

**Off. of Voc. and Adult Education, Education**

**§ 461.22**

(i) The State board or agency for vocational education.

(ii) The State Job Training Coordinating Council under the Job Training Partnership Act.

(iii) The State board or agency for postsecondary education.

(2) Comments (to the extent those comments are received in a timely fashion) of entities listed in paragraph (c)(1) of this section and the SEA's response must be included with the State plan.

(Approved by the Office of Management and Budget under control number 1830-0026)

(Authority: 20 U.S.C. 1206(b) and 1206a(a)(3)(A) and (B))

**§ 461.14 When are amendments to a State plan required?**

(a) *General.* If an amendment to the State plan is necessary, the SEA shall submit the amendment to the Secretary not later than 90 days prior to the program year of operation to which the amendment applies.

(b) *Indicators of program quality.* Each SEA shall amend its plan by July 25, 1993, to include the indicators of program quality required by section 331 of the Act and § 461.3(b)(7). Cross-Reference: See 34 CFR 76.140-76.142 Amendments.

(Approved by the Office of Management and Budget under control number 1830-0026)

(Authority: 20 U.S.C. 1207(a))

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

**§ 461.20 How does the Secretary make allotments?**

The Secretary determines the amount of each State's grant according to the formula in section 313(b) of the Act.

(Authority: 20 U.S.C. 1201b(b))

**§ 461.21 How does the Secretary make reallocations?**

(a) Any amount of any State's allotment under section 313(b) of the Act that the Secretary determines is not required, for the period the allotment is available, for carrying out that State's plan, is reallocated to other

States on dates that the Secretary may fix.

(b) The Secretary determines any amounts to be reallocated on the basis of—

(1) Reports, filed by the States, of the amounts required to carry out their State plans; and

(2) Other information available to the Secretary.

(c) Reallocations are made to other States in proportion to those State's original allotments for the fiscal year in which allotments originally were made, unless the Secretary reduces a State's proportionate share by the amount the Secretary estimates will exceed the sum the State needs and will be able to use under its plan.

(d) The total of any reductions made under paragraph (c) of this section is reallocated among those States whose proportionate shares were not reduced.

(e)(1) Any amount reallocated to a State during a fiscal year is deemed part of the State's allotment for that fiscal year.

(2) A reallocation of funds from one State to another State does not extend the period of time in which the funds must be obligated.

(Authority: 20 U.S.C. 1201b(c))

**§ 461.22 What criteria does the Secretary use in approving a State's description of efforts relating to program reviews and evaluations?**

The Secretary considers the following criteria in approving a State's description of efforts relating to program reviews and evaluations under section 342(c)(13) of the Act and § 461.12(a)(15):

(a) The extent to which the State will have effective procedures for using the findings of program reviews and evaluations to identify, on a timely basis, those programs, services, and activities under the Act that are not meeting the educational goals set forth in the State plan and approved applications of eligible recipients.

(b) The adequacy of the State's procedures for effecting timely changes that will enable programs, services, and activities identified under paragraph (a) of this section to meet the educational goals in the State plan and

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approved applications of eligible recipients.

(c) The extent to which the State will continue to review those programs, activities, and services, and affect further changes as necessary to meet those educational goals.

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(Authority: 20 U.S.C. 1206a(c)(13) and 1207a)

### **§ 461.23 How does the Secretary approve State plans and amendments?**

(a) The Secretary approves, within 60 days of receipt, a State plan or amendment that the Secretary determines complies with the applicable provisions of the Act and the regulations in this part.

(b) In approving a State plan or amendment, the Secretary considers any information submitted in accordance with § 461.13 (b) and (c).

(c) The Secretary notifies the SEA, in writing, of the granting or withholding of approval.

(d) The Secretary does not finally disapprove a State plan or amendment without first affording the State reasonable notice and opportunity for a hearing.

(Authority: 20 U.S.C. 1206(b), 1206a(a)(3), and 1207(b))

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

### **§ 461.30 Who is eligible for a subgrant or contract?**

(a) The following public or private nonprofit entities are eligible to apply to the SEA for an award:

- (1) A local educational agency (LEA).
- (2) A public or private nonprofit agency.
- (3) A correctional education agency.
- (4) A community-based organization.
- (5) A postsecondary educational institution.
- (6) An institution that serves educationally disadvantaged adults.
- (7) Any other institution that has the ability to provide literacy services to adults and families.

(b) A public or private nonprofit entity listed in paragraph (a) of this section may apply on behalf of a consor-

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tium that includes a for-profit agency, organization, or institution that can make a significant contribution to attaining the objectives of the Act.

(c)(1) Each State shall also use an amount of funds provided under this part, as determined by the State given the State's needs and resources for adult education, for competitive 2-year grants to public housing authorities for literacy programs and related activities. Any public housing authority that receives a grant under this paragraph shall consult with local adult education providers in conducting programs and activities with assistance provided under the grant. Any grant provided under this paragraph is referred to as a "Gateway Grant."

(2) For the purposes of this part, "public housing authority" means a public housing agency, as defined in 42 U.S.C. 1437a(b)(6), that participates in public housing, as defined in 42 U.S.C. 1437a(b)(1).

(Authority: 20 U.S.C. 1203a(a)(1), (2), (3)(A))

### **§ 461.31 How does a State award funds?**

(a) In selecting local recipients, an SEA shall give preference to those local applicants that have demonstrated or can demonstrate a capability to recruit and serve educationally disadvantaged adults, particularly in areas with a high proportion of adults who do not have a certificate of graduation from a school providing secondary education or its equivalent.

(b) An SEA shall award funds on the basis of applications submitted by eligible recipients.

(c) In reviewing a local application, an SEA shall determine that the application contains the following:

(1) A description of current programs, activities, and services receiving assistance from Federal, State, and local sources that provide adult education in the geographic area proposed to be served by the applicant.

(2) A description of cooperative arrangements (including arrangements with business, industry, and volunteer literacy organizations as appropriate) that have been made to deliver services to adults.