

**§ 464.12**

**34 CFR Ch. IV (7-1-03 Edition)**

(a) Develop a literacy resource center or expand an existing literacy resource center;

(b) Provide services and activities with the assistance provided under this part;

(c) Ensure access to services of the center for the maximum participation of all public and private programs and organizations providing or seeking to provide basic skills instruction, including local educational agencies, agencies responsible for corrections education, service delivery areas under the Job Training Partnership Act, welfare agencies, labor organizations, businesses, volunteer groups, and community-based organizations;

(d) Address the measurable goals for improving literacy levels as set forth in the plan submitted under section 342 of the Act; and

(e) Develop procedures for the coordination of literacy activities for state-wide and local literacy efforts conducted by public and private organizations, and for enhancing the systems of service delivery.

(Approved by the Office of Management and Budget under control number 1830-0501)

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

**§ 464.12 How may States agree to develop a regional center?**

A group of States may enter into an interstate agreement to develop and operate a regional adult literacy resource center for purposes of receiving assistance under this part if the States determine that a regional approach is more appropriate for their situation.

(Authority: 20 U.S.C. 1208aa(j)(1))

**Subpart C—How Does the Secretary Make a Grant to a State?**

**§ 464.20 What payment does the Secretary make?**

(a)(1) From sums available for purposes of making grants under this part for any fiscal year, the Secretary allots to each State, that has an application approved under §§ 464.10-464.11, an amount that bears the same ratio to those sums as the amount allotted to the State under section 313(b) of the Act for the purpose of making grants

under section 321 of the Act bears to the aggregate amount allotted to all States under that section for that purpose.

(2) In applying the formula in section 313(b) of the Act to calculate grants under this part, the Secretary counts the number of adults only in States that have approved applications under this part.

(b)(1) The Secretary pays to each State the Federal share of the cost of activities described in the application.

(2) For purposes of this section, the Federal share—

(i) For each of the first two fiscal years in which the State receives funds under this part, may not exceed 80 percent;

(ii) For each of the third and fourth fiscal years in which the State receives funds under this part, may not exceed 70 percent; and

(iii) For the fifth and each succeeding year in which the State receives funds under this part, may not exceed 60 percent.

(3) If a State receives funds under this part for participation in a regional center, the State is required to provide only 50 percent of the non-Federal share under paragraph (b)(2) of this section.

(4) The non-Federal share of payments under this section may, in accordance with 34 CFR 80.24, be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(Authority: 20 U.S.C. 1208aa(c)(1), (i), (j)(2))

**§ 464.21 May the Secretary require a State to participate in a regional center?**

(a) If, in any fiscal year, a State's allotment under this part is less than \$100,000, the Secretary may designate that State to receive the funds only as part of a regional center.

(b) Paragraph (a) of this section does not apply to a State—

(1) That demonstrates, in its application to the Secretary, that the total amount of Federal, State, local, and private funds expended to carry out the purposes of this part would equal or exceed \$100,000; or

(2) That will use its funds to expand an existing State literacy resource center that meets the purposes of the Act and the requirements in this part.

(Authority: 20 U.S.C. 1208aa(j)(3), (4))

**§ 464.22 May a State participating in a regional center use part of its allotment for a State center?**

In any fiscal year in which § 464.20(b)(3) applies, the Secretary may allow certain States that receive funds as part of a regional center to reserve a portion of those funds for a State adult literacy resource center under this part.

(Authority: 20 U.S.C. 1208aa(j)(5))

**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))