

Subpart D—How Does a State Award Contracts?

§ 464.30 With whom must a State contract to establish a State literacy resource center?

(a) To establish a new State literacy resource center, the Governor of each State that receives funds under this part shall contract on a competitive basis with—

- (1) The SEA;
- (2) One or more local educational agencies;
- (3) A State office on literacy;
- (4) A volunteer organization;
- (5) A community-based organization;
- (6) An institution of higher education; or
- (7) Another non-profit entity.

(b) Paragraph (a) of this section does not apply to funds under this part that a State uses to expand an existing State literacy resource center.

(Authority: 20 U.S.C. 1208aa(c)(2))

§ 464.31 Who may not review a proposal for a contract?

A party participating in a competition under § 464.30 may not review its own proposal for a contract or any proposal of a competitor for that contract.

(Authority: 20 U.S.C. 1208aa(c)(2))

§ 464.32 How is a regional literacy resource center established and operated?

(a) The States that participate in a regional literacy resource center shall agree on how the center is to be established and operated.

(b) Subject to the requirements of the Act and the regulations in this part, the States have discretion to determine how to establish and operate the regional center.

(Authority: 20 U.S.C. 1208aa (h) and (j))

Subpart E—What Post-Award Conditions Must Be Met by a State?

§ 464.40 May a State use funds to establish a State advisory council?

(a) Each State receiving funds under this part may use up to five percent of those funds—

(1) To establish and support a State advisory council on adult education and literacy under section 332 of the Act and 34 CFR 461.50–461.52; or

(2) To support an established State council to the extent that the State council meets the requirements of section 332 of the Act and 34 CFR 461.50–461.52.

(b) Each State receiving funds under this section to establish or support a State council under section 332 of the Act shall provide matching funds on a dollar-for-dollar basis.

(Authority: 20 U.S.C. 1208aa(g))

§ 464.41 What alternative uses may be made of equipment?

Equipment purchased under this part, when not being used to carry out the provisions of this part, may be used for other instructional purposes if—

(a) The acquisition of the equipment was reasonable and necessary for the purpose of conducting a properly designed project or activity under this part;

(b) The equipment is used after regular program hours or on weekends; and

(c) The other use is—

(1) Incidental to the use of the equipment under this part;

(2) Does not interfere with the use of the equipment under this part; and

(3) Does not add to the cost of using the equipment under this part.

(Authority: 20 U.S.C. 1208aa(e))

§ 464.42 What limit applies to purchasing computer hardware and software?

Not more than ten percent of funds received under any grant under this part may be used to purchase computer hardware or software.

(Authority: 20 U.S.C. 1208aa(f))

PART 472—NATIONAL WORKPLACE LITERACY PROGRAM

Subpart A—General

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AUTHORITY: 20 U.S.C. 1211(a), unless otherwise noted.

SOURCE: 54 FR 34418, Aug. 18, 1989, unless otherwise noted. Redesignated at 57 FR 24091, June 5, 1992.

Subpart A—General

§ 472.1 What is the National Workplace Literacy Program?

The National Workplace Literacy Program provides assistance for demonstration projects that teach literacy skills needed in the workplace through exemplary education partnerships between business, industry, or labor organizations and educational organizations.

(Authority: 20 U.S.C. 1211(a)(1))

§ 472.2 Who is eligible for an award?

(a) Awards are provided to exemplary partnerships between—

(1) A business, industry, or labor organization, or private industry council; and

(2) A State educational agency (SEA), local educational agency (LEA), institution of higher education, or school (including an area vocational school, an employment and training

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agency, or a community-based organization).

(b) A partnership shall include as partners at least one entity from paragraph (a)(1) of this section and at least one entity from paragraph (a)(2) of this section, and may include more than one entity from each group.

(c)(1) The partners shall apply jointly to the Secretary for funds.

(2) The partners shall enter into an agreement, in the form of a single document signed by all partners, designating one member of the partnership as the applicant and the grantee. The agreement must also detail the role each partner plans to perform, and must bind each partner to every statement and assurance made in the application.

(Authority: 20 U.S.C. 1211(a)(4)(A))

§ 472.3 What activities may the Secretary fund?

The Secretary provides grants or cooperative agreements to projects designed to improve the productivity of the workforce through improvement of literacy skills in the workplace by—

(a) Providing adult literacy and other basic skills services and activities;

(b) Providing adult secondary education services and activities that may lead to the completion of a high school diploma or its equivalent;

(c) Meeting the literacy needs of adults with limited English proficiency;

(d) Upgrading or updating basic skills of adult workers in accordance with changes in workplace requirements, technology, products, or processes;

(e) Improving the competency of adult workers in speaking, listening, reasoning, and problem solving; or

(f) Providing educational counseling, transportation, and child care services for adult workers during nonworking hours while the workers participate in the project.

(Authority: 20 U.S.C. 1211(a)(3))

§ 472.4 What regulations apply?

The following regulations apply to the National Workplace Literacy Program:

(a) The regulations in this part 472.

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(b) The regulations in 34 CFR part 425.

(Authority: 20 U.S.C. 1211(a))

§ 472.5 What definitions apply?

(a) The definitions in 34 CFR 460.4 apply to this part.

(b) The following definitions also apply to this part:

Adult worker means an individual who has attained 16 years of age or who is beyond the age of compulsory school attendance under State law, and whose receipt of project services is expected to result in new employment, enhanced skills related to continued employment, career advancement, or increased productivity.

Area vocational school means—

(1) A specialized high school used exclusively or principally for the provision of vocational education to individuals who are available for study in preparation for entering the labor market;

(2) The department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to individuals who are available for study in preparation for entering the labor market;

(3) A technical institute or vocational school used exclusively or principally for the provision of vocational education to individuals who have completed or left high school and who are available for study in preparation for entering the labor market; or

(4) The department or division of a junior college or community college or university operating under the policies of the State board and that provides vocational education in no less than five different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if, in the case of a school, department, or division described in paragraphs (3) and (4) of this definition it admits as regular students both individuals who have completed high school and individuals who have left high school.

(Authority: 20 U.S.C. 2471)

Business and industry organizations include, but are not limited to—

(1) For-profit businesses or industrial concerns;

(2) Nonprofit businesses or industrial concerns, such as hospitals and nursing homes;

(3) Associations of business and industry organizations, such as local or State Chambers of Commerce;

(4) Associations of private industry councils; and

(5) Educational associations—such as the American Association for Adult and Continuing Education, the American Council on Education, the National Association for Bilingual Education, the National Association of Independent Colleges and Universities, or the National Association of Technical and Trade Schools.

Contractor means an individual or organization other than a partner that provides specific and limited services, equipment, or supplies to a partnership under a contractual agreement.

Employment and training agency includes any nonprofit agency that provides—as a substantial portion of its activity—employment and training services, either directly or through contract.

Helping organization means an entity other than a partner that voluntarily assists a partnership by providing services, technical assistance, or cash or in-kind contributions to the project. Helping organizations may not be recipients of funds from partners or serve as contractors.

Partner means an entity included in the list of entities in § 472.2(a) (1) or (2).

Private industry council means the private industry council established under section 102 of the Job Training Partnership Act (29 U.S.C. 1512).

Project director means the person with day-to-day operational responsibility for the project.

Site means an entity other than a partner that participates in a project by providing adult workers to be trained and, at the site's option, space for this training. A site may not be a recipient of funds from partners or serve as a contractor.

Small business means a business entity that—

(1) Is organized for profit, with a place of business located in the United States and that makes a significant

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contribution to the U.S. economy through payment of taxes or use of American products, materials, or labor, or both; and

(2) May be in the legal form of an individual proprietorship, partnership, corporation, joint venture, association, trust or a cooperative, except that if the form is a joint venture, there can be no more than 49 percent participation by foreign business entities in the joint venture; and

(3) Meets the requirements found in 13 CFR part 121 concerning Standard Industrial Classification codes and size standards.

(Authority: 20 U.S.C. 1211(a))

[54 FR 34418, Aug. 18, 1989. Redesignated at 57 FR 24091, June 5, 1992, and amended at 59 FR 1443, Jan. 10, 1994]

Subpart B [Reserved]

Subpart C—How Does the Secretary Make an Award?

§ 472.20 What priorities may the Secretary establish?

(a) The Secretary may announce through one or more notices published in the FEDERAL REGISTER the priorities for this program, if any, from the types of projects described in paragraph (b) of this section.

(b) Priority may be given to projects training adult workers who have inadequate basic skills and who—

(1) Are currently unable to perform their jobs effectively or are ineligible for career advancement due to an identified lack of basic skills;

(2) Are employed in industries retooling with high technology and for whom training in basic skills is expected to result in continued employment;

(3) Require training in English-as-a-second-language in order to increase productivity, to continue employment, or to be eligible for career advancement; or

(4) Are employed in an industry adversely impacted by competitiveness in the world economy and for whom training is expected to result in the in-

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creased competitiveness of that industry in world markets.

(Authority: 20 U.S.C. 1211(a))

[54 FR 34418, Aug. 18, 1989. Redesignated and amended at 57 FR 24091, 24102, June 5, 1992; 59 FR 1443, Jan. 10, 1994]

§ 472.21 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 472.22.

(b) The Secretary may award up to 100 points, including a reserved 10 points to be distributed in accordance with paragraph (d) of this section, based on the criteria in § 472.22.

(c) Subject to paragraph (d) of this section, the maximum possible score for each criterion is indicated in parentheses.

(d) For each competition as announced through a notice published in the FEDERAL REGISTER, the Secretary may assign the reserved points among the criteria in § 472.22.

(e) In addition to the points to be awarded based on the criteria in § 472.22, the Secretary awards five points to applications from partnerships that include as a partner a small business that has signed the partnership agreement.

(Authority: 20 U.S.C. 1211(a))

[54 FR 34418, Aug. 18, 1989. Redesignated at 57 FR 24091, June 5, 1992, and amended at 59 FR 1443, Jan. 10, 1994]

§ 472.22 What selection criteria does the Secretary use?

The Secretary uses the following criteria to evaluate an application:

(a) *Program factors.* (15 points) The Secretary reviews each application to determine the extent to which the project—

(1) Demonstrates a strong relationship between skills taught and the literacy requirements of actual jobs, especially the increased skill requirements of the changing workplace;

(2) Is targeted to adults with inadequate skills for whom the training described is expected to mean new employment, continued employment, career advancement, or increased productivity;

(3) Includes support services, based on cooperative relationships within the partnership and from helping organizations, necessary to reduce barriers to participation by adult workers. Support services could include educational counseling, transportation, and child care during non-working hours while adult workers are participating in a project;

(4) Demonstrates the active commitment of all partners to accomplishing project goals; and

(5) Focuses on improving performance in jobs or job functions that have a broad representation within the Nation's workforce so that the products can be adapted for use by similar workplaces across the Nation.

(b) *Extent of need for the project.* (10 points) (1) The extent to which the project will focus on demonstrated needs for workplace literacy training of adult workers;

(2) The adequacy of the applicant's documentation of the needs to be addressed by the project;

(3) How those needs will be met by the project; and

(4) The benefits to adult workers and their industries that will result from meeting those needs.

(c) *Quality of training.* (15 points) The Secretary reviews each application to determine the quality of the training to be provided by the project, including the extent to which the project will—

(1) Develop or use curriculum materials for adults based on literacy skills needed in the workplace;

(2) Use individualized educational plans developed jointly by instructors and adult learners;

(3) Take place in a readily accessible environment conducive to adult learning;

(4) Provide training through the partner classified under § 472.2(a)(2), unless transferring this activity to the partner classified under § 472.2(a)(1) is necessary and reasonable within the framework of the project; and

(5) Provide, and document for others, a program of training for staff including, but not limited to, techniques of curriculum development and special methods of teaching that are appropriate for workplace environments.

(d) *Plan of operation.* (15 points) (1) The quality of the project design, especially the establishment of measurable objectives for the project that are based on the project's overall goals;

(2) The extent to which the plan of management is effective and ensures proper and efficient administration of the project, and includes—

(i) A description of the respective roles of each member of the partnership in carrying out the plan;

(ii) A description of the activities to be carried out by any contractors under the plan;

(iii) A description of the respective roles, including any cash or in-kind contributions, of helping organizations;

(iv) A description of the respective roles of any sites; and

(v) A realistic time table for accomplishing project objectives;

(3) How well the objectives of the project relate to the purposes of the program;

(4) The quality of the applicant's plan to use its resources and personnel to achieve each objective; and

(5) How the applicant will ensure that project participants, who are otherwise eligible to participate, are selected without regard to race, color, national origin, gender, age, or handicapping condition.

(e) *Applicant's experience and quality of key personnel.* (8 points) (1) The Secretary reviews each application to determine the extent of the applicant's experience in providing literacy services to working adults.

(2) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project including—

(i) The qualifications, in relation to project requirements, of the project director;

(ii) The qualifications, in relation to project requirements, of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (e)(2) (i) and (ii) of this section will commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are

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selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(3) To determine personnel qualifications under paragraphs (e)(2) (i) and (ii) of this section, the Secretary considers—

(i) Experience and training in fields related to the objectives of the project;

(ii) Experience and training in project management; and

(iii) Any other qualifications that pertain to the quality of the project.

(f) *Evaluation plan.* (10 points) The Secretary reviews each application to determine the quality of the plan for an independent evaluation of the project, including the extent to which the applicant's methods of evaluation—

(1) Are clearly explained and appropriate to the project;

(2) To the extent possible, are objective and produce data that are quantifiable;

(3) Identify expected outcomes of the participants and how those outcomes will be measured;

(4) Include evaluation of effects on job advancement, job performance (including, for example, such elements as productivity, safety and attendance), and job retention;

(5) Are systematic throughout the project period and provide data that can be used by the project on an ongoing basis for program improvement; and

(6) Will yield results that can be summarized and submitted to the Secretary for review by the Department's Program Effectiveness Panel.

NOTE TO § 472.22(F)(6): The Program Effectiveness Panel (PEP) is a mechanism the Department has developed for validating the effectiveness of educational programs developed by schools, universities, and other agencies. The PEP is composed of experts in the evaluation of educational programs and in other areas of education, at least two-thirds of whom are non-Federal employees who are appointed by the Secretary. Regulations governing the PEP are codified in 34 CFR parts 785-789. Specific criteria for PEP review are found in 34 CFR 786.12 or 787.12.

(g) *Budget and cost-effectiveness.* (7 points)

(1) The budget is adequate to support the project;

(2) Costs are reasonable and necessary in relation to the objectives of the project; and

(3) The applicant has minimized the purchase of equipment and supplies in order to devote a maximum amount of resources to instructional services.

(h) *Demonstration.* (5 points) The Secretary reviews each application to determine the quality of the applicant's plan, during the grant period, to disseminate the results of the project, including—

(1) Demonstrating promising practices used by the project to others interested in implementing these techniques;

(2) Conducting workshops or delivering papers at national conferences or professional meetings; and

(3) Making available material that will help others implement promising practices developed in the project.

(i) *Commitment.* (5 points) The Secretary reviews each application to determine the quality of the applicant's plan to institutionalize learning in the workplace based on promising practices demonstrated in the project. In making this determination, the Secretary considers—

(1) The general, but realistic, forecast of literacy needs of members of the partnership and the capacity of the partners;

(2) Activities that will increase, during the grant period, the capacity of partners to provide a coherent program of learning in the workplace; and

(3) Activities that will lead to the continued provision or expansion of work-based literacy services built on successful outcomes of the project. For example, the partners could—

(A) Integrate workplace literacy services into the long-term planning of partner organizations;

(B) Create and implement policies and practices that encourage worker participation in workplace literacy and other education and training opportunities;

(C) Provide training that will enable partners to build a capacity to furnish necessary workplace literacy services in the future;

(D) Establish relationships within the partnership or with other entities that will continue provision of necessary workplace literacy services after the project ends; or

(E) Plan, after the project has ended, to expand services to other locations, divisions, or suppliers of the business or industry partners or labor organizations.

(Approved by the Office of Management and Budget under control numbers 1830-0507 and 1830-0521)

(Authority: 20 U.S.C. 1211(a))

[54 FR 34418, Aug. 18, 1989. Redesignated at 57 FR 24091, June 5, 1992, and amended at 59 FR 1443, Jan. 10, 1994]

§ 472.23 What additional factor does the Secretary consider?

In addition to the criteria in § 472.22, the Secretary may consider whether funding a particular applicant would improve the geographical distribution of projects funded under this program.

(Authority: 20 U.S.C. 1211(a))

Subpart D—What Conditions Must Be Met After an Award?

§ 472.30 What are the reporting requirements?

(a) A recipient of a grant or cooperative agreement under this program shall submit to the Secretary performance and financial reports.

(b) These reports must be submitted at times required by the Secretary and at least semi-annually.

(c) These reports must contain information required by the Secretary.

(Authority: 20 U.S.C. 1211(a))

[59 FR 1444, Jan. 10, 1994]

§ 472.31 What are the evaluation requirements?

(a) Each recipient of a grant or cooperative agreement under this program shall provide and budget for an independent evaluation of project activities.

(b) The evaluation must be both formative and summative in nature.

(c) The evaluation must be based on student learning gains and the effects on job advancement, job performance (including, for example, such elements as productivity, safety, and attendance), and project and product spread and transportability.

(d) A proposed project evaluation design for the entire project period, ex-

panding on the plans outlined in the application pursuant to § 472.22(f), must be submitted to the Secretary for review and approval prior to the end of the first year of the project period.

(e) A summary of evaluation activities and results that can be reviewed by the Department's Program Effectiveness Panel, as described in 34 CFR parts 785-789, must be submitted to the Secretary during the last year of the project period.

(f) If a grantee cooperates in a Federal evaluation of its project, the Secretary may determine that the grantee fully or partially meets the evaluation requirements of this section and the reporting requirements in § 472.30.

NOTE TO § 472.31: As used in § 472.31(c)—
"Spread" means the degree to which—

(1) Project activities and results are demonstrated to others;

(2) Technical assistance is provided to others to help them replicate project activities and results;

(3) Project activities and results are replicated at other sites; or

(4) Information and material about or resulting from the project are disseminated; and

"Transportability" means the ease by which project activities and results may be replicated at other sites, such as through the development and use of guides or manuals that provide step-by-step directions for others to follow in order to initiate similar efforts and reproduce comparable results.

(Approved by Office of Management and Budget under OMB control number 1830-0522)

(Authority: 20 U.S.C. 1211(a))

[59 FR 1444, Jan. 10, 1994]

§ 472.32 What other requirements must be met under this program?

(a) An applicant shall use funds to supplement and not supplant funds otherwise available for the purposes of this program.

(b)(1) The project period may include a start-up period, not to exceed six months, during which the project is being established and prior to the time services are provided to adult workers.

(2) Applicants shall minimize the start-up period, if any, proposed for their projects.

(c) [Reserved]

(d) An award under this program may be used to pay—

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(1) 100 percent of the administrative costs incurred in establishing a project during the start-up period described in paragraph (b) of this section by an SEA, LEA, or other entity described in § 472.2(a), that receives a grant under this part; and

(2) 70 percent of the costs of a project after the start-up period.

(e) Each recipient of an award under this program shall provide for a project director.

(Authority: 20 U.S.C. 1211(a)(2) and (4)(E))

[54 FR 34418, Aug. 18, 1989. Redesignated and amended at 57 FR 24091, 24102, June 5, 1992. Redesignated and amended at 59 FR 1444, 1445, Jan. 10, 1994]

§ 472.33 How must projects that serve adults with limited English proficiency provide for the needs of those adults?

(a) Projects serving adults with limited English proficiency or no English proficiency shall provide for the needs of these adults by teaching literacy skills needed in the workplace.

(b) Projects may teach workplace literacy skills—

(1) To the extent necessary, in the native language of these adults; or

(2) Exclusively in English.

(c) Projects must be carried out in coordination with programs assisted under the Bilingual Education Act and with bilingual vocational education programs under the Carl D. Perkins Vocational Education Act.

(Authority: 20 U.S.C. 1206a(d) and 1211(a))

[54 FR 34418, Aug. 18, 1989. Redesignated at 59 FR 1444, Jan. 10, 1994]

§ 472.34 Under what circumstances may a project continue if a partner withdraws?

(a) A project may continue despite the withdrawal of a partner that is unable to perform its role as outlined in the grant award document if all of the following conditions are met:

(1) Written approval is given by the Secretary.

(2) The partnership continues to meet the requirements in § 472.2(b).

(3) The partnership will be able to complete the remainder of the project.

(4) The partner's withdrawal will not cause a change in the scope or objec-

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tives of the grant or cooperative agreement.

(b) In determining that the condition in paragraph (a)(4) of this section is satisfied, the Secretary considers such factors as whether—

(1) A similar new partner will sign the partnership agreement and agree to carry out the role of the withdrawing partner as described in the grant agreement;

(2) One or more of the remaining partners will agree to carry out the role of the withdrawing partner as described in the grant agreement; or

(3) One or more of the remaining partners will expand its activities as approved under the grant in order to compensate for the activities that would have been carried out under the grant agreement by the partner that is withdrawing without a change in the project's scope or objectives.

(Authority: 20 U.S.C. 1211(a))

[59 FR 1445, Jan. 10, 1994]

PART 477—STATE PROGRAM ANALYSIS ASSISTANCE AND POLICY STUDIES PROGRAM

Subpart A—General

Sec.

477.1 What is the State Program Analysis Assistance and Policy Studies Program?

477.2 Who is eligible for an award?

477.3 What activities may the Secretary fund?

477.4 What regulations apply?

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Subpart B [Reserved]

Subpart C—How Does the Secretary Make an Award?

477.20 How does the Secretary evaluate an application?

477.21 What selection criteria does the Secretary use?

477.22 What additional factors does the Secretary consider?

AUTHORITY: 20 U.S.C. 1213b(a), unless otherwise noted.

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