

§ 460.4

34 CFR Ch. IV (7-1-04 Edition)

(2) 34 CFR part 75 (Direct Grant Programs) applies to parts 472, 473, 474, 475, 476, 477, 489, and 490, except that 34 CFR 75.720(b), regarding the frequency of certain reports, does not apply.

(3) 34 CFR part 76 (State-Administered Programs) applies to parts 461, 462, 463, and 464, except that 34 CFR 76.101 (The general State application) does not apply.

(4) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(5) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(6) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(7) 34 CFR part 81 (General Education Provisions Act—Enforcement).

(8) 34 CFR part 82 (New Restrictions on Lobbying).

(9) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(10) 34 CFR part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 460.

(c) The regulations in 34 CFR parts 461, 462, 463, 464, 472, 473, 474, 475, 476, 477, 489, and 490.

(Authority: 20 U.S.C. 1201 *et seq.*)

[57 FR 24091, June 5, 1992]

§ 460.4 What definitions apply to the adult education programs?

(a) *Definitions in the Act.* The following terms used in regulations for adult education programs are defined in sections 312 and 326(b) of the Act:

- Academic education
- Adult
- Adult education
- Community-based organization
- Community school program
- Correctional institution
- Criminal offender
- Educationally disadvantaged adult
- English literacy program
- Institution of higher education
- Local educational agency
- Out-of-school youth
- Private industry council
- State
- State educational agency

(b) *Definitions in EDGAR.* The following terms used in regulations for adult education programs are defined in 34 CFR 77.1:

- Applicant
- Application
- Award
- Budget
- Budget period
- Contract
- ED
- EDGAR
- Fiscal year
- Grant
- Grantee
- Nonprofit
- Private
- Project
- Project period
- Public
- Secretary
- Subgrant
- Subgrantee

(c) *Other definitions.* The following definitions also apply to regulations for adult education programs:

*Act* means the Adult Education Act (20 U.S.C. 1201 *et seq.*).

*Adult basic education* means instruction designed for an adult who—

- (1) Has minimal competence in reading, writing, and computation;
- (2) Is not sufficiently competent to meet the educational requirements of adult life in the United States; or
- (3) Is not sufficiently competent to speak, read, or write the English language to allow employment commensurate with the adult’s real ability.

If grade level measures are used, adult basic education includes grades 0 through 8.9.

*Adult secondary education* means instruction designed for an adult who—

- (1) Is literate and can function in everyday life, but is not proficient; or
- (2) Does not have a certificate of graduation (or its equivalent) from a school providing secondary education.

If using grade level measures, adult secondary education includes grades 9 through 12.9.

*Adults with Limited English proficiency, persons with limited English proficiency, individuals of limited English proficiency, and limited English proficient adults* mean individuals who—

- (1) Were not born in the United States or whose native language is a language other than English;

(2) Come from environments where a language other than English is dominant; or

(3) Are American Indian or Alaska Natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency; and

(4) Who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny these individuals the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

(Authority: 20 U.S.C. 3283(a)(1))

*Governor* includes the chief executive officer of a State that does not have a Governor.

*Homeless or homeless adult:*

(1) The terms mean an adult lacking a fixed, regular, and adequate nighttime residence as well as an individual having a primary nighttime residence that is—

(i) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(ii) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(iii) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(2) The terms do not include any adult imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

(Authority: 42 U.S.C. 11301)

*Immigrant* means any refugee admitted or paroled into this country or any alien except one who is exempt under the provisions of the Immigration and Nationality Act, as amended.

(Authority: 8 U.S.C. 1101(a)(15))

*Institutionalized individual* means an adult, as defined in the Act, who is an inmate, patient, or resident of a correctional, medical, or special institution.

*Literacy* means an individual's ability to read, write, and speak in English, compute, and solve problems, at levels of proficiency necessary to function on the job and in society, to achieve one's goals, and to develop one's knowledge and potential.

*Migrant farmworker* means a person who has moved within the past 12 months from one school district to another—or, in a State that is comprised of a single school district, has moved from one school administrative area to another—to enable him or her to obtain temporary or seasonal employment in any activity directly related to—

(1) The production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence;

(2) The cultivation or harvesting of trees; or

(3) Fish farms.

*Outreach* means activities designed to—

(1) Inform educationally disadvantaged adult populations of the availability and benefits of the adult education program;

(2) Actively recruit these adults to participate in the adult education program; and

(3) Assist these adults to participate in the adult education program by providing reasonable and convenient access and support services to remove barriers to their participation in the program.

*Program year* means the twelve-month period during which a State operates its adult education program.

*State administrative costs* means costs for those management and supervisory activities necessary for direction and control by the State educational agency responsible for developing the State plan and overseeing the implementation of the adult education program under the Act. The term includes those costs incurred for State advisory councils under section 332 of the Act, but does not include costs incurred for such additional activities as evaluation,

**Pt. 461**

teacher training, dissemination, technical assistance, and curriculum development.

(Authority: 20 U.S.C. 1201 *et seq.*)

[54 FR 34409, Aug. 18, 1989. Redesignated and amended at 57 FR 24091, 24092, June 5, 1992]

**PART 461—ADULT EDUCATION STATE-ADMINISTERED BASIC GRANT PROGRAM**

**Subpart A—General**

Sec.

- 461.1 What is the Adult Education State-administered Basic Grant Program?
- 461.2 Who is eligible for an award?
- 461.3 What are the general responsibilities of the State educational agency?
- 461.4 What regulations apply?
- 461.5 What definitions apply?

**Subpart B—How Does a State Apply for a Grant?**

- 461.10 What documents must a State submit to receive a grant?
- 461.11 How is the State plan developed?
- 461.12 What must the State plan contain?
- 461.13 What procedures does a State use to submit its State plan?
- 461.14 When are amendments to a State plan required?

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

- 461.20 How does the Secretary make allotments?
- 461.21 How does the Secretary make reallocations?
- 461.22 What criteria does the Secretary use in approving a State's description of efforts relating to program reviews and evaluations?
- 461.23 How does the Secretary approve State plans and amendments?

**Subpart D—How Does a State Make an Award to an Eligible Recipient?**

- 461.30 Who is eligible for a subgrant or contract?
- 461.31 How does a State award funds?
- 461.32 What are programs for corrections education and education for other institutionalized adults?
- 461.33 What are special experimental demonstration projects and teacher training projects?

**34 CFR Ch. IV (7–1–04 Edition)**

**Subpart E—What Conditions Must Be Met by a State?**

- 461.40 What are the State and local administrative costs requirements?
- 461.41 What are the cost-sharing requirements?
- 461.42 What is the maintenance of effort requirement?
- 461.43 Under what circumstances may the Secretary waive the maintenance of effort requirement?
- 461.44 How does a State request a waiver of the maintenance of effort requirement?
- 461.45 How does the Secretary compute maintenance of effort in the event of a waiver?
- 461.46 What requirements for program reviews and evaluations must be met by a State?

**Subpart F—What Are the Administrative Responsibilities of a State?**

- 461.50 What are a State's responsibilities regarding a State advisory council on adult education and literacy?
- 461.51 What are the membership requirements of a State advisory council?
- 461.52 What are the responsibilities of a State advisory council?
- 461.53 May a State establish an advisory body other than a State advisory council?

AUTHORITY: 20 U.S.C. 1201 *et seq.*, unless otherwise noted.

SOURCE: 57 FR 24092, June 5, 1992, unless otherwise noted.

**Subpart A—General**

**§461.1 What is the Adult Education State-administered Basic Grant Program?**

The Adult Education State-administered basic Grant Program (the program) is a cooperative effort between the Federal Government and the States to provide adult education. Federal funds are granted to the States on a formula basis. Based on need and resources available, States fund local programs of adult basic education, programs of adult secondary education, and programs for adults with limited English proficiency.

(Authority: 20 U.S.C. 1203)

**§461.2 Who is eligible for an award?**

State educational agencies (SEAs) are eligible for awards under this part.

(Authority: 20 U.S.C. 1203)