

42 USC 12639: Evaluation

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From Title 42-THE PUBLIC HEALTH AND WELFARE

CHAPTER 129-NATIONAL AND COMMUNITY SERVICE

SUBCHAPTER I-NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

Division F-Administrative Provisions

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§12639. Evaluation

(a) In general

The Corporation shall provide, directly or through grants or contracts, for the continuing evaluation of programs that receive assistance under the national service laws, including evaluations that measure the impact of such programs, to determine-

(1) the effectiveness of programs receiving assistance under the national service laws in achieving stated goals and the costs associated with such programs, including an evaluation of each such program's performance based on the performance levels established under subsection (k); and

(2) the effectiveness of the structure and mechanisms for delivery of services, such as the effective utilization of the participants' time, the management of the participants, and the ease with which recipients were able to receive services, to maximize the cost effectiveness and the impact of such programs.

(b) Comparisons

The Corporation shall provide for inclusion in the evaluations required under subsection (a), where appropriate, comparisons of participants in such programs with individuals who have not participated in such programs.

(c) Conducting evaluations

Evaluations of programs under subsection (a) shall be conducted by individuals who are not directly involved in the administration of such program.

(d) Standards

The Corporation shall develop and publish general standards for the evaluation of program effectiveness in achieving the objectives of the national service laws.

(e) Community participation

In evaluating a program receiving assistance under the national service laws, the Corporation shall consider the opinions of participants and members of the communities where services are delivered concerning the strengths and weaknesses of such program.

(f) Comparison of program models

The Corporation shall evaluate and compare the effectiveness of different program models in meeting the program objectives described in subsection (g) including full- and part-time programs, programs involving different types of national service, programs using different recruitment methods, programs offering alternative voucher or post-service benefit options, and programs utilizing individual placements and teams.

(g) Program objectives

The Corporation shall ensure that programs that receive assistance under division C are evaluated to determine their effectiveness in-

(1) recruiting and enrolling diverse participants in such programs, consistent with the requirements of section 12575 ¹ of this title, based on economic background, race, ethnicity, age, marital status, education levels, and disability;

(2) promoting the educational achievement of each participant in such programs, based on earning a high school diploma or the equivalent of such diploma and the future enrollment and completion of increasingly higher levels of education;

(3) encouraging each participant to engage in public and community service after completion of the program based on career choices and service in other service programs such as the Volunteers in Service to America Program and National Senior Service Corps programs established under the Domestic Volunteer Service Act of 1973

(42 U.S.C. 4950 et seq.), the Peace Corps (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)), the military, and part-time volunteer service;

(4) promoting of positive attitudes among each participant regarding the role of such participant in solving community problems based on the view of such participant regarding the personal capacity of such participant to improve the lives of others, the responsibilities of such participant as a citizen and community member, and other factors;

(5) enabling each participant to finance a lesser portion of the higher education of such participant through student loans;

(6) providing services and projects that benefit the community;

(7) supplying additional volunteer assistance to community agencies without overloading such agencies with more volunteers than can effectively be utilized;

(8) providing services and activities that could not otherwise be performed by employed workers and that will not supplant the hiring of, or result in the displacement of, employed workers or impair the existing contracts of such workers; and

(9) attracting a greater number of citizens to engage in service that benefits the community.

(h) Obtaining information

(1) In general

In conducting the evaluations required under this section, the Corporation may require each program participant and State or local applicant to provide such information as may be necessary to carry out the requirements of this section.

(2) Confidentiality

(A) In general

The Corporation shall maintain the confidentiality of information acquired under this subsection regarding individual participants.

(B) Disclosure

(i) Consent

The content of any information described in subparagraph (A) may be disclosed with the prior written consent of the individual participant with respect to whom the information is maintained.

(ii) Aggregate information

The Corporation may disclose information about the aggregate characteristics of such participants.

(i) Independent evaluation and report of demographics of national service participants and communities

(1) Independent evaluation

(A) In general

The Corporation shall, on an annual basis, arrange for an independent evaluation of the programs assisted under division C.

(B) Participants

(i) In general

The entity conducting such evaluation shall determine the demographic characteristics of the participants in such programs.

(ii) Characteristics

The entity shall determine, for the year covered by the evaluation, the total number of participants in the programs, and the number of participants within the programs in each State, by sex, age, economic background, education level, ethnic group, disability classification, and geographic region.

(iii) Categories

The Corporation shall determine appropriate categories for analysis of each of the characteristics referred to in clause (ii) for purposes of such an evaluation.

(C) Communities

In conducting the evaluation, the entity shall determine the amount of assistance provided under section 12571 of this title during the year that has been expended for projects conducted under the programs in areas described in section 12585(c)(6) of this title.

(2) Report

The entity conducting the evaluation shall submit a report to the President, the authorizing committees, the Corporation, and each State Commission containing the results of the evaluation-

(A) with respect to the evaluation covering the year beginning on September 21, 1993, not later than 18 months after September 21, 1993; and

(B) with respect to the evaluation covering each subsequent year, not later than 18 months after the first day of each such year.

(j) Reserved program funds for accountability

Notwithstanding any other provision of law, in addition to amounts appropriated to carry out this section, the Corporation may reserve not more than 1 percent of the total funds appropriated for a fiscal year under section 12681 of this title and sections 501 and 502 of the Domestic Volunteer Service Act of 1973 [42 U.S.C. 5081, 5082] to support program accountability activities under this section.

(k) Performance levels

The Corporation shall, in consultation with each recipient of assistance under the national service laws, establish performance levels for such recipient to meet during the term of the assistance. The performance levels may include, for each national service program carried out by the recipient, performance levels based on the following performance measures:

- (1) Number of participants enrolled in the program and completing terms of service, as compared to the stated participation and retention goals of the program.
- (2) Number of volunteers recruited from the community in which the program was implemented.
- (3) If applicable based on the program design, the number of individuals receiving or benefitting from the service conducted.
- (4) Number of disadvantaged and underrepresented youth participants.
- (5) Measures of the sustainability of the program and the projects supported by the program, including measures to ascertain the level of community support for the program or projects.
- (6) Measures to ascertain the change in attitude toward civic engagement among the participants and the beneficiaries of the service.
- (7) Other quantitative and qualitative measures as determined to be appropriate by the recipient of assistance and the Corporation.

(l) Corrective action plans

(1) In general

A recipient of assistance under the national service laws that fails, as determined by the Corporation, to meet or exceed the performance levels agreed upon under subsection (k) for a national service program, shall reach an agreement with the Corporation on a corrective action plan to meet such performance levels.

(2) Assistance

(A) New program

For a program that has received assistance under the national service laws for less than 3 years and for which the recipient is failing to meet or exceed the performance levels agreed upon under subsection (k), the Corporation shall-

- (i) provide technical assistance to the recipient to address targeted performance problems relating to the performance levels for the program; and
- (ii) require the recipient to submit quarterly reports on the program's progress toward meeting the performance levels for the program to the-
 - (I) appropriate State, territory, or Indian tribe; and
 - (II) the Corporation.

(B) Established programs

For a program that has received assistance under the national service laws for 3 years or more and for which the recipient is failing to meet or exceed the performance levels agreed upon under subsection (k), the Corporation shall require the recipient to submit quarterly reports on the program's progress toward the performance levels for the program to-

- (i) the appropriate State, territory, or Indian tribe; and
- (ii) the Corporation.

(m) Failure to meet performance levels

If, after a period for correction as approved by the Corporation in accordance with subsection (l), a recipient of assistance under the national service laws fails to meet or exceed the performance levels for a national service program, the Corporation shall-

- (1) reduce the annual amount of the assistance received by the underperforming recipient by at least 25 percent, for each remaining year of the grant period for that program; or
- (2) terminate assistance to the underperforming recipient for that program, in accordance with section 12636(a) of this title.

(n) Reports

The Corporation shall submit to the authorizing committees not later than 2 years after April 21, 2009, and annually thereafter, a report containing information on the number of-

- (1) recipients of assistance under the national service laws implementing corrective action plans under subsection (l)(1);
- (2) recipients for which the Corporation provides technical assistance for a program under subsection (l)(2)(A)(i);
- (3) recipients for which the Corporation terminates assistance for a program under subsection (m);
- (4) entities whose application for assistance under a national service law was rejected; and
- (5) recipients meeting or exceeding their performance levels under subsection (k).

(Pub. L. 101–610, title I, §179, Nov. 16, 1990, 104 Stat. 3164 ; Pub. L. 102–384, §§4, 9, Oct. 5, 1992, 106 Stat. 1455 , 1456; Pub. L. 103–82, title I, §118, title II, §203(a)(1)(A), title IV, §402(b)(1), Sept. 21, 1993, 107 Stat. 865 , 891, 918; Pub. L. 103–160, div. A, title XI, §1182(d)(4), Nov. 30, 1993, 107 Stat. 1773 ; Pub. L. 104–106, div. A, title XV, §1501(e) (5), Feb. 10, 1996, 110 Stat. 501 ; Pub. L. 111–13, title I, §1607, Apr. 21, 2009, 123 Stat. 1532 .)

EDITORIAL NOTES

REFERENCES IN TEXT

Section 12575 of this title, referred to in subsec. (g)(1), was in the original a reference to section 145 of Pub. L. 101–610. Section 145 of Pub. L. 101–610 was omitted in the general amendment of subtitle D of title I of Pub. L. 101–610 [former part D of this subchapter] by Pub. L. 103–82, title I, §102(a), Sept. 21, 1993, 107 Stat. 816 . Pub. L. 103–82 enacted a new section 125 of Pub. L. 101–610, relating to training and technical assistance, and a new section 145, relating to establishment of the National Service Trust, which are classified to sections 12575 and sections 12601, respectively, of this title. Provisions relating to the eligibility of individuals for participation in national service programs are now contained in section 12591 et seq. of this title.

The Domestic Volunteer Service Act of 1973, referred to in subsec. (g)(3), is Pub. L. 93–113, Oct. 1, 1973, 87 Stat. 394 , which is classified principally to chapter 66 (§4950 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4950 of this title and Tables.

The Peace Corps Act, referred to in subsec. (g)(3), is Pub. L. 87–293, Sept. 22, 1961, 75 Stat. 612 , which is classified principally to chapter 34 (§2501 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of that Act to the Code, see Short Title note set out under section 2501 of Title 22 and Tables.

AMENDMENTS

2009-Subsec. (a). Pub. L. 111–13, §1607(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) directed the Corporation to provide, through grants or contracts, for continuing evaluation of programs receiving assistance under the national service laws to determine the effectiveness and costs of various program models and, with respect to programs authorized under division C, to determine the impact of those programs on the recruitment ability of VISTA and National Senior Volunteer Corps programs, each regular component of the Armed Forces, each of the reserve components of the Armed Forces, and the Peace Corps.

Subsec. (g)(3). Pub. L. 111–13, §1607(2)(A), substituted "National Senior Service Corps" for "National Senior Volunteer Corps".

Subsec. (g)(9). Pub. L. 111–13, §1607(2)(B), substituted "to engage in service that benefits the community." for "to public service, including service in the active and reserve components of the Armed Forces, the National Guard, the Peace Corps (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)), and the VISTA and National Senior Volunteer Corps programs established under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.)."

Subsec. (i)(2). Pub. L. 111–13, §1607(3), substituted "the authorizing committees" for "Congress" in introductory provisions.

Subsecs. (j) to (n). Pub. L. 111–13, §1607(4), added subsecs. (j) to (n).

1996-Subsec. (a)(2)(C). Pub. L. 104–106 substituted "section 10101 of title 10" for "section 216(a) of title 5".

1993-Subsec. (a). Pub. L. 103–82, §402(b)(1), substituted "Corporation" for "Commission" in introductory provisions.

Pub. L. 103–82, §203(a)(1)(A), substituted "the national service laws" for "this subchapter" in introductory provisions.

Subsec. (a)(2). Pub. L. 103–82, §118(1)(A), substituted "with respect to the programs authorized under division C of this subchapter" for "for purposes of the reports required by subsection (j) of this section" in introductory provisions.

Subsec. (a)(2)(A). Pub. L. 103–82, §118(1)(B), substituted "National Senior Volunteer Corps programs" for "older American volunteer programs".

Subsec. (a)(2)(B). Pub. L. 103–160 substituted "section 101(a)(4) of title 10" for "section 101(4) of title 10".

Subsec. (b). Pub. L. 103–82, §402(b)(1), substituted "Corporation" for "Commission".

Subsec. (d). Pub. L. 103–82, §402(b)(1), substituted "Corporation" for "Commission".
Pub. L. 103–82, §203(a)(1)(A), substituted "the national service laws" for "this subchapter".
Subsec. (e). Pub. L. 103–82, §402(b)(1), substituted "Corporation" for "Commission".
Pub. L. 103–82, §203(a)(1)(A), substituted "the national service laws" for "this subchapter".
Subsec. (f). Pub. L. 103–82, §402(b)(1), substituted "Corporation" for "Commission".
Subsec. (g). Pub. L. 103–82, §402(b)(1), substituted "Corporation" for "Commission" in introductory provisions.
Pub. L. 103–82, §118(2)(A), substituted "division C" for "part D" in introductory provisions.
Subsec. (g)(3), (9). Pub. L. 103–82, §118(2)(B), substituted "National Senior Volunteer Corps programs" for "older American volunteer programs".
Subsec. (h)(1), (2)(A), (B)(ii). Pub. L. 103–82, §402(b)(1), substituted "Corporation" for "Commission".
Subsecs. (i), (j). Pub. L. 103–82, §118(3), (4), added subsec. (i) and struck out former subsecs. (i) and (j) which related to deadline and report, respectively.
1992-Subsec. (a)(2). Pub. L. 102–384, §9(1), substituted "subsection (j)" for "subsection (h)".
Subsec. (d). Pub. L. 102–384, §4, substituted "Commission" for "Secretary".
Subsec. (f). Pub. L. 102–384, §9(2), inserted "or post-service benefit" after "voucher".
Subsec. (h)(1). Pub. L. 102–384, §9(3)(A), substituted "this section" for "subsection (g) of this section".
Subsec. (h)(2). Pub. L. 102–384, §9(3)(B), added par. (2) and struck out former par. (2) which read as follows: "The Commission shall keep information acquired under this section confidential."

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–13 effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as a note under section 4950 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103–337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104–106, set out as a note under section 113 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by section 118 of Pub. L. 103–82 effective Oct. 1, 1993, see section 123 of Pub. L. 103–82, set out as a note under section 1701 of Title 16, Conservation.

Amendment by section 203(a)(1)(A) of Pub. L. 103–82 effective Apr. 4, 1994, see section 203(d) of Pub. L. 103–82, set out as a note under section 12651 of this title.

Amendment by section 402(b)(1) of Pub. L. 103–82 effective Oct. 1, 1993, see section 406(a) of Pub. L. 103–82, set out as a note under section 5061 of this title.

¹ See References in Text note below.