

No. 2001-26

## AN ACT

## SB 35

Amending the act of October 22, 1986 (P.L.1452, No.143), entitled "An act expanding the available adult basic education programs and the duties of the Department of Education; making an appropriation; and making a partial repeal," further providing for short title, for findings and purpose, for definitions, for grant program, for limitations on funding, for Interagency Coordinating Council, for audits and records and for monitoring and reporting.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 1, 2, 3, 4 and 4.1 of the act of October 22, 1986 (P.L.1452, No.143), known as the Pennsylvania Adult Basic and Literacy Education Act, amended May 16, 1996 (P.L.227, No.42), are amended to read:

Section 1. Short title.

This act shall be known and may be cited as the Pennsylvania Adult **[Basic]** and *Family* Literacy Education Act.

Section 2. Findings and purpose.

(a) Findings.—The General Assembly finds and declares:

(1) This Commonwealth has 1,500,000 adults over 18 years of age who have not completed their high school education, which places Pennsylvania fifth in the nation with the greatest number of people without high school diplomas.

(2) This Commonwealth has 4,000,000 adults in need of adult literacy services, based on the State Adult Literacy Survey, demonstrating they lack the skills and knowledge essential to cope with daily demands and without the educational background to participate in occupational training or employment.

(3) Less than 2% of these 4,000,000 adults participate in adult **[basic and]** literacy education programs.

(4) In this Commonwealth, a system needs to exist to coordinate the hundreds of existing adult **[basic]** and *family* literacy education programs, State agencies funding programs with adult **[basic]** and *family* literacy education components, independent adult **[basic]** and *family* literacy data systems for each funding stream and training, technical assistance and information/research dissemination.

(5) If adult **[basic]** education needs are not more fully met, the Commonwealth could be forced to increase its support of these individuals through unemployment compensation, welfare payments and correctional institutions. A general decline of Statewide productivity may ensue. **[Since the parental educational level is the number one indicator of how well children perform in school, intergenerational**

**illiteracy may result if parents have low literacy levels. Children may not be ready for school.]**

**(6) Family literacy education is an opportunity for undereducated adults and their children to increase the child's readiness for school and chances for academic success, the parent's involvement in the child's education and the parent's basic skills.**

(b) Purpose.—It is the intent of this act to provide [for the] coordination and [to] broaden the scope of educational activities to [the] uneducated and undereducated adults in this Commonwealth *and their families*, including those who speak other languages, and to provide programs to those individuals who have previously been unserved. By providing for the coordination of funding streams and programs across State departments, increased and improved services will be provided to adult learners *and their families*. By encouraging and expanding the availability of [basic] *adult and family literacy* education programs [to adults] in this Commonwealth, [it is hoped] these adults *and their families* will be able to function more effectively in their personal lives and as citizens and be better prepared for work force training and employment that they may become more responsible and productive members of society.

### Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Adult literacy education.” An educational program designed to provide basic skills training in mathematics, reading and English, including English as a secondary language.

“Eligible adult.” A person who meets the following criteria:

- (1) Is at least 17 years of age.
- (2) Is a resident of this Commonwealth.
- (3) Is not currently enrolled in a public or private secondary or postsecondary school.

“Family literacy.” An educational program designed to provide literacy training for adults, educational services for children and activities for parents and children together, at the same or at different sites.]

“Eligible parent.” An eligible adult who has one or more children ages birth through third grade. The term includes a legal guardian, grandparent, stepparent, aunt, uncle, sibling or other person with whom the child lives or who has been designated by a parent, legal guardian or court to act in place of the parent.

“Family literacy education.” Services that are of sufficient intensity and duration to make sustainable changes in a family and that integrate all of the following:

- (1) Interactive literacy activities between parents and their children.

(2) *Training of parents to be the primary teacher for their children and full partner in the education of their children.*

(3) *Parent literacy training that leads to economic self-sufficiency.*

(4) *Age-appropriate education to prepare children for success in school.*

“Literacy.” An individual’s ability to read, write and speak English and to compute and solve problems at levels of proficiency necessary to function on the job and in society in order to achieve one’s goals and to develop one’s knowledge and potential.

“Local education provider.” An approved educational agency, institution or organization making use of either professional or voluntary personnel, which may be any of the following:

(1) School districts.

(2) Intermediate units.

(3) Area vocational-technical schools.

(4) Community colleges.

(5) Literacy councils.

(6) Local libraries.

(7) Community-based organizations which are private, nonprofit organizations and are representative of communities or significant parts of communities and which provide adult [basic] *or family literacy* education programs.

(8) Any other educational entity recognized by the Secretary of Education for providing appropriate and effective adult [basic] *or family literacy* education [curriculum] *programs*.

“Support services.” Those services necessary to enable eligible adults *and their families* to participate in and benefit from [an] adult *or family* literacy education [program] *programs*, including transportation, child care, counseling and referral services.

Section 4. Grant program.

(a) Establishment.—There is hereby established within the Department of Education an adult *and family* literacy education grant program. Adult *and family* literacy education providers may apply to the Department of Education for grants to provide the following services:

(1) Adult literacy education programs for eligible adults, including salaries, wages, fringe benefits, books and other instructional materials.

(1.1) *Family literacy education programs for eligible parents and their children.*

(2) Training for volunteer adult literacy education instructors.

(3) Administration of adult *and family* literacy education programs.

(4) Support services necessary to enable individuals to participate in and benefit from the program.

(5) Outreach activities to enroll eligible adults and to recruit volunteer tutors and instructors.

(b) Procedures, rules and forms.—The Secretary of Education shall adopt such procedures, rules and forms as may be necessary to implement this grant program. Applications shall be made to the Department of Education in such form and at such time as the Secretary of Education may prescribe. Funds received under this program may be used in conjunction with funds received from any other public or private source.

(c) Priorities for funding.—The Secretary of Education shall consider, but not be limited to, the following factors when evaluating proposals for adult *and family* literacy education programs:

(1) Percentage of eligible adults expected to be enrolled for instruction who are receiving either State or Federal public assistance, or who are unemployed workers or displaced homemakers.

(2) Percentage of eligible adults in any local area who do not have certificates of graduation from a secondary school and who are not currently enrolled in adult *or family* literacy education programs.

(3) Percentage of eligible adults expected to be enrolled who are members of minority groups.

(4) Percentage of eligible adults with less than a fifth grade reading level to be served.

#### Section 4.1. Duty of Department of Education.

The Department of Education shall provide client outreach and referral activities that are coordinated with other adult education and literacy programs, county assistance offices, social service agencies, offices of employment security, [Job Training Partnership Act] programs *under the Workforce Investment Act of 1998 (Public Law 105-220, 112 Stat. 936)* and other community groups or agencies that provide services and assistance to persons in need of basic literacy skills.

Section 2. Section 5 of the act is amended to read:

#### Section 5. Limitations on funding.

(a) Sectarian activities.—No funds provided by this act shall be used for programs, activities or services related to sectarian instruction or religious worship.

(b) Institutionalized adults.—No more than 20% of the annual appropriation shall be used to provide education to institutionalized adults.

(c) Graduation equivalency programs.—No more than 20% of the annual appropriation shall be used for programs of equivalency for certificate of graduation from a secondary school.

(d) Volunteer education instructors.—At least 20% of the annual appropriation shall be used for training volunteer adult literacy education instructors.

*(d.1) Family literacy education.—At least 25% of the annual appropriation shall be used for family literacy education programs.*

(e) Support services *for adult literacy education programs*.—No more than 10% of any grant may be used for support services *for adult literacy education programs*.

(f) Administrative costs.—No more than 10% of a grant may be used for administrative costs incurred by [the] *an adult or family* literacy education provider.

Section 3. Sections 6, 8 and 9 of the act, amended or added May 16, 1996 (P.L.227, No.42), are amended to read:

Section 6. Interagency Coordinating Council.

(a) Membership.—The Interagency Coordinating Council is hereby established and shall be composed of, at a minimum, [21] 23 voting members but shall not exceed 35 voting members appointed by the Governor, except for the four members of the General Assembly who shall be appointed and replaced under the provisions of subsection (b). The term of office of the voting members shall be three years, except for the cabinet officers or their designees, who shall serve as long as they are in office. The membership of the Interagency Coordinating Council shall consist of the following:

(1) The Secretary of [Commerce] *Community and Economic Development* or a designee.

(2) The Secretary of Education or a designee.

(3) The Secretary of Labor and Industry or a designee.

(4) The Secretary of Public Welfare or a designee.

*(4.1) The Secretary of Aging or a designee.*

*(4.2) The Physician General or a designee.*

(5) Five providers of adult literacy services representing school districts, intermediate units, area vocational-technical schools, colleges, literacy councils, local libraries and community-based organizations.

(6) Two representatives of the media, both print and electronic.

(7) Three representatives of business, industry and unions.

(8) One representative of a local coalition.

(9) One representative of the Statewide adult education professional association.

(10) Members at large, not to exceed four, chosen to represent diverse interests, who have knowledge of or experience with the establishment, funding or operation of adult basic education programs, including a Statewide association.

The designees of the cabinet officers must be deputy secretaries, commissioners or bureau directors.

(b) Legislative members of the council.—There shall be four members of the General Assembly appointed to the council. The President pro tempore and the Minority Leader of the Senate shall each appoint one member. The Speaker and the Minority Leader of the House of Representatives shall each appoint one member. A legislative member's term on the council shall be at the discretion of the appointing leadership officer and replacement shall be at the discretion of the appointing leadership officer.

(c) Officers.—The chair of the council shall be appointed by the Governor from among the members who are neither Commonwealth employees nor elected officials. The offices of vice chair, secretary and treasurer shall be elected by the membership.

(d) Purpose.—The Interagency Coordinating Council is established to provide a broad-based Commonwealth council to advise in coordinating a Statewide system of adult [basic] and *family* literacy education services and to develop communications strategies to promote public awareness of literacy challenges and solutions.

Section 8. Audits and records.

The Department of Education may audit the records and accounts of [an] adult *and family* literacy education [provider] *providers* relating to a grant award pursuant to this act. [The adult literacy education] *Each* provider shall make the records and accounts available to the Department of Education upon its request.

Section 9. Monitoring and reporting.

(a) Report by adult *and family* literacy education [provider] *providers*.—Upon completion of the educational program funded, wholly or in part, by a grant awarded under this act, each [adult literacy education] provider shall report to the Department of Education [the same information on the State-funded program as is required to be reported by the Adult Education Act (Public Law 89-750, 20 U.S.C. § 1201 et seq.) for federally funded programs and] any [other] information that may be requested by the Secretary of Education.

(b) Annual report.—The Secretary of Education shall provide an annual report to the General Assembly, no later than January 1 of each year, which describes State-administered adult [basic] *and family literacy* education [and literacy] activities for the prior fiscal year. Departments with programs with adult [basic and] *and family* literacy education components shall assist the Department of Education in the development of the report. The report shall address the responsibilities of State and local agencies and shall describe measures taken to provide a coordinated and comprehensive service delivery system.

Section 4. This act shall take effect immediately.

APPROVED—The 22nd day of June, A.D. 2001.

THOMAS J. RIDGE