and local level, and the use of such measures for incentive grants and sanctions. Other similarities and differences include:

- Both bills would expand the program purpose specifically to include assistance for adults in the improvement of the educational development of their children.
- Both bills would continue 3 out of 4 current programs for adult education, but repeal the Literacy for Incarcerated Individuals program. In addition, the Senate bill would authorize a fourth program, Incentive Grants, whereas the House bill would authorize the use of incentive grants on a discretionary basis.

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<sup>5</sup> For a guide to the acronyms for programs and legislation:

|           |   |
|-----------|---|
| AEA:      | Adult Education Act. The AEA was first enacted as Title III of P.L. 89-750, the Elementary and Secondary Education Amendments of 1966 (November 3, 1966).   |
| AEFLA:    | Adult Education and Family Literacy Act — the new name proposed for the AEA under the House bill.   |
| AELA:     | Adult Education and Literacy Act — the new name proposed for the federal adult education program under the Senate bill.   |
| ETLEA:    | Employment, Training, and Literacy Enhancement Act. ETLEA would be the new name for the JTPA under the House bill.  |
| ETLEA/97: | The short title for the House bill is the Employment, Training, and Literacy Enhancement Act of 1997. Division A of ETLEA/97 amends and renames the JTPA as the ETLEA; Title V of the bill amends and renames the AEA as the AEFLA. |
| JTPA:     | Job Training Partnership Act.   |
| NLA:      | National Literacy Act of 1991. The NLA was the most recent reauthorization of the AEA.  |
| WIPA:     | Workforce Investment Partnership Act of 1998. WIPA is the short title for the Senate bill. Title II of WIPA repeals the AEA and enacts the AELA.  |



- The House bill would extend the authorization of appropriations through FY2003; the Senate bill through FY2004.
- Each bill would make minor changes to the state allocation formula; in addition, the House bill would exclude adults over 60 from being counted for the grant allocation formula and would add a 90% hold harmless provision for state grants.
- Each bill would simplify the provisions for the allocation of funds within states, but each would authorize a new reservation of funds at the state level for “state leadership activities” (15% in the House bill including state administration, 15% in the Senate bill excluding state administration).
- Both bills would reduce the state fiscal effort requirements from 100% to 90% of the preceding year spending, and the House bill would reduce the matching requirements for nonfederal funds as well.
- Both bills would reduce the discretion given to the Governor by the AEA in the designation of the state agency responsible for program administration, and both would repeal the current requirement for a state advisory council.
- Both bills would simplify the authorization provisions for national programs; neither bill would continue the AEA requirement for the Secretary to estimate the number of illiterate adults in the Nation every 4 years.

**Purpose.** Under **current law**, the purpose of the AEA is to assist the states to improve educational opportunities for adults who lack the literacy skills necessary for employment and citizenship (§311).<sup>6</sup>

The purpose of the **House bill** would be to assist the states to provide educational skills for adults necessary for employment and self-sufficiency, as well as the skills necessary for the educational development of their children (§302).

The purpose of the **Senate bill** would be to assist the states to provide education and literacy services to adults to enable them to become literate, complete a secondary school education, and obtain the education skills necessary for the educational development of their children (§202).

**Comment.** Both the House and Senate bills add to the purpose of the program assistance for adults necessary for the improvement of the educational development of their children.

**Authorization; Reservation of Funds; Program Elimination.** The AEA authorizes to be appropriated (§313) \$260 million for FY1992, and such sums as may be necessary for FY1993 through FY1995, to carry out two programs:

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<sup>6</sup> Section references refer to the AEA, the AEFLA in the House bill, or the AELA in the Senate bill, according to context, unless otherwise indicated.

- Basic State Grants, and
- National Programs, including evaluation and technical assistance.

Of the annual amount appropriated for these programs, \$3 million is reserved for national programs, and the remainder is for Basic State Grants. Separate appropriations are authorized under the AEA for five more programs:

- State Literacy Resource Centers (§356),
- Workplace Literacy Partnerships (§371),
- English Literacy Grants (§372),
- Commercial Drivers (§373), and
- the NIFL (§384).

The NLA authorizes three additional adult education and literacy programs:

- the National Workforce Literacy Assistance Collaborative (§201 of NLA),
- the Family Literacy Public Broadcasting Program (§304 of NLA), and
- Literacy for Incarcerated Individuals (§601 of NLA).

The Stewart B. McKinney Homeless Assistance Act, P.L. 100-77 (McKinney), authorizes an adult education program (for a combined total of 11 adult education programs):

- Adult Literacy Training for Homeless Adults (§701 of McKinney).

In FY1992, 9 of these 11 programs were funded (see Table 1); by FY1998, funding is provided for only four of them — (1) Basic State Grants, (2) Evaluation and Technical Assistance (National Programs), (3) the NIFL, and (4) Literacy for Incarcerated Individuals.

The **House bill** would authorize to be appropriated such sums as may be necessary for FY1998 through FY2003 for AEFLA (§304). Funds would be provided for three programs —

- the NIFL, 1.5% of the total but not more than \$6.5 million;
- National Leadership Activities, 1.5% but not more than \$6.5 million; and
- State Grants, all remaining funds available.

All other authorizations of the AEA and NLA would be repealed or otherwise eliminated (§503 of ETLEA/97); however, the McKinney authorization for Adult Literacy Training for Homeless Adults would not be repealed.

The **Senate bill** would authorize to be appropriated such sums as may be necessary for FY1999 through FY2004 for AELA (§246). Funds would be provided for four programs (§211) —

- National Leadership Activities, 1.5% of the total;
- Incentive Grants, 2.0%;
- the NIFL, 1.5 %; and
- State Grants, all remaining funds available.

All other authorizations of the AEA and the NLA (§251), as well as the adult education program authorized by the McKinney Act (§391 of WIPA), would be repealed or otherwise eliminated.

**Comment.** The House bill would authorize the program for 6 years, through FY2003; the Senate bill would authorize for 6 years, through FY2004. With the exception of Literacy for Incarcerated Individuals programs, which is funded for FY1998, both bills repeal only those programs that are not currently funded. The House bill authorizes the reservation of funds for 3 types of activities; the Senate bill authorizes funding for those 3 plus 1 additional activity — Incentive Grants.<sup>7</sup>

**Allocation of Funds to States.** The AEA Basic State Grants provides formula grants to states and outlying areas by combining in a single grant two separate allotments (§313). First, an initial allotment is made of \$100,000 for each outlying area<sup>8</sup> and \$250,000 for each state.<sup>9</sup> Second, an additional allotment is made on the basis of population age 16 and over, who are without a high school diploma or the equivalent, and who are not currently required to be enrolled in school.

Under the **House bill**, after the initial allotment of \$100,000 for each outlying areas and \$250,000 for each state, the additional allotment would be distributed on the basis of population age 16 through 60, who are without a high school diploma or the equivalent, who are not currently required to be enrolled in school, and who are not currently enrolled in secondary school (§311). No state allotment would be less than 90% of its allotment in the preceding year.

Under the **Senate bill**, after the initial allotment of \$100,000 for each outlying areas and \$250,000 for each state, the additional allotment would be distributed on the basis of population age 16 and over, who are without a high school diploma or the equivalent, who are not currently required to be enrolled in school, and who are not currently enrolled in secondary school (§211).

**Comment.** For the state allocation formula, the Senate bill would extend the current formula with a single change; it would exclude those adults who are currently enrolled in secondary school from being counted. The House bill would make 2 additional changes; it would also exclude those adults over the age of 60 from being counted, and it would add the condition that no state grant would be less than 90% of the preceding year's grant.

**Eligible Recipients.** The AEA (§322), the House bill (§313), and the Senate bill (§231) specify which entities are eligible to receive grants from the state agency allocation of federal funds within the state; these are listed in **Table 2**.

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<sup>7</sup> The House bill authorizes, but does not require, the Secretary to award incentive grants under §156 of ETLEA.

<sup>8</sup> This category includes Guam, American Samoa, the Northern Mariana Islands, the Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

<sup>9</sup> This category includes the 50 states, the District of Columbia, and Puerto Rico.

**Table 2. Specified Types of Eligible Recipients of Adult Education Services**

| Current Law (AEA)  | House Bill  | Senate Bill   |
|--|---|---|
| local educational agencies   | local educational agencies  | local educational agencies                            |
| correctional education agencies  | correctional education agencies   |   |
| community-based organizations  | community-based organizations of demonstrated effectiveness   | community-based organizations                         |
| public or private nonprofit agencies   | public or private nonprofit agencies  | public or private nonprofit agencies                  |
| postsecondary educational institutions   | postsecondary educational institutions  | institutions of higher education                      |
| other institutions that have the ability to provide literacy services to adults and families |   |   |
| public housing authorities <sup>a, b</sup>   | public housing authorities  |   |
|  | volunteer literacy organizations  |   |
|  | libraries   | libraries   |
|  | other nonprofit institutions  |   |
|  | consortia of eligible recipients  | consortia of eligible recipients, excluding libraries |
| for-profit agencies, organizations, or institutions if included in a consortium <sup>b</sup> | for-profit agencies, organizations, or institutions if included in a consortium of eligible recipients <sup>c</sup> |   |

<sup>a</sup> Each state is required to make at least one of these grants.

<sup>b</sup> States are not required to provide “direct and equitable access” to these recipients.

<sup>c</sup> States are required to provide “direct and equitable access” to these consortia, but do not need to do so on a competitive basis.

**Comment.** In the allocation of funds within states, as shown in Table 2, the House bill would increase the AEA list of eligible recipients, and the Senate bill would decrease it, but since “public or private nonprofit agencies” are included in each list, the only apparently significant difference is that the Senate bill unlike the AEA or the House bill, would exclude “for-profit agencies, organizations, and institutions” from eligibility even when included in a consortium.

**Allocation of Funds Within States.** Under the AEA, each state must use all of its grant to support adult education programs, providing all eligible recipients direct and equitable access to federal funds available from the state grant (§322), under the following conditions:

- not more than 5% of each state grant or \$50,000, whichever is greater, may be used for the administration of the AEA program by the state agency (§331);
- not less than 10% of each state grant must be used for corrections education and education for other institutionalized individuals (§322);
- not more than 20% of each state grant shall be used for high school equivalency programs (§322); and
- not less than 15% of each state grant shall be used for special experimental demonstration projects and teacher training, but at least two-thirds of the 15% must be used for teacher training (§353).

In addition, not less than 95% of any award to a recipient must be spent for instructional services; the remainder may be used for planning, administration, personnel development, and interagency coordination (§323).

The **House bill** would require each state to give all eligible recipients direct and equitable access to federal funds available from the state grant (§313), under the following conditions:

- not less than 85% of each state grant must be used for grants to eligible recipients; and
- not more than 15% of each state grant would be available for state agency activities, of which not more than one-third or \$50,000, whichever is greater, may be used for program administration at the state level.

In addition, not less than 95% of each grant to an eligible recipient would be spent for adult education and literacy activities; the remainder would be available for planning, administration, personnel development, and interagency coordination.

The **Senate bill** would require each state to give all eligible recipients direct and equitable access to federal funds available from the state grant (§231), under the following conditions (§222) —

- not less than 80% of each state grant would be used for grants or contracts to eligible recipients (§231) and programs for corrections education and other institutionalized persons (§225), of which each state would use not more than 10% to carry out corrections education or education for other institutionalized individuals;
- not more than 15% for state leadership activities; and

- not more than 5% or \$80,000, whichever is greater, would be used for program administration at the state level.

In addition, not less than 95% of each grant or contract to an eligible recipient would be spent for adult education and literacy activities; the remainder would be available for planning, administration, personnel development, and interagency coordination (§233).

**Comment.** Both bills would eliminate the 20% ceiling on the use of funds for high school equivalency programs and the 15% floor on use of funds for demonstration projects and teacher training. The House bill would eliminate the 10% floor for corrections education, but the Senate bill would reduce it to a 10% ceiling on the 80% of the funds allocated to eligible recipients. The House bill would make the 5% reservation for administration a part of the 15% state leadership activities, with the remaining 85% reserved for eligible recipients; the Senate bill would provide 5% for administration, 15% for state leadership, and the remaining 80% for eligible recipients. In addition, the Senate bill would increase the minimum amount that might be used for state administration to \$80,000; the AEA sets a minimum of \$50,000 and the House bill would retain that amount.

**Use of Funds by State Agency.** The AEA directly authorizes the state agency to use funds only for program administration (§331). These funds must be used for the development and implementation of the state plan, and the evaluation of programs within the state. However, public agencies, including state-level agencies, are among those eligible to apply for the remainder of each state grant, as shown in Table 2 (§322).

Under the **House bill**, the state agency responsible for the administration of adult education and literacy programs would be authorized to spend funds directly for both program administration and other permissible activities (§313). Other uses of the available funds to the state agency would include: professional development programs, technical assistance, state or regional literacy resource centers, monitoring and evaluation, incentive awards, curriculum development, other statewide activities for adult education and literacy, and support services such as transportation and child care (§314). As under current law, public agencies, including state-level agencies, would be among those eligible to apply for the remainder of each state grant.

Under the **Senate bill**, the state agency responsible for the administration of adult education and literacy programs would be authorized to spend funds directly for program administration, state leadership activities, and programs for corrections education and other institutionalized persons (§222). State leadership activities would include: professional development, curriculum development, monitoring and evaluation, development of performance measures, integration of literacy instruction with occupational skill training, developing linkages with postsecondary institutions, state or regional literacy resource centers, other statewide activities for adult education and literacy (§223). As under current law, public agencies, including state-level agencies, would be among those eligible for awards from the remainder of each state grant.

**Comment.** The AEA makes a distinction between the State and local levels for purposes of administration of the state grant. Unlike many federal education programs, the AEA does not distinguish between state and local levels in the determination of eligible recipients; state and local agencies are all guaranteed “direct and equitable access” to all awards available from the state grant. Neither the House nor the Senate bill would appear to change this program structure. For state leadership activities, each bill would authorize a slightly different list of activities. For example, the House bill specifically would authorize technical assistance, incentive awards, and support services, whereas the Senate bill would include the development of performance measures and linkages with postsecondary institutions.

**Use of Funds by Eligible Recipients.** Under the AEA, awards to eligible recipients must be used to support the establishment or expansion of adult education<sup>10</sup> programs (§322). Not more than 5% of the award to each recipient can be used for planning, administration, personnel development, and interagency coordination (§323). Within the aggregate amount of grants to eligible recipients, each state must follow specific allocation requirements (§331, 353), already noted above (see page 9), concerning the use of funds for corrections education, high school equivalency programs, and demonstration projects and teacher training.

Under the **House bill**, each eligible recipient receiving a grant would be required to conduct at least one of the following types of activities: (a) adult education<sup>11</sup> and literacy<sup>12</sup> services, including services provided on a work site; (b) family literacy services;<sup>13</sup> and (c) English literacy programs<sup>14</sup> (§314). Not more than 5% of the grant

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<sup>10</sup> “Adult education” means services or instruction below the college level for adults who are age 16 or older and beyond the age of compulsory school attendance and: who are not enrolled in secondary school; who lack mastery of basic educational skills to enable them to function effectively in society or do not have a high school diploma or the equivalent; and whose lack of mastery of English constitutes a substantial impairment of their ability to get or retain employment (§312).

<sup>11</sup> “Adult education” means services below the postsecondary level for adults who are age 16 or over, who are not enrolled or required to be enrolled in secondary school, and who lack mastery of basic educational skills, a high school diploma or the equivalent, or mastery of the English language (§303).

<sup>12</sup> “Literacy” means the ability to speak, read, and write English, and compute and solve problems, at levels necessary to: function on the job, in the family, and in society; achieve the goals of the individual; and develop the “knowledge potential” of the individual (§4 of ETLA).

<sup>13</sup> “Family literacy services” means services to participants of sufficient intensity and duration to make sustainable changes in a family through the integration of: interactive literacy activities between parents and their children; assisting parents become learning partners with their children; providing parents with enough literacy training for economic self-sufficiency; and appropriate instruction for children of parents receiving literacy services (§4 of ETLA).

<sup>14</sup> “English literacy program” means a program of instruction designed to help persons of limited English proficiency achieve full competence in the English language (§4 of ETLA).

to any recipient would be available for planning, administration, personnel development, and interagency coordination (§313).

Under the **Senate bill**, grants and contracts to eligible recipients would be required to be used for programs or services that meet the purpose of the AELA (see page 5), such as adult education<sup>15</sup> and literacy<sup>16</sup> services, and English literacy programs<sup>17</sup> (§231). Not more than 5% of the award to each recipient would be available for planning, administration, personnel development, and interagency coordination (§233).

*Comment.* Each of the bills would modify the authorized use of funds specifically to include literacy services and activities, and in addition the House bill, but not the Senate bill, would authorize family literacy services.

**State Fiscal Requirements.** Under the **AEA**, each state must meet requirements for supplement-not-supplant, maintenance-of-effort, and matching of federal funds:

- Federal grants to each state must be used to supplement and not supplant state and local funds for adult education (§343).
- The fiscal effort per student or the aggregate expenditures for adult education within each state from non-federal sources must be as much as in the previous year (§361). The Secretary is authorized to waive this requirement for 1 year only upon the determination of exceptional or uncontrollable circumstances affecting the ability of a state to meet the requirements.
- One third of the federal grant to each state must be matched by funds derived from non-federal sources (§361).<sup>18</sup>

The **House bill** would make similar requirements of each state:

- Each state would be required to use its federal grant to supplement and not supplant other public funds spent for adult education and literacy activities (§315).

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<sup>15</sup> “Adult education” means services or instruction below the postsecondary level for adults age 16 or older or who are not required to be enrolled in school, who are not enrolled in secondary school, and who lack mastery of basic educational skills to enable them to function effectively in society, who do not have a high school diploma or the equivalent, and who are unable to speak, read, or write the English language (§2 of WIPA).

<sup>16</sup> “Literacy” means the ability to read, write, and speak in English, compute, and solve problems at levels necessary to function on the job and in society (§2 of WIPA).

<sup>17</sup> “English literacy program” means a program of instruction designed to help persons of limited English proficiency achieve full competence in the English language (§2 of WIPA).

<sup>18</sup> Technically, the provision is a federal share requirement rather than a matching provision. The federal share, that is, the funds that can be expended from the federal grant, must be limited to 75% of the total cost of carrying out adult education programs within each state. This process results in a one-third federal match.



- The fiscal effort per student or the aggregate expenditures for adult education and literacy activities within the state would be required to be maintained at a level not less than 90% of the previous year, and state grants would be reduced in proportion to the amount the state failed to meet this requirement (§315).
- One quarter of the federal grant to each state would be required to be matched with non-federal funds used for adult education and literacy activities (§315).

The **Senate bill** would make similar requirements of each state:

- Each state would be required to use its federal grant to supplement and not supplant other state and local funds spent for adult education and literacy activities (§241).
- The aggregate expenditures for adult education and literacy by the state would be required to be maintained at a level not less than 90% of the previous year (§211).
- One third of the federal grant to each state would have to be matched by funds spent for adult education and literacy from non-federal sources (§222).

*Comment.* Both bills would continue the supplement-not-supplant requirement. The House bill would reduce the fiscal effort requirement to 90% of the previous year, but allow states that failed to reach that level to receive grants reduced proportionally to the lower level; the Senate bill also allows the 90% effort, but would not allow grants to any state failing to reach that level. The Senate bill continues the one-third matching requirement of the AEA, but the House bill reduces the nonfederal match to 25%.

**Designation of State Agency; Governance.** The AEA requires participating states to designate the state educational agency (SEA) as the sole state agency responsible for adult education program administration (§331). The SEA is defined (§312) as the state board of education primarily responsible for state supervision of public elementary and secondary schools, or, if there is a separate agency or officer responsible for adult education, then that agency may be designated by the Governor or state law. If no such agency otherwise qualifies, then the Governor must designate an appropriate agency or officer. Each state may establish or designate a state advisory council on adult education and literacy which must be consulted by the SEA concerning the planning, operation, and evaluation of AEA programs (§332).

The **House bill** would require each state to designate an agency responsible for the administration of federal adult education and literacy programs (§311). An “eligible agency” would be defined as that agency responsible for administering or setting policies for adult education and literacy services pursuant to state law, or if no such agency exists, then the agency would be the individual, entity, or agency that was responsible for such activities on the date of enactment of ETLEA/97 shall continue to be responsible (§303). Instead of a state advisory council, each state would be required to use a collaborative process with regard to the development of

the state plan, with the process to be carried out by specified representatives of diverse entities within the state (§102 of ETLA).

The **Senate bill** would require each state to designate an agency responsible for the administration of federal adult education and literacy programs (§211). An “eligible agency” would be defined as the agency responsible for administering or supervising policy for adult education and literacy within the state, consistent with the law of the state (§2 of WIPA). Instead of a state advisory council, each state would describe in the state plan the process that would be used for obtaining public participation and comment regarding the state plan (§224). In addition, the eligible agency must provide representation to the statewide partnership established under Title III of the Senate bill (§241). This partnership would be appointed by the Governor and have a majority of members representing business; duties would include assisting the Governor develop a unified state plan, prepare the annual report, develop the statewide labor market information system, and monitor and improve the performance of the programs assisted by WIPA.

*Comment.* For the state administration of federally supported adult education and literacy programs, the AEA gives each Governor some discretion in the designation of a responsible state administrative agency in cases where state law does not make such a designation. Both the House and Senate bills would require the designation of the responsible state agency by law; if the law does not do so, then the House bill specifically would designate the state agency responsible at the time of enactment. The AEA requires each state to consult with a state advisory council for adult education. The House bill would replace the advisory council with a specified collaborative process, and the Senate bill would replace the advisory council with each state’s own mechanism for obtaining public participation and comment, with the assistance of the statewide partnership.

**State Plan and Application.** The AEA requires each state to develop a state plan and application, to be submitted in one document for a 4-year period to the Secretary of Education (§331, 341). In developing the state plan, each state must meet certain consultation and review requirements, conduct an assessment of adult education capacity and need, and provide specific assurances of compliance with program administrative requirements, including meeting the needs of various special populations and setting forth measurable performance goals (§342). In developing the state application, each state must provide additional assurances of “proper and efficient administration” of the federal program (§343). The Secretary must approve within 60 days each plan that is formulated in accordance with, and meets the requirements of, the state plan and application provisions specified by the AEA (§341).

Under the **House bill**, each state would be required to submit a single, comprehensive state plan according to the requirements separately specified under Title I of ETLA (§101 of ETLA). This document would combine planning requirements for adult education, job training, and Wagner-Peyser Act (Employment Service) programs. An application would not be required. The plan would be submitted for a 3-year period to the “appropriate Secretary,” that is, the Secretary of Education for the portion of the state plan pertaining to adult education programs. The plan would include assurances for the coordination of adult education and job

training programs within the state. For adult education programs, it would describe the assessment to determine adult education needs, the use of funds, and an evaluation of program effectiveness. The plan would provide assurances concerning direct and equitable access to all eligible recipients, and an assurance regarding fiscal requirements of the program. The plan would be required to be developed under a collaborative process involving the Governor, representatives of the state legislature, and representatives of various specified public and private entities appointed by the Governor (§102 of ETLA). Although the Governor would be required to submit the plan, the eligible agency for adult education would have the final authority over the adult education provisions. The Secretaries would have to approve each plan within 90 days unless it were determined to be inconsistent with the requirements of ETLA (§101 of ETLA).

Under the **Senate bill**, each state would be required to submit a 3-year state plan to the Secretary of Education; the plan may be submitted as part of a comprehensive plan or application for federal education assistance (§224).<sup>19</sup> Each state would be required to consult with appropriate agencies, groups, and individuals (§221); describe the process for public participation; and consult with the Governor prior to submission of the plan (§224). The plan would include an assessment to determine adult education needs, and descriptions of the use of funds, evaluation procedures, the method of selecting local recipients, and the measures to be taken to coordinate and avoid duplication of services among various federal education, training, and human services programs. Each state plan would provide assurances regarding the fiscal requirements of the program. The Secretary would have to approve each plan meeting the requirements of AELA, and would have to use a peer review process in the evaluation of the state plans (§224).

**Comment.** Both bills would reduce the period covered by the state plan from 4 years to 3 years, but maintain current requirements in modified form for providing assurances of program compliance, statewide assessments, and mechanisms for obtaining public consultation and comment. The House bill would require, and the Senate bill would permit, a single comprehensive state plan combining the planning requirements of adult education with federal programs for job training and employment services.

**Evaluation of Performance.** The AEA requires each state to evaluate 20 percent of its grant recipients each year and submit a report to the Secretary annually (§352). Each evaluation must consider, at a minimum:

- projected goals of the recipient,
- planning and content of the program,
- curriculum, materials and equipment, and qualifications of personnel,
- success in meeting the state's indicators of program quality, and
- other factors determined to affect program quality.

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<sup>19</sup> Title V of WIPA authorizes the submission of a unified state plan that combines 2 or more eligible programs, including adult education and literacy programs.

Each state must determine the extent to which programs within the state are meeting the goals of the 4-year state plan as well. Each state must develop and implement indicators of program quality to be used for evaluation, in consultation with experts in the field (§331). The state advisory council on adult education shall provide advice on measurable goals, and measure the progress in meeting the state's goals and objectives (§332). Each state plan must describe how state programs will take into account program reviews and evaluations (§342). In consultation with experts, educators, and administrators, the Secretary must develop indicators of program quality that may be used as models by state and local programs to determine the success of such programs (§361). The Secretary must report every 4 years on the status of adult education and literacy in the Nation, including the results of AEA program evaluations and the progress of meeting AEA goals (§383). The NIFL is authorized to assist in measuring the performance of federal, state, and local programs for adult education and literacy (§384).

Under the **House bill**, each state plan would have to identify long term goals and benchmarks that would be used to measure progress toward meeting those goals, using “core indicators of performance” (§101 of ETLEA). The plan would describe how the state would evaluate annually the effectiveness of adult education programs. State goals and benchmarks would be developed under a collaborative process (§102 of ETLEA). Each state would implement a statewide performance accountability system that includes the specification of the benchmarks and core indicators (§151 of ETLEA). The eligible agency in each state would reach agreement with the Secretary of Education on the expected levels of performance, identified as “state adjusted benchmarks” (§153 of ETLEA). The core indicators of performance for adult education would include measures of:

- reading, writing, problem solving, numeracy, and other literacy skills;
- receipt of a high school diploma or the equivalent;
- postsecondary school entry, job training, employment, or career advancement;
- literacy skills for citizenship and for parents to educate their children; and
- other measures of performance selected by the state.

Incentive grants would be authorized for any state exceeding the state adjusted benchmarks (§156 of ETLEA). For states failing to meet the benchmarks, the Secretary would provide technical assistance to improve performance, with sanctions including grant reductions for those states failing to respond to technical assistance. In making awards to eligible recipients, each state would be required to consider the degree to which the recipient would establish measurable goals for performance that are tied to challenging standards for literacy proficiency (§313). NIFL would be authorized to evaluate the effectiveness of adult literacy programs (§321). The Secretary would be authorized to provide technical assistance in the development of benchmarks and performance indicators; and evaluate the effect of benchmarks, performance measures, and other measures of accountability (§322).

Under the **Senate bill**, the Secretary of Education would be required to establish performance measures to be used to assess the development of literacy skills of the adult population in each state (§212). The measures would be established after consultation with states, eligible recipients, and other interested parties, and would include, at a minimum, the following:

- literacy skill levels in reading, writing, numeracy, and problem solving;
- receipt of high school diplomas or the equivalent;
- placement or retention in, or completion of, postsecondary education, training, or unsubsidized employment; and
- other performance measures the Secretary deems necessary.

In developing the state plan, each state would be required to negotiate with the Secretary the expected levels of performance on these measures. The Secretary would be authorized to conduct assessments, evaluate, and monitor activities funded under this title (§213). States would be required to evaluate annually the effectiveness of activities funded under this title, and to establish performance measures to assess program quality and improvement (§223, 224). The state would be authorized to require each local application to include expected levels of performance (§232). Each state and local recipient would be required to give priority in the use of funds to, among other activities, establishing measurable performance levels for participant outcomes that are tied to state performance levels for literacy proficiency (§241). Incentive grants would be authorized for states that exceed their performance measures under this Act and under title III of WIPA, with priority to be given to states that submit a unified plan that combines 2 or more programs specified under title V of WIPA (§243).<sup>20</sup> Each state would evaluate biennially the activities of each local recipient, using the performance measures established by the Secretary (§244). If the state evaluation shows that the local recipient has not made substantial progress, the state would develop a local improvement plan; if that plan were to fail, then the state would take whatever action deemed necessary, including termination of funding, consistent with state law. The NIFL would be authorized to disseminate information about effective practices in adult education (§245).

**Comment.** Both the House and Senate bills would make significant increases in the requirements for performance evaluation placed on each state, the types of performances that would be measured, and the involvement of the Secretary of Education in the establishment of expected increases in performance. Both bills would authorize incentive grants to states that exceeded expectations; in addition, the House bill would authorize sanctions for those states failing to meet expected goals. In addition, both bills would require states to take performance into account in making awards to eligible recipients.

**National Programs.** National adult education and literacy programs include the activities directly under the purview of the Secretary of Education, as well as the interagency NIFL. In FY1998, the NIFL is funded at \$5.5 million; AEA National Evaluation and Technical Assistance Programs, \$5.0 million; and Literacy for Incarcerated Individuals, \$4.7 million.

**National Institute for Literacy.** The NIFL was first authorized under the **AEA** in 1991 as an independent federal agency (§384). The NIFL is authorized to improve and expand the delivery system for literacy services by:

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<sup>20</sup> Title I of WIPA, reauthorizing the Perkins Act, includes a similar provision for incentive grants.

- assisting federal agencies in setting objectives and strategies for the delivery of literacy services;
- conducting basic and applied research and demonstrations;
- assisting federal, state, and local agencies in the development, implementation, and evaluation of literacy policy;
- providing program assistance, training, and technical assistance for literacy programs;
- collecting and disseminating information on promising literacy methods;
- providing a toll-free telephone line for literacy providers and volunteers; and
- sponsoring “Literacy Leader Fellows” fellowships.

The NIFL is administered under the terms of an interagency agreement entered into by the Secretary of Education with the Secretary of Labor and the Secretary of Health and Human Services (called the “Interagency Group”). Daily operations are carried out by a Director, with the assistance of a National Institute Board as an advisory committee.

Under the **House bill**, the NIFL would be continued for the purposes of providing national literacy leadership, coordinating literacy services, and serving as a national resource for adult education and family literacy by disseminating information and supporting more effective services (§321). Activities would be similar to current law but with emphasis on NIFL support for a national electronic data base of information and for a network of state or regional adult literacy resource centers. The administrative structure of NIFL would remain the same, except that the name of the National Institute Board would be changed to the National Institute for Literacy Advisory Board.

The **Senate bill** would authorize NIFL provisions similar to the provisions of the House bill (§245).

**Comment.** Most provisions for NIFL would remain unchanged.

**Other National Activities.** Under the **AEA**, the Secretary of Education is authorized to carry out applied research, development, demonstration, dissemination, evaluation, and related activities to improve and expand adult education (§384). These activities must include support for NIFL and the operation of a national clearinghouse for literacy information, and may include research on the needs of adults with learning disabilities. The Secretary is authorized to support programs for: the special educational needs of migrant farmworkers and immigrants (§381); training adult volunteers, especially the elderly, for literacy tutoring (§382); assisting states evaluate their adult education programs (§383); literacy programs for incarcerated individuals (§601 of NLA); and adult education programs for the homeless (§701 of McKinney). In consultation with the Congress, the Secretary must define literacy and estimate the number of illiterate adults in the Nation every 4 years (§383).<sup>21</sup>

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<sup>21</sup> The first implementation of this requirement resulted in the National Adult Literacy Survey, 1992 (NALS); a second NALS has not yet been initiated by ED.

Under the **House bill**, the Secretary of Education would be authorized to carry out national activities to enhance the quality of adult education and family literacy nationwide, including technical assistance to states for developing and using performance measures, research on adult education methods and effectiveness, evaluation and assessment, and demonstration programs (§322). The NLA Literacy for Incarcerated Individuals program would be repealed; the McKinney Education for Homeless Adults program would not be amended or extended.

Under the **Senate bill**, the Secretary of Education would be authorized to carry out national leadership and evaluation activities to enhance the quality of adult education and literacy nationwide, including research, demonstration, dissemination, evaluations and assessments, capacity building at the state and local levels, data collection, professional development, and technical assistance (§213). Both the NLA Literacy for Incarcerated Individuals program and the McKinney Education for Homeless Adults program would be repealed.

*Comment.* Both bills would be less specific than current law in the types of activities authorized for other national programs, and both would repeal the NLA Literacy for Incarcerated Individuals program. Only the Senate bill would repeal the McKinney Education for Homeless Adults program. Both bills would repeal the requirement and authority for the Secretary of Education to estimate the number of illiterate adults in the Nation every 4 years.

**Effective Date.** Under the **House bill**, the effective date for the AEFLA amendments would be October 1, 1998, with provision for allowing earlier implementation under certain conditions (§1001-1002 of ETLA/97).

Under the **Senate bill**, the effective date for the AELA amendments would be July 1, 1999, with provision for allowing earlier implementation under certain conditions (§505 of WIPA).

## Legislation

**H.R. 1385, House Version.** The House-passed version of H.R. 1385, the Employment, Training, and Literacy Enhancement Act of 1997 (ETLEA/97) would, among other provisions, amend the AEA, extend its major provisions, and rename it as the Adult Education and Family Literacy Act (AEFLA). The bill was introduced April 17, 1997, by Representative McKeon and referred to the House Committee on Education and the Workforce. H.R. 1385 was amended by subcommittee and forwarded to the full committee April 24. It was amended by the committee, and reported May 8, 1997 (H.Rept. 105-93). During floor consideration, the House agreed to four floor amendments to the committee amendment: (1) a McKeon amendment to increase state and local administrative flexibility; (2) a Graham amendment related to home schooling and phonics; (3) a Traficant amendment adding Buy-American provisions; and (4) a McKeon amendment concerning rehabilitation programs. As amended, H.R. 1385 was passed by the House on May 16, 1997, by a vote of 343 to 60 (H.Vote #138).

**H.R. 1385 (S. 1186), Senate Version.** The Senate-passed version of H.R. 1385, the Workforce Investment Partnership Act of 1998 (WIPA), would, among other provisions, repeal the AEA but include many of its provisions in a new act, the Adult Education and Literacy Act (AELA). S. 1186 was introduced September 17, 1997, by Senator DeWine and referred to the Committee on Labor and Human Resources. The Committee amended and reported the bill by voice vote October 15, 1997 (S.Rept. 105-109). During floor consideration, the Senate agreed to the Jeffords amendment in the nature of a substitute, along with 5 additional amendments: (1) a DeWine amendment to amend and extend the Rehabilitation Act of 1973; (2) an Ashcroft amendment to prohibit the use of funds for activities authorized by the School-to-Work Opportunities Act of 1994; (3) an Ashcroft amendment to require participants in training programs to submit to drug testing; (4) a Jeffords (for Lautenberg) amendment concerning the designation process for local areas; and (5) a Jeffords (for Domenici) amendment for tech-prep demonstration programs. Subsequently, H.R. 1385 was passed by the Senate, amended by substituting the text of S. 1186 as amended, on May 5, 1998, by a vote of 91 to 7 (S.Vote #119).

**H.R. 1562/S. 994.** The Adult Basic Education and Literacy Act (ABELA). This bill is the Administration's proposal to amend the AEA and extend its major provisions. H.R. 1562 was introduced on May 8, 1997, by Representative Clay and referred to the Committee on Education and the Workforce. S. 994 was introduced by Senator Kennedy, by request, on July 8, 1997, and referred to the Committee on Labor and Human Resources. No additional legislative action has occurred on either bill.

**P.L. 105-78 (H.R. 2264).** The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998. Among other provisions, appropriations of \$361 million are provided for adult education and literacy programs as currently enacted for FY1998. H.R. 2264 was signed into law by the President November 13, 1997.<sup>22</sup>

**Legislation in the 104<sup>th</sup> Congress.** During the 104<sup>th</sup> Congress, the Workforce and Career Development Act of 1996 (WDCA, H.R. 1617) was reported by a conference committee (H.Rept. 104-707) July 25, 1996, but did not reach the floor of either the House or the Senate. The WDCA would have amended and extended authorization for adult education and literacy activities through FY2002.<sup>23</sup>

**Previous Authorization.** The last comprehensive amendments to the AEA were enacted through the National Literacy Act of 1991, P.L. 102-73 (NLA). The NLA extended the authorization of most AEA programs through FY1995, and amended the state grant program to encourage diversity in the distribution of state grants to local recipients; strengthen teacher training provisions; emphasize literacy skills within adult education programs; and strengthen state evaluation requirements.

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<sup>22</sup> For further information, please see CRS Report 97-203, *Appropriations for FY1998: Labor, Health and Human Services, and Education*, by Paul M. Irwin.

<sup>23</sup> For further information, please see CRS Report 96-690, *Employment and Training: Workforce and Career Development Act of 1996 (H.R. 1617 Conference)*, by Richard N. Apling and Ann Lordeman.



The NLA initiated the National Institute for Literacy, State Literacy Resource Centers, and the Literacy for Incarcerated Individuals Program.<sup>24</sup>

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<sup>24</sup> For further information, please see CRS Report 92-195, *National Literacy Act of 1991: Major Provisions of P.L. 102-73*, by Paul M. Irwin.