To increase access to adult education to provide for economic growth.

IN THE SENATE OF THE UNITED STATES

introduced the following bill; which was read twice and referred to the Committee on

A BILL

To increase access to adult education to provide for economic growth.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Adult Education and Economic Growth Act of 2009”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In order to remain competitive in today’s global economy, the United States must reverse the trend of underinvestment in adult education and workforce development and empower its workforce
through adequate resources and effective and innovative educational and workforce programs. Since 1979, investments in adult education and workforce development programs have declined in real terms by more than 70 percent.

(2) Current Federal adult basic education programs serve less than 3,000,000 individuals a year. Some States have experienced difficulties integrating adult education public job training and career and technical education programs that could help these individuals meet specific industry demand while advancing along a career path.

(3) In 2007, more than 25,000,000 adults ages 18 through 64 had no high school credential. Every year, 1 in 3 young adults—more than 1,200,000 people—drop out of high school.

(4) Employers need highly-skilled workers to be able to compete globally. Between 2004 and 2014, 24 of the 30 fastest-growing occupations are projected to demand workers with some form of post-secondary education or training. Yet nearly half of the United States workforce has a high school diploma or less.

(5) Technology and globalization, coupled with the unfolding economic recession, are rendering low-
wage and low-skill workers particularly vulnerable. Unemployment is highest among those without a college degree and has grown at a faster rate among this group since the start of the economic recession in December 2007.

(6) According to the Bureau of Labor Statistics, the unemployment rate for individuals age 25 and older who have less than a high school diploma has risen from 7.5 percent in December 2007 to 14.8 percent in April 2009. The unemployment rate for high school graduates with no college degree has increased from 4.6 percent to 9.3 percent. The unemployment rate for high school graduates with some college experience or an associate degree has risen from 3.7 percent to 7.4 percent.

(7) The United States ranks 11th among OECD countries in percent of young adults with a high school diploma— the only country in which younger adults are less educated than the previous generation.

(8) In 2006, 18,400,000 adults spoke English “less than very well”, according to the United States Census Bureau (2006 American Community Survey). Of these adults, 8,200,000 held no high school
credential and 5,000,000 had completed high school but were not college or job ready.

(9) Although 88,000,000 adults ages 18 to 64 have a high school diploma or less, or limited English proficiency, funding for programs authorized under the Workforce Investment Act of 1998 for adults, dislocated workers, and youth declined by about 12 percent between 2000 and 2007.

(10) According to the National Commission on Adult Literacy, 1 in every 100 adults in the United States 16 and older is in prison or jail in the United States. About 43 percent do not have a high school diploma or its equivalent, and 56 percent have very low literacy skills. Ninety-five percent of incarcerated individuals return to our communities.

(11) In order to meet the needs of the workforce, there must be a strong connection between the adult education and workforce development system, in order to better meet the needs of limited English proficient job seekers and those with basic skills deficiencies. For example, in program year 2006, less than 1 percent of individuals who exited the title I adult program under the Workforce Investment Act of 1998 were co-enrolled in adult education.
(12) Workforce development programs, including adult education, throughout the Federal Government and the States are not aligned well, limiting their capacity to leverage resources, to provide full and appropriate access to services, and to provide reliable and comparable data related to activities and outcomes across the programs.

(13) In the current economic climate, it is imperative that the United States invest in the education, training, and development of all workers in the United States who are unemployed or underemployed, to help fill the labor demands of the United States so that they do not look elsewhere to find skilled workers.

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To increase access substantially to adult education, literacy, and workplace skills services for adults who have limited basic skills, lack a high school diploma or its equivalent, or are limited English proficient.

(2) To create seamless pathways from adult education and occupational skills development to postsecondary education or training and workforce development programs and services that help adult
learners persist throughout the pipeline from the lowest levels of basic literacy or English language proficiency to the achievement of a level of proficiency that will enable the adult learner to successfully transition to family-sustaining jobs in careers with the promise of advancement.

(3) To develop an adult education, literacy, and work skills system that coordinates and integrates adult education, literacy, and workplace skills services with workforce development and postsecondary education and training opportunities across agencies and programs.

(4) To greatly improve outcomes for adults receiving adult education, literacy, and workplace skills services in terms of learning gains, acquisition of basic workforce skills, accelerated learning, acquisition of a high school diploma or its equivalent, or successful transition to postsecondary education or training or to family-sustaining jobs in the workplace.
TITLE I—WORKFORCE INVESTMENT SYSTEMS

SEC. 101. DEFINITIONS.

Section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801) is amended by adding at the end the following:

“(54) INTEGRATED EDUCATION AND TRAINING.—The term ‘integrated education and training’ means training that combines education or training for a specific occupation or occupational cluster with English literacy instruction or other adult education, literacy, and workplace skills activities, including programs that provide for dual or concurrent enrollment.

“(55) CAREER PATHWAY.—The term ‘career pathway’ means a high quality, rigorous, engaging set of education, training, and workplace experiences that—

“(A) align adult education, job training, postsecondary education, or occupational training to create a pathway to attaining a recognized postsecondary education credential that will qualify an individual for career advancement in projected employment opportunities identified in the State plan under section 112;
“(B) include advising and counseling to support the development of individual education and career plans; and

“(C) lead to a secondary school diploma or its recognized equivalent (for individuals who have not completed secondary school), a post-secondary degree, a registered apprenticeship or another recognized occupational certification, a certificate, or a license.

“(56) WORKPLACE SKILLS.—The term ‘workplace skills’ means the combination of basic skills, critical thinking skills, and self management skills with competency in utilizing resources, using information, working with others, understanding systems, working with technology, and other skills necessary for success in the workplace.

“(57) REGISTERED APPRENTICESHIP PROGRAM.—The term ‘registered apprenticeship program’ means an industry skills training program at the postsecondary level that combines technical and theoretical training through structured on-the-job learning with related instruction (in classrooms or through distance learning) while an individual is employed, working under the direction of qualified personnel or a mentor, and earning incremental wage
increases aligned to enhanced job proficiency, resulting in the acquisition of a nationally recognized and portable certificate, under a plan approved by the Office of Apprenticeship or a State agency recognized by the Department of Labor.”.

SEC. 102. PURPOSE.

Section 106 of the Workforce Investment Act of 1998 (29 U.S.C. 2811) is amended by inserting “adult education and” before “workforce investment systems”.

SEC. 103. STATE WORKFORCE INVESTMENT BOARDS.

Section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821) is amended—

(1) in subsection (b)(1)(C)—

(A) in clause (vi)(II), by striking “and” after the semicolon;

(B) by redesignating clause (vii) as clause (viii); and

(C) by inserting after clause (vi) the following:

“(vii) the lead State agency officials with responsibilities for the programs and activities carried out under title II; and”; and

and
(2) in subsection (d)(2), by inserting “adult education and” before “workforce investment system”.

4 SEC. 104. STATE PLAN.

Section 112 of the Workforce Investment Act of 1998 (29 U.S.C. 2822) is amended—

(1) in subsection (a), by inserting “and aligns with the State plan described in section 224” before the period at the end; and

(2) in subsection (b)—

(A) in paragraph (4)—

(i) in subparagraph (B), by inserting “academic levels and” before “job skills”;

(ii) in subparagraph (C), by striking “and” after the semicolon;

(iii) in subparagraph (D), by striking “State;” and inserting “State, including education, training, and registered apprenticeship programs and their relationship to such career opportunities and skills and economic development needs; and”; and

(iv) by adding at the end the following:

“(E) the integrated education and training activities that will be integrated and aligned
with workforce programs and services under this title, and the State’s efforts to increase the number of participants concurrently enrolled in adult education services under title II and training and employment activities under this title;”.

(B) in paragraph (8)—

(i) in subparagraph (A)(x), by striking “and” after the semicolon;

(ii) in subparagraph (B), by striking the semicolon and inserting “, including performance on the core indicators described in section 212; and”; and

(iii) by adding at the end the following:

“(C) a description of any integrated data systems used to track performance outcomes over time for the participants in the programs and activities described in subparagraph (A);”;

(C) in paragraph (9), by striking “businesses and representatives of labor organizations” and inserting “businesses, representatives of labor organizations, and representatives of education and training (including adult edu-
cation providers, postsecondary education providers, and training providers’’; and

(D) in paragraph (17)(A)(iv), by adding ‘‘, including individuals receiving services under title II’’ after ‘‘disabilities’’).

SEC. 105. LOCAL WORKFORCE INVESTMENT BOARDS.

Section 117(h)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2832(h)(2)(A)) is amended—

(1) in clause (v), by striking ‘‘and’’ after the semicolon; and

(2) by inserting after clause (vi), the following:

“(vii) representatives of adult education; and”.

SEC. 106. LOCAL PLAN.

Section 118(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2833(b)(1)) is amended—

(1) in subparagraph (B), by striking ‘‘and’’ after the semicolon;

(2) in subparagraph (C), by inserting ‘‘academic levels and’’ before ‘‘job skills’’; and

(3) by adding at the end the following:

“(D) the type and availability of workforce investment activities in the local area, including education, training, and registered apprenticeship programs and their relationship to such
business, job seeker, and worker needs, employment opportunities, and economic development needs; and

“(E) the integrated education and training activities that will be carried out under this title or title II and the alignment of those activities.”.

SEC. 107. USE OF FUNDS FOR YOUTH ACTIVITIES.

Section 129 of the Workforce Investment Act of 1998 (29 U.S.C. 2854) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking “and” after the semicolon;

(B) in paragraph (6), by striking the period and inserting “; and”;

(C) by adding at the end the following:

“(7) to provide opportunities for career pathways for eligible youth.”; and

(2) in subsection (c)—

(A) in paragraph (1)(C)—

(i) in clause (iii), by striking “and” after the semicolon;

(ii) in clause (iv)(II), by striking the period and inserting a semicolon; and
(iii) by adding at the end the following:

“(v) opportunities for career pathways; and

“(vi) for the completion of secondary school, in appropriate cases.”; and

(B) in paragraph (2)—

(i) in subparagraph (I), by striking “and” after the semicolon;

(ii) in subparagraph (J), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(K) dual enrollment opportunities.”.

SEC. 108. USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.

Section 134(d) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)) is amended—

(1) in paragraph (3)(A)(i)(I), by striking “and are unable to obtain employment through core services provided under paragraph (2)”;

(2) in paragraph (4)—

(A) in subparagraph (A)(i), by striking “and who are unable to obtain or retain employment through such services”;

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(B) in subparagraph (D)—

(i) in clause (viii), by striking “and” after the semicolon;

(ii) in clause (ix), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(x) integration of adult education and training.”; and

(C) in subparagraph (G)(ii)—

(i) in subclause (II), by striking “or” after the semicolon;

(ii) in subclause (III), by striking the period and inserting “; or”; and

(iii) by adding at the end the following:

“(IV) the local board determines that it would facilitate the training of multiple individuals in high-demand occupations; or

“(V) the local board determines that it would facilitate the provision of integrated education and training programs.”.
SEC. 109. PERFORMANCE ACCOUNTABILITY SYSTEM.


(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking “and (for participants who are eligible youth age 19 through 21) for youth activities authorized under section 129”; and

(B) in subclause (IV)—

(i) by inserting “and performance on the core indicators described in section 212, as appropriate” after “recognized equivalent”; and

(ii) by striking “, or by participants who are eligible youth age 19 through 21 who enter postsecondary education, advanced training, or unsubsidized employment”; and

(2) in clause (ii)—

(A) in the matter preceding subclause (I), by striking “(for participants who are eligible youth age 14 through 18)”;

(B) in subclause (I), by striking “and, as appropriate, work readiness or occupational skills” and inserting “, workplace skills, or occupation skills, as appropriate”;

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(C) in subclause (II), by striking “and” after the semicolon;

(D) in subclause (III), by striking the period and inserting “; and”; and

(E) by adding at the end the following:

“(IV) performance on measures described in subclauses (I), (II), and (III) of clause (i) by youth 18 years of age and older.”.

SEC. 110. DEMONSTRATION AND PILOT PROJECTS.

Section 171(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2916(b)(1)) is amended—

(1) in subparagraph (G), by striking “and” after the semicolon;

(2) in subparagraph (H), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(I) projects that assist low skill and limited English proficient workers to acquire the basic, English, work readiness, and applied technical or occupational skills through integrated education and training programs to successfully transition to postsecondary education, workforce development, and employment in career pathways; and
“(J) projects that test effective ways to develop comprehensive career pathways learning approaches that fully align adult education with secondary education, postsecondary education, including registered apprenticeship programs, workforce development, and supportive service activities, and with regional economic development strategies to meet the skill needs of existing and emerging regional employers as well as the needs of low skilled adults, helping adults, especially those who are low skilled, to advance through progressive levels of education and training as quickly as possible and gain education and workforce skills of demonstrated value to the labor market at each level.”

TITLE II—ADULT EDUCATION, LITERACY, AND WORKPLACE SKILLS

SEC. 201. PURPOSE.

Section 202 of the Adult Education and Family Literacy Act (20 U.S.C. 9201) is amended—

(1) in paragraph (1), by inserting “and postsecondary education or training” after “self-sufficiency”;

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(2) in paragraph (2), by striking “and” after the semicolon;

(3) in paragraph (3)—

(A) by inserting “and transition to postsec-
ondary education and career pathways” after “education”; and

(B) by striking the period and inserting “;
and”; and

(4) by adding at the end the following:

“(4) assist adults with limited English pro-
ficiency in improving their reading, writing, speak-
ing, listening, and comprehension skills in English
and mathematical skills and acquiring an under-
standing of the American system of government, in-
dividual freedom, and the responsibilities of citizen-
ship.”.

SEC. 202. DEFINITIONS.

(a) IN GENERAL.—Section 203 of the Adult Edu-
cation and Family Literacy Act (20 U.S.C. 9202) is
amended—

(1) by redesignating paragraphs (3), (4), (5),
(6), (7), (8), (9), (10), (11), (12), (13), (14), (15),
(16), (17), and (18), as paragraphs (4), (5), (6),
(7), (8), (9), (10), (11), (12), (15), (16), (17), (18),
(19), (20), and (21), respectively;
(2) by inserting after paragraph (2) the follow-
ing:

“(3) CAREER PATHWAY.—The term ‘career pathway’ has the meaning given the term in section 101 of the Workforce Investment Act of 1998.”;

(3) in paragraph (6), as redesignated by paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “an organization that has demonstrated effectiveness in providing adult education, literacy, and workplace skills activities that may include” after “means”;  

(B) in subparagraph (B), by striking “of demonstrated effectiveness”;  

(C) in subparagraph (C), by striking “of demonstrated effectiveness”;  

(D) in subparagraph (H), by striking “and” after the semicolon;  

(E) in subparagraph (I), by striking the period and inserting “; and”; and  

(F) by adding at the end the following:  

“(J) a partnership between an entity described in any of subparagraphs (A) through (I) and an employer.”;
(4) in paragraph (8), as redesignated by paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting “the economic prospects for” after “sustainable changes in”; and

(ii) by inserting “and that better enable parents to support their children’s learning needs” after “a family”; (B) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively; and (C) by inserting before subparagraph (B), as redesignated by subparagraph (B), the following:

“(A) Parent adult education, literacy, and workplace skills activities that lead to readiness for postsecondary education or training, career advancement, and economic self-sufficiency.”;

(5) by inserting after paragraph (12), as redesignated by paragraph (1), the following:

“(13) INTEGRATED EDUCATION AND TRAINING.—The term ‘integrated education and training’
has the meaning given the term in section 101 of the Workforce Investment Act of 1998.

“(14) INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION PROGRAM.—The term ‘integrated English literacy and civics education program’ means programs of instruction designed to help an individual of limited English proficiency achieve competence in English through contextualized instruction on the rights and responsibilities of citizenship, naturalization procedures, civic participation, and United States history and Government to help such an individual acquire the skills and knowledge to become an active and informed parent, worker, and community member.”; and

(6) by adding at the end the following:

“(22) WORKPLACE SKILLS.—The term ‘workplace skills’ has the meaning given the term in section 101 of the Workforce Investment Act of 1998.”.


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SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Adult Education and Family Literacy Act (20 U.S.C. 9204) is amended to read as follows:

“SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title $850,000,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year.”.

SEC. 204. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.

Section 211 of the Adult Education and Family Literacy Act (20 U.S.C. 9211) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “$8,000,000” and inserting “$15,000,000”; 

(B) in paragraph (2)—

(i) by striking “1.5 percent” and inserting “1.25 percent”; 

(ii) by striking “$8,000,000” and inserting “$12,000,000”; and 

(iii) by striking “and” after the semi-colon;

(C) in paragraph (3), by striking the period and inserting “; and”; and

(D) by adding at the end the following:

“(4) shall reserve 12 percent to carry out section 244.”; and
(2) in subsection (d), by striking paragraphs (1) through (4) and inserting the following:

“(1)(A) is at least 16 years of age;
“(B) is beyond the age of compulsory school attendance under the law of the State or outlying area;
“(C) does not have a secondary school diploma or its recognized equivalent; and
“(D) is not enrolled in secondary school; or
“(2) is an individual—
“(A) described in each of subparagraphs (A), (B), and (D) of paragraph (1); and
“(B) who is limited English proficient.”.

SEC. 205. PERFORMANCE ACCOUNTABILITY SYSTEM.

Section 212(b) of the Adult Education and Family Literacy Act (20 U.S.C. 9212(b)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (i), by inserting “and the employment performance indicator described in paragraph (2)(B)” after “paragraph (2)(A)”;

and

(B) in clause (ii), by striking “paragraph (2)(B)” and inserting “paragraph (2)(C)”;

(2) in paragraph (2)—

(A) in subparagraph (A)—
(i) in clause (ii), by striking “in, retention in” and all that follows through the period at the end and inserting “in post-secondary education, including registered apprenticeship, or other skill training programs.”; and

(ii) by adding at the end the following:

“(iv) Attainment of work readiness, workforce skills, and certificates that are nationally or industry recognized or approved by the State board or local board, as appropriate.”;

(B) by redesignating subparagraph (B) as subparagraph (D);

(C) by inserting after subparagraph (A) the following:

“(B) EMPLOYMENT PERFORMANCE INDICATOR.—Consistent with applicable Federal and State privacy laws—

“(i) an eligible agency shall identify in the State plan an individual participant employment performance indicator, which shall be entry into employment; and
“(ii) the State agency responsible for maintaining and analyzing the data described in clause (i) shall assist the eligible agency in obtaining and using quarterly wage records to collect such data.

“(C) TECHNOLOGY LITERACY INDICATOR.—Beginning in 2013, an eligible agency shall include a technology literacy indicator in its performance measure.”; and

(D) by striking subparagraph (D), as redesignated by subparagraph (B), and inserting the following:

“(D) ADDITIONAL INDICATORS.—An eligible agency may identify in the State plan additional indicators, including customer feedback, for adult education, literacy, and workplace skills activities authorized under this subtitle.”; and

(3) in paragraph (3)(B)—

(A) in the heading, by inserting “AND EMPLOYMENT PERFORMANCE INDICATOR” after “INDICATORS”; and

(B) by striking “paragraph (2)(B)” and inserting “paragraph (2)(C) and for the em-
ployment performance indicator described in paragraph (2)(B)”.

SEC. 206. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

Section 222(a) of the Adult Education and Family Literacy Act (20 U.S.C. 9222(a)) is amended—

(1) in paragraph (1)—

(A) by striking “not more than 10” and inserting “not less than 10”; and

(B) by striking “82.5 percent” both places the term appears and inserting “80 percent”; and

(2) in paragraph (2), by striking “12.5 percent” and inserting “15 percent”.

SEC. 207. STATE LEADERSHIP ACTIVITIES.

Section 223(a) of the Adult Education and Family Literacy Act (20 U.S.C. 9223(a)) is amended to read as follows:

“(a) ACTIVITIES.—

“(1) REQUIRED ACTIVITIES.—Each eligible agency shall use funds made available under section 222(a)(2) for the following adult education, literacy, and work readiness skills activities:

“(A) The establishment or operation of professional development programs to improve
the quality of instruction provided pursuant to
local activities required under section 231(b).

“(B) The provision of technical assistance
to eligible providers of adult education, literacy,
and workplace skills activities to enable them to
fulfill the purpose of this title, as described in
section 202.

“(C) The monitoring and evaluation of
adult education and related activities to deter-
mine what works and broadly disseminate infor-
mation about models and best practices and
tools within the State.

“(D) The provision of technology assist-
ance, including staff training, to eligible pro-
viders of adult education, literacy, and work-
place skills activities to enable the eligible pro-
viders to improve the quality of such activities.

“(E) Coordination with the workforce in-
vestment systems supported under title I.

“(2) PERMISSIBLE ACTIVITIES.—Each eligible
agency may use funds made available under section
222(a)(2) for 1 or more of the following adult edu-
cation, literacy, and workplace skills activities:

“(A) The support for State or regional net-
works of literacy resource centers.
“(B) Incentives for program coordination and integration, and performance awards.

“(C) Developing and disseminating curricula for postsecondary and job training readiness, including curricula for using technology for distance learning and for instructional and teacher training purposes.

“(D) 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, literacy, and workplace skills activities, to adults enrolled in such activities.

“(E) Developing innovative content and models for integrated education and training programs.

“(F) Developing innovative content and models to foster the transition to postsecondary education and career pathways.

“(G) Linkages with postsecondary educational institutions.

“(H) Linkages with community-based organizations.

“(I) Support for recruitment and outreach for instructors, students, and employers.”.
SEC. 208. STATE PLAN.

Section 224 of the Adult Education and Family Literacy Act (20 U.S.C. 9224) is amended—

(1) in subsection (b)—

(A) in paragraph (11), by striking “and” after the semicolon;

(B) in paragraph (12), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(13) a description of the knowledge and skills necessary for acceptance in postsecondary education and training;

“(14) a description of any certification or other requirements for instructors in eligible adult education, literacy, and workplace skills program providers in the State;

“(15) a description of the professional development needs of adult education, literacy, and workplace skills providers in the State;

“(16) a description of how the State will—

“(A) use technology to improve the quality of adult education, literacy, and workplace skills services; and

“(B) expand access to such services for workers and students;
“(17) a description of how the State will carry out programs described in section 244;

“(18) a description of the data system that the State will use to track over time student outcomes on the performance measures described in section 212;

“(19) a description of the State’s program to invest in the skills of workers, including plans for involving business as an active partner in the effort; and

“(20) a description of how the adult education programs will be integrated with occupational skills programs and aligned with postsecondary education, career, and technical education, workforce development programs, and other Federal funds available under title I and other relevant Federal programs.”;

(2) by striking subsection (e) and inserting the following:

“(e) PEER REVIEW AND PLAN APPROVAL.—The Secretary shall—

“(1) establish a peer review process to assist in the review and approval of State plans;

“(2) in consultation with the National Institute for Adult Education, Literacy, and Workplace Skills,
appoint individuals, representing the range of stakeholders, to the peer-review process, including—

“(A) representatives of adult learners, adult education, literacy, and workplace skills providers, eligible agencies, State educational agencies, institutions of higher education, representatives of local or State workforce investment boards; and

“(B) experts in the fields of adult education, literacy, and workplace skills;

“(3) approve a State plan within 120 days after receiving the plan, unless the Secretary makes a written determination, within 30 days after receiving the plan, that the plan does not meet the requirements of this section or is inconsistent with specific provisions of this subtitle; and

“(4) not finally disapprove of a State plan before offering the eligible agency the opportunity, prior to the expiration of the 30-day period beginning on the date on which the eligible agency received the written determination described in paragraph (3), to revise the plan, and providing technical assistance in order to assist the eligible agency in meeting the requirements of this subtitle.”; and

(3) by striking subsections (f) and (g).
SEC. 209. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

Section 225 of the Adult Education and Family Literacy Act (20 U.S.C. 9225) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking “and” after the semicolon at the end;

(B) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(5) integrated education and training programs;

“(6) career pathways programs;

“(7) dual enrollment programs; and

“(8) preparation for postsecondary education and training.”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) REPORT.—In addition to any report required under section 212(c), each eligible agency that receives assistance provided under this section shall annually prepare and submit to the Secretary a report on the progress, as described in section 212(c)(1), of the eligible agency with
respect to the programs and activities of the eligible entity receiving assistance under this section.”.

SEC. 210. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

Section 231(b)(1) of the Adult Education and Family Literacy Act (20 U.S.C. 9241(b)(1)) is amended to read as follows:

“(1) Adult education, literacy, and workplace skills services, which may include workplace literacy services, integrated education and training services, and transition to postsecondary education and training and career pathways.”.

SEC. 211. LOCAL APPLICATION.

Section 232 of the Adult Education and Family Literacy Act (20 U.S.C. 9242) is amended—

(1) in the matter preceding paragraph (1), by inserting “the measurable goals to be accomplished as a result of the grant or contract and” after “including”;

(2) in paragraph (1), by striking “and” after the semicolon;

(3) in paragraph (2), by striking the period and inserting “; and”; and

(4) by adding at the end the following:
“(3) a description of how the grantee or contractor will collect data for purposes of reporting performance measures to assess and evaluate the progress of adult education students and activities.”.

SEC. 212. ADMINISTRATIVE PROVISIONS.

Section 241 of the Adult Education and Family Literacy Act (20 U.S.C. 9251) is amended by adding at the end the following:

“(e) RULEMAKING.—

“(1) IN GENERAL.—The Secretary shall issue such regulations as are necessary to reasonably ensure compliance with this title.

“(2) CONSULTATION.—Before publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall consult with the Secretary of Labor and obtain the advice and recommendations of representatives of—

“(A) adult learners;

“(B) adult education, literacy, and workplace skills providers;

“(C) eligible agencies;

“(D) State educational agencies;

“(E) institutions of postsecondary education, including community colleges;
“(F) representatives of State and local workforce investment boards;
“(G) other organizations involved with the implementation and operation of programs under this title; and
“(H) community based organizations involved with the implementation and operation of programs under this title.
“(3) MEETINGS AND ELECTRONIC EXCHANGE.—The advice and recommendations described in paragraph (2) may be obtained through such mechanisms as regional meetings and electronic exchanges of information.”.

SEC. 213. NATIONAL INSTITUTE FOR ADULT EDUCATION, LITERACY, AND WORKPLACE SKILLS.

Section 242 of the Adult Education and Family Literacy Act (20 U.S.C. 9252) is amended—

(1) by striking the section heading and inserting the following “NATIONAL INSTITUTE FOR ADULT EDUCATION, LITERACY, AND WORKPLACE SKILLS”;

(2) by striking subsection (a) and inserting the following:
“(a) PURPOSE.—The purpose of the National Institute for Adult Education, Literacy, and Workplace Skills is to—

“(1) provide national leadership regarding adult education and family literacy;

“(2) coordinate adult education, literacy, and workplace skills services and policy; and

“(3) serve as a national resource for adult education, literacy, and workplace skills programs by—

“(A) providing the best and most current information available;

“(B) providing national leadership on the use of technology for adult education; and

“(C) supporting the creation of new ways to offer adult education, literacy, and workplace skills services of proven effectiveness.”;

(3) in subsection (b)—

(A) in paragraph (1), by striking “National Institute for Literacy” and inserting “National Institute for Adult Education, Literacy, and Workplace Skills”;

(B) in paragraph (2), by striking “separate” and inserting “independent”; and

(C) in paragraph (3), by striking “National Institute for Literacy Advisory Board”
and inserting “National Institute for Adult Education, Literacy, and Workplace Skills Advisory Board”;

(4) in subsection (c)(1)—

(A) in subparagraph (A)—

(i) in clause (iii), by striking “and” after the semicolon;

(ii) in clause (iv), by inserting “and” after the semicolon; and

(iii) by adding at the end the following:

“(v) effective practices for integrated English literacy and civics education programs;”;

(B) by striking subparagraph (D) and inserting the following:

“(D) to collect and disseminate information on methods of advancing education and literacy that show great promise for adults eligible for services under this title;”;

(C) by striking subparagraph (E) and inserting the following:

“(E) to provide policy and technical assistance to Federal, State, and local organizations
for the improvement of adult education, literacy, and workplace skills services;”;

(D) in subparagraph (G), by inserting “and integrated English literacy and civics education programs” after “workforce investment activities”;

(E) in subparagraph (H), by striking “and” after the semicolon;

(F) in subparagraph (I), by striking the period and inserting a semicolon; and

(G) by adding at the end the following: “(J) to carry out section 306 of the Adult Education and Economic Growth Act of 2009; and

“(K) not later than 4 years after the date of enactment of the Adult Education and Economic Growth Act of 2009, to conduct an evaluation and submit a report to the Interagency Group, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives on the effectiveness of programs funded under this title in achieving the purpose described in section 202, which evaluation and report shall include—
“(i) a longitudinal study of outcomes for adult learners served under programs under this title;

“(ii) an analysis of the adequacy of the performance measures identified in section 212; and

“(iii) recommendations for improved performance measures and on how to improve program effectiveness.”; and

(5) in subsection (e)—

(A) in the heading, by striking “NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD” and inserting “NATIONAL INSTITUTE FOR ADULT EDUCATION, LITERACY, AND WORKPLACE SKILLS ADVISORY BOARD”; and

(B) in paragraph (1)(A), by striking “National Institute for Literacy Advisory Board” and inserting “National Institute for Adult Education, Literacy, and Workplace Skills Advisory Board”.

SEC. 214. NATIONAL LEADERSHIP ACTIVITIES.

Section 243 of the Adult Education and Family Literacy Act (20 U.S.C. 9253) is amended to read as follows:
SEC. 243. NATIONAL LEADERSHIP ACTIVITIES.

“The Secretary shall establish and carry out a program of national leadership activities to improve the quality and outcomes of adult education, literacy, and workplace skills programs nationwide. Such activities shall include the following:

“(1) Technical assistance, which may include—

“(A) assistance to eligible providers in developing and using certification systems, performance measures, and data systems for the improvement of adult education, literacy, and workplace skills activities, including family literacy services, transition to postsecondary education or career pathways, and integrated English literacy and civics education programs;

“(B) assistance related to professional development activities and assistance for the purpose of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education, literacy, and workplace skills activities, including family literacy services, transition to postsecondary education or career pathways, and integrated English literacy and civics education programs, based on scientific evidence where available; or
“(C) assistance in distance learning and promoting and improving the use of technology in the classroom.

“(2) National demonstration projects for improving adult education, literacy, and workplace skills services, which may include projects that—

“(A) accelerate learning outcomes for adult learners with the lowest literacy levels;

“(B) promote career pathways;

“(C) allow dual enrollment in adult secondary education and credit bearing postsecondary coursework;

“(D) provide integrated education and training services;

“(E) build capacity to enhance the intensity of adult education, literacy, and workplace skills services;

“(F) establish partnerships to improve the quality of and expand adult education, literacy, and workplace skills services to more adults;

“(G) provide professional development opportunities to adult education, literacy, and workplace skills service providers;

“(H) develop new curricula and methods of instruction that improve learning outcomes in
adult education, literacy, and workplace skills programs; and

“(I) provide integrated English literacy and civics education program instruction.

“(3) Dissemination of the results and best practices identified in the national demonstration projects described in paragraph (2).

“(4) Program evaluation and data collection and reporting.”.

SEC. 215. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION PROGRAMS.

Chapter 4 of subtitle A of the Adult Education and Family Literacy Act (20 U.S.C. 9251 et seq.) is amended by adding at the end the following:

“SEC. 244. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION PROGRAMS.

“(a) IN GENERAL.—From funds reserved under section 211(a)(4) for each fiscal year, the Secretary shall award grants to States, in accordance with the allocations under subsection (b), for integrated English literacy and civics education programs.

“(b) ALLOCATIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), of the funds described in subsection (a), the Secretary shall allocate—
“(A) 65 percent to States on the basis of a State’s need for integrated English and civics education programs, as determined by calculating each State’s share of a 10-year average of the data compiled by the Office of Immigration Statistics of the Department of Homeland Security, for immigrants admitted for lawful permanent residence for the 10 most recent years; and

“(B) 35 percent to States on the basis of whether the State experienced growth, as measured by the average of the 3 most recent years for which data compiled by the Office of Immigration Statistics of the Department of Homeland Security are available, for immigrants admitted for lawful permanent residence.

“(2) MINIMUM.—No State shall receive an allocation under paragraph (1) for a fiscal year in an amount that is less than $60,000.”

TITLE III—21ST CENTURY TECHNOLOGY AND SKILLS FOR ADULT LEARNERS

SEC. 301. PURPOSES.

The purposes of this title are the following:
(1) To expand access to adult education services through the use of technology.

(2) To provide professional development for providers of adult education, literacy, and workplace skills services so that they are able to—

(A) effectively use technology in the delivery of adult education, literacy, and workplace skills services; and

(B) improve the quality of instruction and accelerate the—

(i) achievement of basic educational skills, English language literacy, and secondary school equivalency or postsecondary education; and

(ii) training readiness for adult learners.

(3) To assist States in developing a 21st Century delivery system for adult education, literacy, and workplace skills services.

(4) To assist adults in developing technology literacy.

SEC. 302. DEFINITIONS.

In this title:

(1) ADULT EDUCATION TERMS.—The terms “adult education”, “eligible agency”, “eligible pro-
vider”, “Secretary”, and “State” have the meanings
given the terms in section 203 of the Adult Edu-

(2) DISTANCE EDUCATION.—The term “dis-
tance education” has the meaning given the term in
section 103 of the Higher Education Act of 1965

(3) INSTITUTE.—The term “Institute” means
the National Institute for Adult Education, Literacy,
and Workplace Skills established under section 242
of the Adult Education and Family Literacy Act (20

(4) TECHNOLOGY LITERACY.—The term “tech-
ology literacy” means the knowledge and skills in
using contemporary information, communication and
learning technologies in a manner necessary for suc-
cessful lifelong learning and citizenship in the knowl-
edge-based, digital, and global 21st Century, which
includes the abilities—

(A) to effectively communicate and collabo-
rerate;

(B) to analyze and solve problems;

(C) to access, evaluate, manage, and create
information and otherwise gain information lit-
eracy; and
(D) to do so in a safe and ethical manner.

SEC. 303. RESERVATION OF FUNDS AND ALLOTMENTS.

(a) Reservation of Funds.—From the sums appropriated under section 307 for a fiscal year, the Secretary shall reserve 3 percent or $7,500,000 to carry out section 306, whichever amount is less.

(b) Allotment of Remainder.—From the sums remaining for a fiscal year after making the reservation under subsection (a), the Secretary shall allot—

(1) 75 percent to carry out section 305;
(2) 20 percent to carry out section 304; and
(3) 5 percent for administrative costs in carrying out section 304.

(c) Allotments to Eligible Agencies.—

(1) In general.—From the sums available to carry out section 304 for a fiscal year, the Secretary shall allot to each eligible agency with an approved application an amount that bears the same relationship to such sums as the amount received under section 211(c)(2) of the Adult Education and Family Literacy Act (20 U.S.C. 9211(c)(2)) by such eligible agency bears to the amount received under such section for such fiscal year by all eligible agencies.

(2) Minimum Allotment.—No eligible agency shall receive an allotment under paragraph (1) for a
If the amount appropriated to carry out section 304 for a fiscal year is not sufficient to pay such minimum allotment, the amount of such minimum allotments shall be ratably reduced.

SEC. 304. GRANTS TO ELIGIBLE AGENCIES.

(a) Authorization of Grants.—The Secretary shall award grants to eligible agencies from allotments under section 303(b).

(b) Application.—

(1) In general.—Each eligible agency that desires to receive a grant under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) Contents.—An application submitted under paragraph (1) shall contain the following:

(A) A description of the eligible agency’s technology plan for the adult education system, including measurable goals to be achieved.

(B) A description of how the eligible agency will provide technical assistance and support to local programs.

(C) A description of how the eligible agency will use technology to expand adult edu-
cation, literacy, and workplace skills services to
more adults, including those in rural areas.

(D) A description of the long-term goals
and strategies for improved outcomes for adult
learners.

(E) A description of the professional devel-
opment activities to be undertaken.

(F) A description of the performance
benchmarks and how data will be collected.

(G) A description of how the eligible agen-
cy will ensure that grants or contracts to eligi-
ble providers are of sufficient size and scope to
achieve the purposes of this title.

(e) ACTIVITIES.—An eligible agency that receives a
grant under this title shall carry out the following:

(1) Developing a statewide technology plan for
the adult education system.

(2) Providing professional development for
adult education, literacy, and workplace skills service
providers.

(3) Providing access to curricula, instruction,
and assessment for adult learners and eligible pro-
viders.
(4) Supporting the development of curricula and assessment tools for adult education, literacy, and workplace skills service providers.

(5) Providing guidance and technical assistance to eligible providers.

(6) Supporting innovative pilot projects such as the use of assistive technology to deliver content to adult learners.

SEC. 305. GRANTS AND CONTRACTS TO ELIGIBLE PROVIDERS.

(a) Authorization of Grants and Contracts.—An eligible agency that receives a grant under this title shall award grants and contracts to eligible providers to carry out activities described in this section.

(b) Eligible Provider Application.—An eligible provider that desires to receive a grant or contract under this title shall submit an application to an eligible agency, which shall include—

(1) a description of how the eligible provider will integrate technology into the eligible provider’s delivery of adult education, literacy, and workplace skills services;

(2) a description of professional development activities to be undertaken; and
(3) a description of plans to regularly replace computers and servers that lack the functional capabilities to process new online applications and services, including video conferencing, video streaming, virtual simulations, and distance education courses.

(c) ELIGIBLE PROVIDER ACTIVITIES.—An eligible provider that receives a grant or contract under this title shall carry out the following:

(1) Acquiring and effectively implementing technology tools, applications, and other resources in conjunction with enhancing or redesigning adult education, literacy, and workplace skills curricula to increase adult learning outcomes and improve adult technology literacy.

(2) Acquiring and effectively implementing technology tools, applications, and other resources to—

(A) conduct on-going assessments and use other timely data systems to more effectively identify individual learning needs and guide personalized instruction, learning, and appropriate interventions that address those personalized student learning needs; and

(B) support individualized learning, including through instructional software and digital
content that support the learning needs of each student or through providing access to high quality courses and instructors, especially in rural areas.

(3) Providing professional development activities for providers of adult education, literacy, and workplace skills services that includes—

(A) training that is on-going, sustainable, timely, and directly related to delivering adult education, literacy, and workplace skills services;

(B) training in strategies and pedagogy in the delivery of adult education, literacy, and workplace skills services that involves the use of technology and curriculum redesign as key components of changing teaching and learning and improving outcomes for adult learners;

(C) training in the use of technology to ensure that providers of adult education, literacy, and workplace skills services are able to use technology for data analysis to enable individualized instruction and to use technology to improve technology literacy for adult learners; and
(D) training that includes on-going communication and follow-up with instructors, facilitators, and peers.

(4) Acquisition and implementation of technology tools, applications, and other resources to be employed in professional development activities.

SEC. 306. NATIONAL ADULT LEARNING AND TECHNOLOGY RESOURCE CENTER.

(a) IN GENERAL.—The Institute shall establish and maintain the National Adult Learning and Technology Resource Center (referred to in this section as the “Center”).

(b) DUTIES OF THE CENTER.—The Center shall—

(1) develop frameworks for technology-based learning and professional development materials for adult education, literacy, and workplace skills;

(2) develop frameworks for performance measures for technology literacy;

(3) provide technical assistance to eligible entities and eligible providers of adult education, literacy, and workplace skills;

(4) support distance education for professional development for eligible entities and eligible providers of adult education, literacy, and workplace skills services;
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(5) support the innovative uses of technology, such as the use of assistive technology, to deliver content to adult learners; and

(6) be accessible to the public through the website of the Institute.

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $250,000,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year.

TITLE IV—RESEARCH IN ADULT EDUCATION

SEC. 401. RESEARCH IN ADULT EDUCATION.

(a) IN GENERAL.—Section 133(c)(2)(A) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9533(c)(2)(A)) is amended by inserting “education and” before “literacy”.

(b) NATIONAL RESEARCH AND DEVELOPMENT CENTER.—

(1) IN GENERAL.—The Secretary of Education shall direct the Commissioner for Education Research of the National Center for Education Research established pursuant to section 131 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9531) to establish a national research and development center for adult education, literacy, and work-
place skills as described in section 133(e)(2)(A) of such Act (20 U.S.C. 9533(e)(2)(A)).

(2) Provision for Expansion of Research.—If, as of the date of the enactment of this Act, the Commissioner for Education Research of the National Center for Education Research has established a center for adult literacy in accordance with section 133(e)(2)(A) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9533(e)(2)(A)), the Commissioner shall expand the topic of research of such center to include adult education, in accordance with the amendment made by subsection (a).

TITLE V—EMPLOYER INCENTIVES

SEC. 501. CREDIT FOR EMPLOYER EDUCATIONAL ASSISTANCE PROGRAMS.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 45R. CREDIT FOR EMPLOYER EDUCATIONAL ASSISTANCE PROGRAMS.

“(a) General Rule.—For purposes of section 38, in the case of an employer, the employer educational assistance program credit determined under this section for
the taxable year is an amount equal to 50 percent of the qualified educational assistance expenses paid or incurred by the taxpayer to or on behalf of any employee of the taxpayer during the taxable year, regardless if the program is provided at the workplace or outside of the workplace.

“(b) LIMITATIONS.—

“(1) PER EMPLOYEE LIMITATION.—The amount of the qualified educational assistance expenses taken into account under subsection (a) with respect to any employee for the taxable year shall not exceed $5,250.

“(2) TOTAL LIMITATION.—The aggregate amount of the qualified educational assistance expenses taken into account under subsection (a) with respect to all employees of the taxpayer for the taxable year shall not exceed the average of the aggregate qualified educational assistance expenses with respect to all employees of the taxpayer taken into account under subsection (a) in the 3 taxable years preceding such taxable year.

“(3) TRANSITION RULE.—

“(A) IN GENERAL.—In the case of a taxable year in which qualified educational assistance expenses of the taxpayer have not been
taken into account under subsection (a) for each of the 3 taxable years preceding such taxable year, the aggregate amount of the qualified educational assistance expenses taken into account under subsection (a) with respect to all employees of the taxpayer for such taxable year shall not exceed the average of the sum of—

“(i) the aggregate qualified educational assistance expenses with respect to all employees of the taxpayer taken into account under subsection (a) in any of the 3 taxable years preceding such taxable year, plus

“(ii) the aggregate amount of amounts paid or expenses incurred by the employer, for which an exclusion was allowable to any employee of the employer under section 127, in any of such 3 taxable years in which no expenses were taken into account under subsection (a), plus

“(iii) in the case of a taxable year in which expenses have not been taken into account under subsection (a) or section 127 for each of the 3 taxable years pre-
ceding such taxable year, an amount equal
to—

“(I) $5,250, multiplied by

“(II) the number of employees of
the taxpayer with respect to which the
taxpayer has qualified educational as-
sistance expenses in such taxable year.

“(c) Qualified Educational Assistance Expenses.—For purposes of this section—

“(1) In general.—The term ‘qualified edu-
cational assistance expenses’ means expenses paid
for educational assistance pursuant to an edu-
cational assistance program (within the meaning of
section 127(b)).

“(2) Educational assistance.—The term
‘educational assistance’ has the meaning given such
term by section 127(c)(1), applied without regard to
subparagraph (B) thereof, except that such term in-
cludes a payment only if such payment is made with
respect to an employee enrolled in a program pro-
vided at the workplace or outside of the workplace—

“(A) leading to a sub-baccalaureate degree
or career technical certificate awarded by an ac-
credited postsecondary institution; or
“(B) in basic education, workplace skills, or English language training leading to a nationally recognized certificate of proficiency.

“(d) OTHER DEFINITIONS AND SPECIAL RULES.—Rules similar to the rules of paragraphs (2) through (5) of section 127(c) shall apply for purposes of this section.

“(e) DENIAL OF DOUBLE BENEFIT.—No deduction or other credit shall be allowed under this chapter to an employer for any amount taken into account in determining the credit under this section.”.

(b) CREDIT INCLUDED IN GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking “plus” at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting “, plus”, and by adding at the end the following new paragraph:

“(36) the employer educational assistance program credit determined under section 45R(a).”.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 45R. Credit for employer educational assistance programs.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses relating to courses of instruction beginning after December 31, 2009.