

Union Calendar No. 11

109TH CONGRESS
1ST SESSION

H. R. 366

[Report No. 109-25]

To amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2005

Mr. CASTLE (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. EHLERS, and Mr. WILSON of South Carolina) introduced the following bill; which was referred to the Committee on Education and the Workforce

MARCH 17, 2005

Additional sponsors: Mrs. JO ANN DAVIS of Virginia, Mr. OSBORNE, Mr. MCHUGH, Mr. NORWOOD, Mr. UPTON, Mr. FORTUÑO, Mr. SHIMKUS, Mr. ENGLISH of Pennsylvania, Mr. BROWN of South Carolina, Mr. SOUDER, Mr. KUHLMAN of New York, and Mr. WELLER

MARCH 17, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 26, 2005]

A BILL

To amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Vocational and Tech-*
5 *nical Education for the Future Act”.*

6 **SEC. 2. REFERENCES.**

7 *Wherever in this Act an amendment is expressed in*
8 *terms of an amendment to or repeal of a section or other*
9 *provision, the amendment or repeal shall be considered to*
10 *be made to a section or other provision of the Carl D. Per-*
11 *kins Vocational and Technical Education Act of 1998 (20*
12 *U.S.C. 2301 et seq.).*

13 **SEC. 3. PURPOSES AND DEFINITIONS.**

14 *(a) PURPOSES.—Section 2(2) (20 U.S.C. 2301(2)) is*
15 *amended by inserting “rigorous and challenging” after “in-*
16 *tegrate”.*

17 *(b) DEFINITIONS.—Section 3 (20 U.S.C. 2302) is*
18 *amended—*

19 *(1) by striking paragraph (26) and redesign-*
20 *ating paragraphs (21) through (25) as paragraphs*
21 *(23) through (27), and paragraphs (27) through (30)*
22 *as paragraphs (29) through (32), respectively;*

23 *(2) by redesignating paragraphs (4) through (20)*
24 *as paragraphs (5) through (21), respectively, and in-*
25 *serting after paragraph (3) the following:*

1 “(4) *ARTICULATION AGREEMENT.*—*The term ‘ar-*
2 *ticulation agreement’ means a written commitment,*
3 *agreed upon at the State level or approved annually*
4 *and facilitated by the lead administrators of the sec-*
5 *ondary and postsecondary consortia members as de-*
6 *scribed in section 135(b)(3)(A), to provide a program*
7 *designed to provide students with a nonduplicative se-*
8 *quence of progressive achievements leading to degrees,*
9 *certificates, or credentials in a tech-prep education*
10 *program linked through credit transfer agreements.”;*

11 (3) *in paragraph (5) (as so redesignated), by in-*
12 *serting “to students (and parents, as appropriate)”*
13 *after “providing access”;*

14 (4) *in paragraph (6) (as so redesignated), by*
15 *striking “section 5206” and inserting “section 5210”;*

16 (5) *in paragraph (7) (as so redesignated)—*

17 (A) *by striking “method of instruction” and*
18 *inserting “method”; and*

19 (B) *by inserting “rigorous and challenging”*
20 *after “required”;*

21 (6) *in paragraph (11)(A) (as so redesignated),*
22 *by striking “an” and inserting “a public or nonprofit*
23 *private”;*

24 (7) *in paragraph (18) (as so redesignated)—*

1 (A) in the paragraph heading, by striking
2 “TRAINING AND EMPLOYMENT” and inserting
3 “FIELDS”;

4 (B) by striking “training and employment”
5 and inserting “fields”; and

6 (C) by inserting “current and” after “tech-
7 nology, and other”;

8 (8) in paragraph (19) (as so redesignated), by
9 striking “the Republic of the Marshall Islands, the
10 Federated States of Micronesia,”;

11 (9) by inserting after paragraph (21) (as so re-
12 designated) the following:

13 “(22) *SCIENTIFICALLY BASED RESEARCH*.—The
14 term ‘scientifically based research’ has the meaning
15 given that term in section 9101(37) of the Elementary
16 and Secondary Education Act of 1965 (20 U.S.C.
17 7801(37)).”;

18 (10) in paragraph (25) (as so redesignated)—

19 (A) in subparagraph (C), by striking
20 “training and employment” and inserting
21 “fields”;

22 (B) in subparagraph (E), by striking
23 “and”;

24 (C) in subparagraph (F)—

1 (i) by striking “individuals with other
2 barriers to educational achievement, includ-
3 ing”; and

4 (ii) by striking the period and insert-
5 ing “; and”; and

6 (D) by inserting after subparagraph (F) the
7 following:

8 “(G) individuals with other barriers to edu-
9 cational achievement, as determined by the
10 State.”;

11 (11) by inserting after paragraph (27) (as so re-
12 designated) the following:

13 “(28) *SUPPORTIVE SERVICES*.—The term ‘sup-
14 portive services’ means services such as transpor-
15 tation, child care, dependent care, and needs-based
16 payments, that are necessary to enable an individual
17 to participate in activities authorized under this
18 Act.”;

19 (12) in paragraph (29) (as so redesignated), by
20 striking “section 2” and inserting “section 2(a)(4)”;

21 (13) in paragraph (30) (as so redesignated)—

22 (A) by inserting “of subsection (a)” after
23 “paragraph (2)”; and

1 (B) by striking “paragraph (5)(A) of such
2 section” and inserting “paragraph (5)(A) of such
3 subsection”; and

4 (14) by amending paragraph (31)(A) (as so re-
5 designated) to read as follows:

6 “(A) offer a sequence of courses that—

7 “(i) provides individuals with the rig-
8 orous and challenging academic and tech-
9 nical knowledge and skills the individuals
10 need to prepare for further education and
11 for careers (other than careers requiring a
12 master’s or doctoral degree) in current or
13 emerging employment sectors;

14 “(ii) may include the provision of
15 skills or courses necessary to enroll in a se-
16 quence of courses that meet the requirements
17 of this subparagraph; and

18 “(iii) provides, at the postsecondary
19 level, for a 1-year certificate, an associate
20 degree, or industry-recognized credential;
21 and”.

22 **SEC. 4. TRANSITION PROVISIONS.**

23 Section 4 (20 U.S.C. 2303) is amended—

24 (1) by striking “the Carl D. Perkins Vocational
25 and Applied Technology Education Act” and insert-

1 *ing “the ‘Carl D. Perkins Vocational and Technical*
2 *Education Act of 1998’”*; and

3 *(2) by striking “the Carl D. Perkins Vocational*
4 *and Applied Technology Education Amendments of*
5 *1998” and inserting “the Vocational and Technical*
6 *Education for the Future Act. Each eligible agency*
7 *shall be assured 1 full fiscal year for transition, to*
8 *plan for and implement the requirements of this Act”.*

9 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

10 *Section 8 (20 U.S.C. 2307) is amended to read as fol-*
11 *lows:*

12 **“SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

13 *“There is authorized to be appropriated to carry out*
14 *this Act (other than subsection (a), (b), and (c) of section*
15 *114, and sections 117 and 118) \$1,307,000,000 for fiscal*
16 *year 2006 and such sums as may be necessary for each of*
17 *fiscal years 2007 through 2011.”.*

18 **SEC. 6. PROHIBITIONS.**

19 *(a) IN GENERAL.—The Carl D. Perkins Vocational*
20 *and Technical Education Act of 1998 (20 U.S.C. 2301 et*
21 *seq.) is amended by adding after section 8 the following new*
22 *section:*

23 **“SEC. 9. PROHIBITIONS.**

24 *“(a) LOCAL CONTROL.—Nothing in this Act shall be*
25 *construed to authorize an officer or employee of the Federal*

1 *government to mandate, direct, or control a State, local edu-*
2 *cational agency, or school’s curriculum, program of instruc-*
3 *tion, or allocation of State or local resources, or mandate*
4 *a State or any subdivision thereof to spend any funds or*
5 *incur any costs not paid for under this Act.*

6 “(b) *NO PRECLUSION OF OTHER ASSISTANCE.—Any*
7 *State that declines to submit an application to the Sec-*
8 *retary for assistance under this Act shall not be precluded*
9 *from applying for assistance under any other program ad-*
10 *ministered by the Secretary.*

11 “(c) *PROHIBITION ON REQUIRING FEDERAL APPROVAL*
12 *OR CERTIFICATION OF STANDARDS.—Notwithstanding any*
13 *other provision of Federal law, no State shall be required*
14 *to have academic and vocational and technical content or*
15 *student academic and vocational and technical achievement*
16 *standards approved or certified by the Federal government,*
17 *in order to receive assistance under this Act.*

18 “(d) *RULE OF CONSTRUCTION.—Nothing in this sec-*
19 *tion shall be construed to affect the requirements under sec-*
20 *tion 113.”.*

21 “(b) *TABLE OF CONTENTS AMENDMENT.—The table of*
22 *contents in section 1(b) is amended by inserting after the*
23 *item relating to section 8 the following:*

“*Sec. 9. Prohibitions.*”.

1 **SEC. 7. ALLOTMENT AND ALLOCATION TO STATES.**

2 (a) *ALLOTMENT FOR NATIONAL ACTIVITIES FOR*
 3 *2006.—Section 111(a)(1) (20 U.S.C. 2321(a)(1)) is amend-*
 4 *ed to read as follows:*

5 “(1) *RESERVATIONS.—From the sum appro-*
 6 *priated under section 8 for each fiscal year, the Sec-*
 7 *retary shall reserve—*

8 “(A) *0.12 percent to carry out section 115;*

9 “(B) *1.50 percent to carry out section 116,*
 10 *of which—*

11 “(i) *1.25 percent of the sum shall be*
 12 *available to carry out section 116(b); and*

13 “(ii) *0.25 percent of the sum shall be*
 14 *available to carry out section 116(h); and*

15 “(C) *0.54 percent to carry out section*
 16 *114(d).”.*

17 (b) *MINIMUM ALLOTMENTS.—Section 111(a) (20*
 18 *U.S.C. 2321(a)) is further amended—*

19 (1) *in paragraph (3), by striking “(or in the*
 20 *case of fiscal year 1999” and all that follows through*
 21 *“Amendments of 1998)” each place it appears and in-*
 22 *serting “(or in the case of fiscal year 2006 only,*
 23 *under this section and under title II of this Act, as*
 24 *such section and title were in effect on the day before*
 25 *the date of enactment of the Vocational and Technical*
 26 *Education for the Future Act)”;* and

1 (2) *by amending paragraph (4)(A) to read as*
2 *follows:*

3 “(A) *IN GENERAL.—No State shall receive*
4 *an allotment under this section for a fiscal year*
5 *that is less than the allotment the State received*
6 *for fiscal year 2005 under this section and under*
7 *title II of this Act (as such section and title were*
8 *in effect on the day before the date of enactment*
9 *of the Vocational and Technical Education for*
10 *the Future Act).”*

11 (c) *WITHIN STATE ALLOCATION.—Section 112 (20*
12 *U.S.C. 2322) is amended—*

13 (1) *by amending subsection (a) to read as fol-*
14 *lows:*

15 “(a) *ALLOCATION FORMULA.—From the amount allot-*
16 *ted to each State under section 111 for a fiscal year, the*
17 *State board (hereinafter referred to as the ‘eligible agency’)*
18 *shall allocate such amount as follows:*

19 “(1) *Subject to paragraph (4), not less than 88*
20 *percent shall be made available for distribution under*
21 *section 131 or 132, of which the eligible agency shall*
22 *first make available for the activities described in sec-*
23 *tion 135(b)(3) not less than the amount allotted in*
24 *fiscal year 2005 to such eligible agency under title II*
25 *of this Act (as such title was in effect on the day be-*

1 *fore the date of enactment of the Vocational and Tech-*
2 *nical Education for the Future Act), reduced by the*
3 *percentage by which the amount allotted to the State*
4 *under section 111 for the fiscal year is less than the*
5 *amount allotted under such section to such State for*
6 *fiscal year 2005. Of the remainder of the 88 percent,*
7 *not more than 10 percent may be used in accordance*
8 *with subsection (c).*

9 *“(2) Subject to paragraph (4), not more than 10*
10 *percent shall be made available to carry out State*
11 *leadership activities described in section 124, of*
12 *which—*

13 *“(A) an amount equal to not more than 1*
14 *percent of the amount allotted to the State under*
15 *section 111 for the fiscal year shall be made*
16 *available to serve individuals in State institu-*
17 *tions, such as State correctional institutions and*
18 *institutions that serve individuals with disabil-*
19 *ities; and*

20 *“(B) not less than \$60,000 and not more*
21 *than \$150,000 shall be available for services that*
22 *prepare individuals for nontraditional fields.*

23 *“(3) An amount equal to not more than 2 per-*
24 *cent, or \$250,000, whichever is greater, shall be made*

1 available for administration of the State plan, which
2 may be used for the costs of—

3 “(A) developing the State plan;

4 “(B) reviewing the local plan;

5 “(C) monitoring and evaluating program
6 effectiveness;

7 “(D) assuring compliance with all applica-
8 ble Federal laws; and

9 “(E) providing technical assistance.

10 “(4) If the amount allocated for any fiscal year
11 under paragraph (2) shall be less than the amount al-
12 located under such paragraph for fiscal year 2005,
13 additional amounts may be made available from the
14 amount allocated under paragraph (1) for the pur-
15 poses described in paragraph (2). If such additional
16 amounts are made available under this paragraph,
17 the percentage of the total amount allotted under sec-
18 tion 111 that is allocated for the purposes described
19 in paragraph (2) shall not exceed the percentage of
20 the total amount allotted under section 111 for fiscal
21 year 2005 that was allocated under paragraph (2) for
22 fiscal year 2005.”; and

23 (2) in subsection (c)—

24 (A) in paragraph (1)—

- 1 (i) in subparagraph (B), by striking
2 the semicolon and inserting “; and”;
3 (ii) in subparagraph (C), by striking
4 “; and” and inserting a period; and
5 (iii) by striking subparagraph (D);
6 and
7 (B) in paragraph (2), by striking “through
8 (D)” and inserting “through (C)”.

9 **SEC. 8. ACCOUNTABILITY.**

10 (a) *PURPOSE.*—Section 113(a) (20 U.S.C. 2323(a)) is
11 amended—

- 12 (1) by striking “establish a State” and inserting
13 “support a State and local”; and
14 (2) by inserting “and its eligible recipients”
15 after “effectiveness of the State”.

16 (b) *STATE PERFORMANCE MEASURES.*—Section
17 113(b) (20 U.S.C. 2323(b)) is amended—

- 18 (1) in paragraph (2)—
19 (A) by redesignating subparagraphs (B)
20 through (D) as subparagraphs (C) through (E),
21 respectively;
22 (B) in subparagraph (A)—
23 (i) in the subparagraph heading, by
24 inserting “FOR SECONDARY STUDENTS”
25 after “PERFORMANCE”;

1 (ii) by inserting “of secondary students
2 that are, to the extent practicable, valid and
3 reliable and” after “indicators of perform-
4 ance”;

5 (iii) in clause (i), by striking “State
6 established academic,” and inserting “aca-
7 demic content and achievement standards,
8 as established by the State under section
9 1111(b)(1) of the Elementary and Sec-
10 ondary Education Act of 1965 (20 U.S.C.
11 6311(b)(1)),”;

12 (iv) in clause (ii)—

13 (I) by striking “or its recognized
14 equivalent,” and inserting “, General
15 Education Development credential
16 (GED), or other State-recognized
17 equivalent (including recognized alter-
18 native standards for individuals with
19 disabilities), or”;

20 (II) by striking “, or a postsec-
21 ondary degree or credential”;

22 (v) by amending clause (iii) to read as
23 follows:

24 “(iii) Student graduation rates (as de-
25 scribed in section 1111(b)(2)(C)(vi) of the

1 *Elementary and Secondary Education Act*
2 *of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)).”;*

3 *(vi) by redesignating clause (iv) as*
4 *clause (v) and inserting after clause (iii)*
5 *the following:*

6 *“(iv) Placement in postsecondary edu-*
7 *cation or advanced training, placement in*
8 *military service, or placement in employ-*
9 *ment.”; and*

10 *(vii) in clause (v) (as so redesignated),*
11 *by striking “training and employment” and*
12 *inserting “fields”;*

13 *(C) by inserting after subparagraph (A) the*
14 *following:*

15 *“(B) CORE INDICATORS OF PERFORMANCE*
16 *FOR POSTSECONDARY STUDENTS.—Each eligible*
17 *agency shall identify in the State plan core indi-*
18 *cators of performance of postsecondary students*
19 *that are, to the extent practicable, valid and reli-*
20 *able, and that include, at a minimum, measures*
21 *of each of the following:*

22 *“(i) Student attainment of challenging*
23 *academic and vocational and technical skill*
24 *proficiencies.*

1 “(ii) *Student retention in postsec-*
 2 *ondary education, attainment of an asso-*
 3 *ciate degree or postsecondary credential, or*
 4 *transfer to a baccalaureate degree program.*

5 “(iii) *Placement in military service or*
 6 *placement or retention in employment.*

7 “(iv) *Student participation in and*
 8 *completion of vocational and technical edu-*
 9 *cation programs in nontraditional fields.”;*

10 *(D) in subparagraph (C) (as so redesign-*
 11 *ated), by striking “under the title” and insert-*
 12 *ing “under this title”; and*

13 *(E) in subparagraph (D) (as so redesign-*
 14 *ated), by inserting “vocational and technical*
 15 *education” after “has developed State”; and*

16 *(2) in paragraph (3)—*

17 *(A) by amending the paragraph heading to*
 18 *read as follows:*

19 *“(3) STATE LEVELS OF PERFORMANCE.—”; and*

20 *(B) in subparagraph (A)—*

21 *(i) in clause (i)—*

22 *(I) by striking “paragraph*
 23 *(2)(A)” and inserting “subparagraphs*
 24 *(A) and (B) of paragraph (2)”;* and

1 (ii) in subclause (II), by striking
2 “to continually” and all that follows
3 through “performance”, and inserting
4 “to make continuous and substantial
5 improvement in the academic and vo-
6 cational and technical achievement”;
7 (ii) by amending clause (v) to read as
8 follows:

9 “(v) AGREEMENT ON STATE ADJUSTED
10 LEVELS OF PERFORMANCE FOR SUBSE-
11 QUENT YEARS.—

12 “(I) 3RD AND 4TH PROGRAM
13 YEARS.—Prior to the third program
14 year covered by the State plan, the
15 Secretary and each eligible agency
16 shall reach agreement on the State ad-
17 justed levels of performance for each of
18 the core indicators of performance for
19 the third and fourth programs years
20 covered by the State plan, taking into
21 account the factors described in clause
22 (vi).

23 “(II) 5TH AND 6TH PROGRAM
24 YEARS.—Prior to the fifth program
25 year covered by the State plan, the

1 *Secretary and each eligible agency*
2 *shall reach agreement on the State ad-*
3 *justed levels of performance for each of*
4 *the core indicators of performance for*
5 *the fifth and sixth programs years cov-*
6 *ered by the State plan, taking into ac-*
7 *count the factors described in clause*
8 *(vi).*

9 *“(III) AGREEMENTS INCOR-*
10 *PORATED INTO STATE PLAN.—The*
11 *State adjusted levels of performance*
12 *agreed to under this clause shall be*
13 *considered the State adjusted levels of*
14 *performance for the State for such*
15 *years and shall be incorporated into*
16 *the State plan.”;*

17 *(iii) in clause (vi)(II), by inserting*
18 *“and substantial” after “continuous”; and*
19 *(iv) in clause (vii)—*

20 *(I) by striking “clause (vi)(II)”*
21 *and inserting “clause (vi)”; and*

22 *(II) by striking “under clause*
23 *(iii) or (vi)” and inserting “under*
24 *clause (iii) or (v)”.*

1 (c) *LOCAL LEVELS OF PERFORMANCE.*—Section
 2 113(b) is further amended by adding at the end the fol-
 3 lowing:

4 “(4) *LOCAL LEVELS OF PERFORMANCE.*—

5 “(A) *LOCAL ADJUSTED LEVELS OF PER-*
 6 *FORMANCE FOR CORE INDICATORS OF PERFORM-*
 7 *ANCE.*—

8 “(i) *IN GENERAL.*—Each eligible re-
 9 cipient shall establish in the local plan sub-
 10 mitted under section 134, levels of perform-
 11 ance for each of the core indicators of per-
 12 formance described in paragraph (2)(A)
 13 and (B), as appropriate for the eligible re-
 14 cipient, for vocational and technical edu-
 15 cation activities authorized under this title.
 16 The levels of performance established under
 17 this subparagraph shall, at a minimum—

18 “(I) be expressed in a percentage
 19 or numerical form, so as to be objec-
 20 tive, quantifiable, and measurable; and

21 “(II) require the eligible recipient
 22 to make continuous and substantial
 23 improvement in the academic and vo-
 24 cational and technical achievement of

1 *vocational and technical education stu-*
2 *dents.*

3 “(ii) *IDENTIFICATION IN THE LOCAL*
4 *PLAN.—Each eligible recipient shall iden-*
5 *tify, in the local plan submitted under sec-*
6 *tion 134, levels of performance for each of*
7 *the core indicators of performance for the*
8 *first 2 program years covered by the local*
9 *plan.*

10 “(iii) *AGREEMENT ON LOCAL AD-*
11 *JUSTED LEVELS OF PERFORMANCE FOR*
12 *FIRST 2 YEARS.—The eligible agency and*
13 *each eligible recipient shall reach agreement*
14 *on the levels of performance for each of the*
15 *core indicators of performance, for the first*
16 *2 program years covered by the local plan,*
17 *taking into account the levels identified in*
18 *the local plan under clause (ii) and the fac-*
19 *tors described in clause (v). The levels of*
20 *performance agreed to under this clause*
21 *shall be considered to be the local adjusted*
22 *level of performance for the eligible recipient*
23 *for such years and shall be incorporated*
24 *into the local plan prior to the approval of*
25 *such plan.*

1 “(iv) *AGREEMENT ON LOCAL AD-*
2 *JUSTED LEVELS OF PERFORMANCE FOR*
3 *SUBSEQUENT YEARS.—*

4 “(I) *3RD AND 4TH PROGRAM*
5 *YEARS.—Prior to the third program*
6 *year covered by the local plan, the eli-*
7 *gible agency and each eligible recipient*
8 *shall reach agreement on the local ad-*
9 *justed levels of performance for each of*
10 *the core indicators of performance for*
11 *the third and fourth program years*
12 *covered by the local plan, taking into*
13 *account the factors described in clause*
14 *(v).*

15 “(II) *5TH AND 6TH PROGRAM*
16 *YEARS.—Prior to the fifth program*
17 *year covered by the local plan, the eli-*
18 *gible agency and each eligible recipient*
19 *shall reach agreement on the local ad-*
20 *justed levels of performance for each of*
21 *the core indicators of performance for*
22 *the fifth and sixth program years cov-*
23 *ered by the local plan, taking into ac-*
24 *count the factors described in clause*
25 *(v).*

1 “(III) AGREEMENTS INCOR-
2 PORATED INTO LOCAL PLAN.—*The local*
3 *adjusted levels of performance agreed to*
4 *under this clause shall be considered to*
5 *be the local adjusted levels of perform-*
6 *ance for the eligible recipient for such*
7 *years and shall be incorporated into*
8 *the local plan.*

9 “(v) FACTORS.—*The agreement de-*
10 *scribed in clause (iii) or (iv) shall take into*
11 *account—*

12 “(I) *how the levels of performance*
13 *involved compare with the local ad-*
14 *justed levels of performance established*
15 *for other eligible recipients taking into*
16 *account factors including the charac-*
17 *teristics of participants when the par-*
18 *ticipants entered the program and the*
19 *services or instruction to be provided;*
20 *and*

21 “(II) *the extent to which such lev-*
22 *els of performance promote continuous*
23 *and substantial improvement on the*
24 *indicators of performance by such eli-*
25 *gible recipient.*

1 “(vi) *REVISIONS.*—If unanticipated
2 *circumstances arise with respect to an eligi-*
3 *ble recipient resulting in a significant*
4 *change in the factors described in clause (v),*
5 *the eligible recipient may request that the*
6 *local adjusted levels of performance agreed*
7 *to under clause (iii) or (iv) be revised. The*
8 *eligible agency shall issue objective criteria*
9 *and methods for making such revisions.*

10 “(B) *LEVELS OF PERFORMANCE FOR ADDI-*
11 *TIONAL INDICATORS.*—Each eligible recipient
12 *may identify in the local plan, local levels of*
13 *performance for any additional indicators of*
14 *performance. Such levels shall be considered to be*
15 *the local levels of performance for purposes of*
16 *this title.*

17 “(C) *LOCAL REPORT.*—

18 “(i) *CONTENT OF REPORT.*—Each eli-
19 *gible recipient that receives an allotment*
20 *under section 111 shall annually prepare*
21 *and submit to the eligible agency a report*
22 *regarding—*

23 “(I) *the progress of such recipient*
24 *in achieving the local adjusted levels of*

1 *performance on the core indicators of*
2 *performance; and*

3 *“(II) in the case of an eligible re-*
4 *recipient that receives funds described in*
5 *section 112(a) for activities described*
6 *in section 135(b)(3), the progress in*
7 *achieving the local adjusted levels of*
8 *performance on the core indicators of*
9 *performance with respect to tech-prep*
10 *program participants.*

11 *“(ii) DATA.—Each eligible recipient*
12 *shall—*

13 *“(I) disaggregate data for each of*
14 *the indicators of performance under*
15 *section 113(b)(2) for the categories of*
16 *students enumerated under section*
17 *1111(b)(2)(C)(v)(II) of the Elementary*
18 *and Secondary Education Act of 1965*
19 *that are served under this Act; and*

20 *“(II) identify and quantify any*
21 *disparities or gaps in performance be-*
22 *tween any such category of students*
23 *and the performance of all students*
24 *served by the eligible recipient under*
25 *the Act.*

1 “(iii) *RULES FOR REPORTING OF*
2 *DATA.*—*The disaggregation of data under*
3 *clause (i) shall be required except in a case*
4 *in which the number of students in a cat-*
5 *egory is insufficient to yield statistically re-*
6 *liable information or in which the results*
7 *would reveal personally identifiable infor-*
8 *mation about an individual student.*

9 “(iv) *AVAILABILITY.*—*The report de-*
10 *scribed in clause (i) shall be made available*
11 *to the public through a variety of formats,*
12 *including electronically through the Inter-*
13 *net.”.*

14 (d) *STATE REPORT.*—*Section 113(c) (20 U.S.C.*
15 *2323(c)) is amended—*

16 (1) *by redesignating paragraphs (2) and (3) as*
17 *paragraphs (4) and (5), respectively, and inserting*
18 *after paragraph (1) the following:*

19 “(2) *DATA.*—*Each eligible agency under this*
20 *subsection shall—*

21 “(A) *disaggregate data for each of the indi-*
22 *cators of performance under section 113(b)(2) for*
23 *the categories of students enumerated under sec-*
24 *tion 1111(b)(2)(C)(v)(II) of the Elementary and*

1 *Secondary Education Act of 1965 that are served*
2 *under this Act; and*

3 “(B) *identify and quantify any disparities*
4 *or gaps in performance between any such cat-*
5 *egory of students and the performance of all stu-*
6 *dents served by the eligible agency under the Act.*

7 “(3) *RULES FOR REPORTING OF DATA.—The*
8 *disaggregation of data under paragraph (2) shall be*
9 *required except in a case in which the number of stu-*
10 *dents in a category is insufficient to yield statis-*
11 *tically reliable information or in which the results*
12 *would reveal personally identifiable information*
13 *about an individual student.”; and*

14 (2) *in paragraph (4) (as so redesignated)—*

15 (A) *by striking “special populations” and*
16 *inserting “each of the populations described in*
17 *section 3(25) and the populations described in*
18 *section 1111(h)(1)(C)(i) of the Elementary and*
19 *Secondary Education Act of 1965 (20 U.S.C.*
20 *6311(h)(1)(C)(i))”; and*

21 (B) *by striking “have made” and inserting*
22 *“has made”.*

1 **SEC. 9. NATIONAL ACTIVITIES.**

2 (a) *PROGRAM PERFORMANCE INFORMATION.*—Section
3 114(a)(3) (20 U.S.C. 2324(a)(3)) is amended by inserting
4 “in the aggregate” after “international comparisons”.

5 (b) *EVALUATION AND ASSESSMENT.*—Section 114(c)
6 (20 U.S.C. 2324(c)) is amended—

7 (1) by amending paragraph (2) to read as fol-
8 lows:

9 “(2) *INDEPENDENT ADVISORY PANEL.*—The Sec-
10 retary shall appoint an independent advisory panel,
11 consisting of academic and vocational and technical
12 education educators, administrators, experts in eval-
13 uation, research, and assessment, representatives of
14 labor organizations, businesses, parents, guidance and
15 counseling professionals, and other individuals with
16 relevant expertise, to advise the Secretary on the im-
17 plementation of the assessment described in para-
18 graph (3), including the issues to be addressed and
19 the methodology of the studies involved to ensure the
20 assessment adheres to the highest standards of quality.
21 The advisory panel shall transmit to the Secretary
22 and to Congress an independent analysis of the find-
23 ings and recommendations resulting from such assess-
24 ment. The Federal Advisory Committee Act (5 U.S.C.
25 App.) shall not apply to the panel established under
26 this subsection.”;

1 (2) *in paragraph (3)—*

2 (A) *in subparagraph (A), by inserting “the*
3 *implementation of the” after “and assessment*
4 *of”;*

5 (B) *in subparagraph (B)—*

6 (i) *by inserting “but shall not be lim-*
7 *ited to” after “paragraph (1) shall include”;*

8 (ii) *by striking clauses (i), (ii), (iv),*
9 *and (vii) and redesignating clauses (iii),*
10 *(v), (vi), and (viii) as clauses (i) through*
11 *(iv), respectively;*

12 (iii) *in clause (i) (as so redesignated),*
13 *by striking “, and academic, curricula in*
14 *vocational and technical education pro-*
15 *grams,” and inserting “education (such as*
16 *meeting State established teacher certifi-*
17 *cation or licensing requirements)”;* and

18 (iv) *in clause (ii) (as so redesign-*
19 *ated)—*

20 (I) *by striking “and employment*
21 *outcomes” and all that follows through*
22 *“including analyses of” and inserting*
23 *“and vocational and technical edu-*
24 *cation achievement and employment*
25 *outcomes of vocational and technical*

1 *education students, including analyses*
2 *of”;*

3 *(II) in subclause (I), by striking*
4 *“and tech-prep students” and inserting*
5 *“and students participating in the ac-*
6 *tivities described in section 135(b)(3)”;*

7 *(III) in subclause (II), by striking*
8 *“academic, and vocational and tech-*
9 *nical, education” and inserting “rig-*
10 *orous and challenging academic and*
11 *vocational and technical education, in-*
12 *cluding a review of the effect of inte-*
13 *grated rigorous and challenging aca-*
14 *demic and vocational and technical*
15 *education on the achievement of stu-*
16 *dents”;* and

17 *(IV) in subclause (III), by insert-*
18 *ing “, particularly those in which*
19 *math and science skills are critical,”*
20 *after “high-skill careers”;* and

21 *(C) in subparagraph (C)—*

22 *(i) in clause (i)—*

23 *(I) by striking “the Committee on*
24 *Education and the Workforce of the*
25 *House of Representatives and the Com-*

1 *mittee on Labor and Human Resources*
2 *of the Senate” and inserting “Con-*
3 *gress”;* and

4 (II) *by striking “2002” and in-*
5 *serting “2009” both places it appears;*
6 and

7 (ii) *in clause (ii), by striking “the*
8 *Committee on Education and the Workforce*
9 *of the House of Representatives, the Com-*
10 *mittee on Labor and Human Resources of*
11 *the Senate,” and inserting “Congress”;*

12 (3) *in paragraph (5)(A)—*

13 (A) *by striking “to carry out research” each*
14 *place it appears, and inserting “to carry out sci-*
15 *entifically based research”;*

16 (B) *in clause (i), by inserting “scientifically*
17 *based” after “programs, including”;*

18 (C) *in clause (ii), by inserting “that are in-*
19 *tegrated with rigorous and challenging academic*
20 *education” after “implementation of vocational*
21 *and technical education programs”; and*

22 (D) *in clause (iii)(I), by inserting “and the*
23 *integration of those systems with the academic*
24 *education system” after “technical education sys-*
25 *tems”;*

1 (4) in paragraph (6)—

2 (A) by striking:

3 “(6) *DEMONSTRATIONS AND DISSEMINATION.*—

4 “(A) *DEMONSTRATION PROGRAM.—The*”,
5 and inserting:

6 “(6) *DEMONSTRATIONS AND DISSEMINATION.*—

7 *The*”; and

8 (B) by striking subparagraph (B); and

9 (5) in paragraph (8), by striking “this section”
10 and all that follows and inserting “subsections (a),
11 (b), and (c) of this section, such sums as may be nec-
12 essary for each of fiscal years 2006 through 2011.”

13 (c) *INCENTIVE GRANTS FOR ELIGIBLE AGENCIES.*—

14 Section 114 is further amended by adding at the end the
15 following new subsection:

16 “(d) *INCENTIVE GRANTS FOR ELIGIBLE AGENCIES.*—

17 “(1) *IN GENERAL.*—From funds reserved under
18 section 111(a)(1)(C), the Secretary may award grants
19 to eligible agencies for exemplary performance in car-
20 rying out programs under this Act. Such awards
21 shall be based on an eligible agency exceeding State
22 adjusted levels of performance established under sec-
23 tion 113(b) and showing sustained or significant im-
24 provement.

1 “(2) *SPECIAL CONSIDERATION.*—*In awarding*
2 *these grants, the Secretary may consider—*

3 “(A) *an eligible agency’s success in effec-*
4 *tively developing connections between secondary*
5 *education and postsecondary education and*
6 *training;*

7 “(B) *an eligible agency’s integration of rig-*
8 *orous and challenging academic and technical*
9 *coursework; and*

10 “(C) *an eligible agency’s progress in having*
11 *special populations participating in vocational*
12 *and technical education meet State adjusted lev-*
13 *els of performance.*

14 “(3) *USE OF FUNDS.*—*The funds awarded to an*
15 *eligible agency under this subsection may be used to*
16 *carry out any activities authorized under section 124,*
17 *including demonstrations of innovative programs.”.*

18 **SEC. 10. OUTLYING AREAS, NATIVE AMERICAN PROGRAMS,**

19 **AND TRIBALLY CONTROLLED INSTITUTIONS.**

20 (a) *ASSISTANCE FOR THE OUTLYING AREAS.*—*Section*
21 *115 (20 U.S.C. 2325) is amended to read as follows:*

22 **“SEC. 115. ASSISTANCE FOR THE OUTLYING AREAS.**

23 “(a) *OUTLYING AREAS.*—*From funds reserved pursu-*
24 *ant to section 111(a)(1)(A), the Secretary shall—*

1 “(1) make a grant in the amount of \$660,000 to
2 Guam;

3 “(2) make a grant in the amount of \$350,000 to
4 each of American Samoa and the Commonwealth of
5 the Northern Mariana Islands; and

6 “(3) make a grant in the amount of \$160,000 to
7 the Republic of Palau.

8 “(b) *REMAINDER.*—Subject to the provisions of sub-
9 section (a), the Secretary shall make a grant of the remain-
10 der of funds reserved pursuant to section 111(a)(1)(A), in
11 equal proportion, to each of Guam, American Samoa, and
12 the Commonwealth of the Northern Mariana Islands, for the
13 purpose of providing direct vocational and technical edu-
14 cational services, including—

15 “(1) teacher and counselor training and retrain-
16 ing;

17 “(2) curriculum development; and

18 “(3) the improvement of vocational and technical
19 education and training programs in secondary
20 schools and institutions of higher education, or im-
21 proving cooperative education programs involving
22 both secondary schools and institutions of higher edu-
23 cation.

24 “(c) *RESTRICTION.*—The Republic of Palau shall cease
25 to be eligible to receive funding under this section upon en-

1 *tering into an agreement for extension of United States edu-*
2 *cational assistance under the Compact of Free Association*
3 *after the date of enactment of the Vocational and Technical*
4 *Education for the Future Act.”.*

5 **(b) NATIVE AMERICAN PROGRAM.**—Section 116 (20
6 U.S.C. 2326) is amended—

7 (1) in subsection (a), by inserting a period at the
8 end of paragraph (5); and

9 (2) in subsection (b)—

10 (A) in paragraph (1), by striking “sub-
11 section (d)” and inserting “subsection (c)”; and

12 (B) in paragraph (2), by striking “(other
13 than in subsection (i))”.

14 **(c) TRIBALLY CONTROLLED INSTITUTIONS.**—Section
15 117 (20 U.S.C. 2327) is amended—

16 (1) by amending subsection (b) to read as fol-
17 lows:

18 “**(b) USES OF GRANTS.**—Amounts made available
19 *under this section shall be used for vocational and technical*
20 *education programs for Indian students and for institu-*
21 *tional support costs of the grant, including the expenses de-*
22 *scribed in subsection (e).”;*

23 (2) in subsection (c), by inserting after para-
24 graph (2) the following:

1 “(3) *INDIRECT COSTS.*—Notwithstanding any
2 other provision of law or regulation, the Secretary
3 shall not require the use of a restricted indirect cost
4 rate for grants issued under this section.”;

5 (3) by striking subsection (g) and redesignating
6 subsections (h) and (i) as subsections (g) and (h), re-
7 spectively; and

8 (4) in subsection (h) (as so redesignated)—

9 (A) by striking “\$4,000,000 for fiscal year
10 1999 and”; and

11 (B) by striking “the 4 succeeding fiscal
12 years” and inserting “fiscal years 2006 through
13 2011”.

14 (d) *OCCUPATIONAL AND EMPLOYMENT INFORMA-*
15 *TION.*—Section 118 (20 U.S.C. 2328) is amended—

16 (1) by amending subsection (b) to read as fol-
17 lows:

18 “(b) *STATE LEVEL ACTIVITIES.*—

19 “(1) *DESIGNATED ENTITY.*—In order for a State
20 to receive a grant under this section, the eligible agen-
21 cy and the Governor of the State shall jointly des-
22 ignate an entity in the State responsible for con-
23 ducting the activities in this subsection.

24 “(2) *APPLICATION.*—The jointly designated agen-
25 cy shall submit an application to the Secretary at the

1 same time the State submits its state plan under sec-
2 tion 122. The application shall be in such a manner
3 and be accompanied by such information as the Sec-
4 retary may reasonably require. At a minimum, the
5 application shall describe how the jointly designated
6 agency will assist the eligible agency in meeting its
7 adjusted levels of performance under section 113(b).

8 “(3) *ACTIVITIES.*—The jointly designated agency
9 shall conduct activities—

10 “(A) to provide support for career guidance
11 and academic counseling programs designed to
12 promote improved career and education decision
13 making by students (and parents, as appro-
14 priate) regarding education and training options
15 and preparations for high skill, high wage occu-
16 pations;

17 “(B) to make available to students, parents,
18 teachers, administrators, and counselors, and
19 improve accessibility to, information and plan-
20 ning resources that relate academic and voca-
21 tional and technical educational preparation to
22 career goals and expectations;

23 “(C) to equip teachers, administrators, and
24 counselors with the knowledge, skills, and occu-
25 pational information needed to assist students

1 *and parents with educational and other postsec-*
2 *ondary opportunities and education financing;*

3 “(D) *to assist appropriate State entities in*
4 *tailoring resources and training for use by such*
5 *entities;*

6 “(E) *to improve coordination and commu-*
7 *nication among administrators and planners of*
8 *programs authorized by this Act and by section*
9 *15 of the Wagner-Peyser Act (29 U.S.C. 49l-2)*
10 *at the Federal, State, and local levels to ensure*
11 *nonduplication of efforts and the appropriate use*
12 *of shared information and data; and*

13 “(F) *to provide ongoing means for cus-*
14 *tomers, such as students and parents, to provide*
15 *comments and feedback on products and services*
16 *and to update resources, as appropriate, to better*
17 *meet customer requirements.”;*

18 (2) *in subsection (e)(1), by striking “an identi-*
19 *fication” and inserting “a description”; and*

20 (3) *in subsection (f), by striking “1999 through*
21 *2003” and inserting “2006 through 2011”.*

22 **SEC. 11. STATE ADMINISTRATION.**

23 *Section 121 (20 U.S.C. 2341) is amended to read as*
24 *follows:*

1 **“SEC. 121. STATE ADMINISTRATION.**

2 “(a) *ELIGIBLE AGENCY RESPONSIBILITIES.*—*The re-*
3 *sponsibilities of an eligible agency under this title shall in-*
4 *clude—*

5 “(1) *coordination of the development, submis-*
6 *sion, and implementation of the State plan, and the*
7 *evaluation of the program, services, and activities as-*
8 *sisted under this title, including preparation for non-*
9 *traditional fields;*

10 “(2) *consultation with the Governor and appro-*
11 *priate agencies, groups, and individuals including*
12 *parents, students, teachers, representatives of busi-*
13 *nesses, labor organizations, eligible recipients, State*
14 *and local officials, and local program administrators,*
15 *involved in the planning, administration, evaluation,*
16 *and coordination of programs funded under this title;*

17 “(3) *convening and meeting as an eligible agen-*
18 *cy (consistent with State law and procedure for the*
19 *conduct of such meetings) at such time as the eligible*
20 *agency determines necessary to carry out the eligible*
21 *agency’s responsibilities under this title, but not less*
22 *than four times annually; and*

23 “(4) *the adoption of such procedures as the eligi-*
24 *ble agency considers necessary to—*

25 “(A) *implement State level coordination*
26 *with the activities undertaken by the State*

1 boards under section 111 of Public Law 105–
2 220; and

3 “(B) make available to the service delivery
4 system under section 121 of Public Law 105–220
5 within the State a listing of all school dropout,
6 postsecondary, and adult programs assisted
7 under this title.

8 “(b) *EXCEPTION.*—*Except with respect to the respon-*
9 *sibilities set forth in subsection (a), the eligible agency may*
10 *delegate any of the other responsibilities of the eligible agen-*
11 *cy that involve the administration, operation, supervision*
12 *of activities assisted under this title, in whole or in part,*
13 *to one or more appropriate State agencies.”.*

14 **SEC. 12. STATE PLAN.**

15 Section 122 (20 U.S.C. 2342) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1), by striking “5-year
18 period” and inserting “6-year period”;

19 (B) in paragraph (2)(B), by striking “5
20 year State plan” and inserting “6-year period”;
21 and

22 (C) in paragraph (3), by striking “(includ-
23 ing employers, labor organizations, and par-
24 ents)” and inserting “(including charter school
25 authorizers and organizers, employers, labor or-

1 *ganizations, parents, students, and community*
2 *organizations)”;*

3 *(2) in subsection (b)(1), by striking “teachers, el-*
4 *igible recipients, parents, students, interested commu-*
5 *nity members” and inserting “academic and voca-*
6 *tional and technical education teachers, eligible re-*
7 *cipients, charter school authorizers and organizers,*
8 *parents, students, interested community members (in-*
9 *cluding parent and community organizations), insti-*
10 *tutions of higher education”;*

11 *(3) in subsection (c)—*

12 *(A) in paragraph (1)—*

13 *(i) by redesignating subparagraphs (A)*
14 *through (D) as subparagraphs (B) through*
15 *(E), respectively, and inserting before such*
16 *subparagraphs (as so redesignated) the fol-*
17 *lowing:*

18 *“(A) the development of model sequences of*
19 *courses for vocational and technical content*
20 *areas that—*

21 *“(i) incorporate both secondary and*
22 *postsecondary education elements;*

23 *“(ii) include rigorous and challenging*
24 *academic content and vocational and tech-*
25 *nical content in a coordinated, nonduplica-*

1 *tive progression of courses that align sec-*
2 *ondary education with postsecondary edu-*
3 *cation to adequately prepare students to suc-*
4 *ceed in postsecondary education;*

5 *“(iii) lead to a postsecondary 1-year*
6 *certificate, associate or baccalaureate degree,*
7 *or a proficiency credential in conjunction*
8 *with a secondary school diploma; and*

9 *“(iv) may be adopted by local edu-*
10 *cational agencies and postsecondary institu-*
11 *tions to be offered as an option to students*
12 *(and their parents as appropriate), when*
13 *choosing future coursework;”;*

14 *(ii) in subparagraph (B) (as so redes-*
15 *ignated), by inserting “and how the eligible*
16 *agency will distribute information identi-*
17 *fying eligible recipients that offer elements*
18 *of the model sequences of courses” before the*
19 *semicolon;*

20 *(iii) by amending subparagraph (C)*
21 *(as so redesignated) to read as follows:*

22 *“(C) the criteria that will be used by the eli-*
23 *gible agency to evaluate and approve eligible re-*
24 *cipients for funds under this title, including cri-*
25 *teria to assess the extent to which the local plan*

1 *will promote continuous and substantial im-*
2 *provement in academic achievement and tech-*
3 *nical skill attainment;”;*

4 *(iv) in subparagraph (D) (as so redes-*
5 *ignated)—*

6 *(I) by inserting “, both academi-*
7 *cally and technically,” after “stu-*
8 *dents”; and*

9 *(II) by striking “; and” and in-*
10 *serting “, and how participating stu-*
11 *dents will be made aware of such op-*
12 *portunities;”;*

13 *(v) in subparagraph (E) (as so redesign-*
14 *ated), by inserting “aligned with rigorous*
15 *and challenging academic content” before*
16 *the semicolon; and*

17 *(vi) by inserting after subparagraph*
18 *(E) (as so redesignated) the following:*

19 *“(F) the process through which the eligible*
20 *agency will develop the secondary or postsec-*
21 *ondary elements of the model sequences of courses*
22 *described in subparagraph (A);*

23 *“(G) the role that any eligible recipients*
24 *successfully implementing the activities described*
25 *in section 135(b)(3) will play in assisting other*

1 *eligible recipients in establishing agreements and*
2 *plans for coordinating the offering of model se-*
3 *quences of courses to students at both the sec-*
4 *ondary and postsecondary levels;*

5 *“(H) how funds will be used effectively to*
6 *link secondary and postsecondary academic and*
7 *vocational and technical education in a manner*
8 *that increases student academic and vocational*
9 *and technical achievement; and*

10 *“(I) how the eligible agency will report the*
11 *integration of rigorous and challenging aca-*
12 *demics in vocational and technical education*
13 *programs in order to adequately evaluate the*
14 *quality of such integration;”;*

15 *(B) by amending paragraph (2) to read as*
16 *follows:*

17 *“(2) describes how comprehensive professional de-*
18 *velopment (including initial teacher preparation and*
19 *activities that support recruitment) for vocational*
20 *and technical, academic, guidance, and administra-*
21 *tive personnel will be provided, especially professional*
22 *development that—*

23 *“(A) promotes the integration of rigorous*
24 *and challenging academic and vocational and*
25 *technical education curriculum development;*

1 “(B) increases the percentage of teachers
2 that meet teacher certification or licensing re-
3 quirements;

4 “(C) increases the academic and industry
5 knowledge of vocational and technical education
6 teachers; and

7 “(D) encourages applied learning that con-
8 tributes to the academic and vocational and tech-
9 nical knowledge of the student;”;

10 (C) in paragraph (3), by inserting “aca-
11 demic and vocational and technical” after “par-
12 ents,”;

13 (D) in paragraph (5)(A)—

14 (i) by inserting “(especially as per-
15 taining to math, science, and technology)”
16 after “academic and technical skills”; and

17 (ii) by striking “core academic, and
18 vocational and technical, subjects” and in-
19 serting “core academic subjects (as defined
20 in section 9101(11) of the Elementary and
21 Secondary Education Act of 1965 (20
22 U.S.C. 7801(11))), and vocational and tech-
23 nical subjects”;

24 (E) in paragraph (11), by inserting “and
25 technology” after “equipment”;

1 (F) by striking paragraph (19) and redesignating paragraphs (12) through (18) as paragraphs (13) through (19), respectively;

2
3
4 (G) by inserting after paragraph (11) the following:

5
6 “(12) describes how the eligible agency will ensure that any entity in the State that purchases equipment with funds under this Act will dispose of that equipment in such a manner as to ensure that any personally identifiable information contained in that equipment will be totally destroyed prior to, or as part of, the disposition;”;

7
8
9
10
11
12
13 (H) in paragraph (18) (as so redesignated), by striking “training and employment” and inserting “fields”; and

14
15
16 (I) by redesignating paragraphs (20) and (21) as paragraphs (22) and (23), respectively, and inserting after paragraph (19) (as so redesignated) the following:

17
18
19
20 “(20) describes how the eligible agency will award grants, on a competitive basis or on the basis of a formula determined by the eligible agency, using funds described in section 112 (a) (1) for activities described in section 135(b)(3);

1 “(21) describes how the eligible agency will carry
2 out measurable, sustainable, and coordinated tech-
3 prep activities in the State (as described in section
4 135(b)(3)), with funds allocated under section 112(a),
5 that are developed in consultation with the entities
6 described in subsection (b)(1) and that effectively pre-
7 pare students for post-secondary education or employ-
8 ment in high-demand occupations through a seamless
9 program of study consisting of appropriate advanced
10 academic and technical courses that include a min-
11 imum of 2 years of secondary school preceding grad-
12 uation and a minimum of 2 years of higher education
13 or an apprenticeship program of at least 2 years fol-
14 lowing secondary instruction;” and

15 (4) by striking subsections (d) and (f) and redesi-
16 gnating subsection (e) as subsection (d).

17 **SEC. 13. IMPROVEMENT PLANS.**

18 Section 123 (20 U.S.C. 2343) is amended to read as
19 follows:

20 **“SEC. 123. IMPROVEMENT PLANS.**

21 “(a) STATE PROGRAM IMPROVEMENT.—

22 “(1) PLAN.—If a State fails to meet the agreed
23 upon State adjusted levels of performance required
24 under section 113(b)(3), the eligible agency shall de-
25 velop and implement a program improvement plan

1 *(with special consideration to performance gaps iden-*
2 *tified under section 113(c)(2)) in consultation with*
3 *the appropriate agencies, individuals, and organiza-*
4 *tions for the first program year succeeding the pro-*
5 *gram year in which the eligible agency failed to meet*
6 *the State adjusted levels of performance, in order to*
7 *avoid a sanction under paragraph (3).*

8 “(2) *TECHNICAL ASSISTANCE.—If the Secretary*
9 *determines that an eligible agency is not properly im-*
10 *plementing the eligible agency’s responsibilities under*
11 *section 122, or is not making substantial progress in*
12 *meeting the purposes of this Act, based on the State’s*
13 *adjusted levels of performance, the Secretary shall*
14 *work with the eligible agency to implement improve-*
15 *ment activities consistent with the requirements of*
16 *this Act.*

17 “(3) *SUBSEQUENT ACTION.—*

18 “(A) *IN GENERAL.—If an eligible agency*
19 *fails to meet the State adjusted levels of perform-*
20 *ance and the purposes of this Act, has not imple-*
21 *mented an improvement plan as described in*
22 *paragraph (1), has shown no improvement with-*
23 *in 1 year after implementing an improvement*
24 *plan as described in paragraph (1), or has failed*
25 *to meet the State adjusted levels of performance*

1 *and the purposes of this Act for 2 or more con-*
2 *secutive years, the Secretary may, after notice*
3 *and opportunity for a hearing, withhold from*
4 *the eligible agency all, or a portion of, the eligi-*
5 *ble agency's allotment under this title.*

6 “(B) *WAIVER FOR EXCEPTIONAL CIR-*
7 *CUMSTANCES.—The Secretary may waive the*
8 *sanction in subparagraph (A) due to exceptional*
9 *or uncontrollable circumstances, such as a nat-*
10 *ural disaster or a precipitous and unforeseen de-*
11 *cline in the financial resources of the State.*

12 “(4) *FUNDS RESULTING FROM REDUCED ALLOT-*
13 *MENTS.—*

14 “(A) *IN GENERAL.—The Secretary shall use*
15 *funds withheld under paragraph (3) for a State*
16 *served by an eligible agency, to provide (through*
17 *alternative arrangements) services and activities*
18 *within the State to meet the purposes of this Act.*

19 “(B) *REDISTRIBUTION.—If the Secretary*
20 *cannot satisfactorily use funds withheld under*
21 *paragraph (3), then the amount of funds re-*
22 *tained by the Secretary as a result of a reduction*
23 *in an allotment made under paragraph (3) shall*
24 *be redistributed to other eligible agencies in ac-*
25 *cordance with section 111.*

1 “(b) *LOCAL PROGRAM IMPROVEMENT.*—

2 “(1) *LOCAL EVALUATION.*—*Each eligible agency*
3 *shall evaluate annually, using the local adjusted levels*
4 *of performance described in section 113(b)(4), the vo-*
5 *catational and technical education activities of each eli-*
6 *gible recipient receiving funds under this title.*

7 “(2) *PLAN.*—

8 “(A) *IN GENERAL.*—*If, after reviewing the*
9 *evaluation, the eligible agency determines that*
10 *an eligible recipient is not making substantial*
11 *progress in achieving the local adjusted levels of*
12 *performance, or that an eligible recipient dem-*
13 *onstrates under section 113(b)(4)(C) persistent or*
14 *a widening of performance gaps between mul-*
15 *tiple categories of students served by the eligible*
16 *recipient in comparison to all students in the*
17 *State served under the Act, the eligible agency*
18 *shall—*

19 “(i) *conduct an assessment of the edu-*
20 *cational needs that the eligible recipient*
21 *shall address to overcome local performance*
22 *deficiencies;*

23 “(ii) *enter into an improvement plan*
24 *agreement with an eligible recipient based*
25 *on the results of the assessment, for the first*

1 *program year succeeding the program year*
2 *in which the eligible recipient failed to meet*
3 *the local adjusted levels of performance,*
4 *which plan shall demonstrate how the local*
5 *performance deficiencies will be corrected*
6 *and include strategies for professional devel-*
7 *opment and instructional and other pro-*
8 *grammatic innovations of demonstrated ef-*
9 *fectiveness, giving special consideration to*
10 *performance gaps identified under section*
11 *113(b)(4)(C); and*

12 *“(iii) conduct regular evaluations of*
13 *the progress being made toward reaching*
14 *the local adjusted levels of performance as*
15 *described in section 113(b)(4) and progress*
16 *on implementing the improvement plan.*

17 *“(B) CONSULTATION.—The eligible agency*
18 *shall conduct the activities described in para-*
19 *graph (2) in consultation with teachers, parents,*
20 *other school staff, appropriate agencies, and*
21 *other appropriate individuals and organizations.*

22 *“(3) TECHNICAL ASSISTANCE.—If the eligible*
23 *agency determines that an eligible recipient is not*
24 *properly implementing the eligible recipient’s respon-*
25 *sibilities under section 134, or is not making substan-*

1 *tial progress in meeting the purpose of this Act, based*
2 *on the local adjusted levels of performance, the eligible*
3 *agency shall provide technical assistance to the eligi-*
4 *ble recipient to assist such recipient in carrying out*
5 *the improvement activities consistent with the re-*
6 *quirements of this Act.*

7 *“(4) SUBSEQUENT ACTION.—*

8 *“(A) IN GENERAL.—If an eligible recipient*
9 *fails to meet the local adjusted levels of perform-*
10 *ance as described in section 113(b)(4) and the*
11 *purposes of this Act, has not implemented an im-*
12 *provement plan as described in paragraph (2),*
13 *has shown no improvement within 1 year after*
14 *implementing an improvement plan as described*
15 *in paragraph (2), or has failed to meet the local*
16 *adjusted levels of performance and the purposes*
17 *of this Act for 2 or more consecutive years, the*
18 *eligible agency may, after notice and oppor-*
19 *tunity for a hearing, withhold from the eligible*
20 *recipient all, or a portion of, the eligible recipi-*
21 *ent’s allotment under this title.*

22 *“(B) WAIVER FOR EXCEPTIONAL CIR-*
23 *CUMSTANCES.—The eligible agency may waive*
24 *the sanction under this paragraph due to excep-*
25 *tional or uncontrollable circumstances such as a*

1 *natural disaster or a precipitous and unforeseen*
2 *decline in the financial resources of the State.*

3 “(5) *FUNDS RESULTING FROM REDUCED ALLOT-*
4 *MENTS.—The eligible agency shall use funds withheld*
5 *under paragraph (4) to continue to provide (through*
6 *alternative arrangements) services and activities in*
7 *the area served by such recipient to meet the purpose*
8 *of this Act.”.*

9 **SEC. 14. STATE LEADERSHIP ACTIVITIES.**

10 *Section 124 (20 U.S.C. 2344) is amended—*

11 *(1) in subsection (b)—*

12 *(A) in paragraph (1), by striking “learn-*
13 *ing” and inserting “education”;*

14 *(B) in paragraph (2)—*

15 *(i) by inserting “, and the required*
16 *math and science education,” after “use of*
17 *technology in vocational and technical edu-*
18 *cation”;* and

19 *(ii) in subparagraph (B)—*

20 *(I) by inserting “(including the*
21 *math and science knowledge that pro-*
22 *vides a strong basis for such skills)”*
23 *after “technical skills”;* and

24 *(II) by striking “and tele-*
25 *communications field” and inserting*

1 “fields, including nontraditional
2 fields”;

3 (C) in paragraph (3)—

4 (i) by inserting “at the secondary and
5 postsecondary levels” after “academic, guid-
6 ance, and administrative personnel”;

7 (ii) by redesignating subparagraphs
8 (A) through (D) as subparagraphs (C)
9 through (F), respectively, and inserting be-
10 fore such subparagraphs (as so redesi-
11 gnated) the following:

12 “(A) will provide inservice and preservice
13 training for vocational and technical education
14 teachers in the integration and use of rigorous
15 and challenging academics with vocational and
16 technical subjects;

17 “(B) are high quality, sustained, intensive,
18 and classroom-focused in order to have a positive
19 and lasting impact on classroom instruction and
20 the teacher’s performance in the classroom, and
21 are not 1-day or short-term workshops or con-
22 ferences;”;

23 (iii) in subparagraph (C) (as so redesi-
24 gnated)—

1 (I) by inserting “scientifically
2 based” after “based on”; and

3 (II) by striking “; and” and in-
4 serting a semicolon;

5 (iv) in subparagraph (D) (as so reded-
6 ignated), by striking “assist students in
7 meeting” and inserting “improve student
8 achievement in order to meet”; and

9 (v) by amending subparagraph (E) (as
10 so redesignated) to read as follows:

11 “(E) will support education programs for
12 teachers of vocational and technical education in
13 public schools and other public school personnel
14 who are involved in the direct delivery of edu-
15 cational services to vocational and technical edu-
16 cation students to ensure that teachers and per-
17 sonnel—

18 “(i) stay current with the needs, expect-
19 tations, and methods of industry;

20 “(ii) meet teacher certification or li-
21 censing requirements, especially in core aca-
22 demic subjects as defined in section
23 9101(11) of the Elementary and Secondary
24 Education Act of 1965 (20 U.S.C.
25 7801(11));

1 “(iii) effectively develop integrated rig-
2 orous and challenging academic and voca-
3 tional and technical education curriculum;

4 “(iv) develop a high level of academic
5 and industry knowledge and skills necessary
6 to provide effective instruction in vocational
7 and technical education; and

8 “(v) effectively use applied learning
9 that contributes to the academic and voca-
10 tional and technical knowledge of the stu-
11 dent; and”;

12 (D) in paragraph (4), by striking “integra-
13 tion of academics” and all that follows through
14 “core academic,” and inserting “provision of rig-
15 orous and challenging academics that are inte-
16 grated with vocational and technical education
17 to ensure achievement in the core academic sub-
18 jects (as defined in section 9101(11) of the Ele-
19 mentary and Secondary Education Act of 1965
20 (20 U.S.C. 7801(11))),”;

21 (E) in paragraph (5), by striking “training
22 and employment” and inserting “fields”;

23 (F) in paragraph (6), by inserting “and
24 complete a model sequence of courses, as de-

1 *scribed in section 122(c)(1)(A)” after “technical*
2 *skills”;*

3 *(G) in paragraph (7), by striking “; and”*
4 *and inserting a semicolon;*

5 *(H) in paragraph (8), by striking the pe-*
6 *riod and inserting “; and”; and*

7 *(I) by inserting after paragraph (8) the fol-*
8 *lowing:*

9 *“(9) technical assistance for eligible recipients.”;*

10 *and*

11 *(2) in subsection (c)—*

12 *(A) by striking paragraph (1), and redesign-*
13 *ating paragraphs (2) through (10) as para-*
14 *graphs (1) through (9), respectively, and para-*
15 *graphs (11) and (12) as paragraphs (12) and*
16 *(13), respectively;*

17 *(B) in paragraph (9) (as so redesignated),*
18 *by inserting “that prepare individuals academi-*
19 *cally and technically for current and emerging*
20 *occupations in demand” after “education*
21 *courses”; and*

22 *(C) by inserting after paragraph (9) (as so*
23 *redesignated) the following:*

24 *“(10) awarding incentive grants to eligible re-*
25 *ipients for exemplary performance in carrying out*

1 *programs under this Act, which awards shall be based*
2 *on—*

3 *“(A) eligible recipients exceeding chal-*
4 *lenging performance measures established under*
5 *section 113(b) in a manner that reflects sus-*
6 *tained or significant improvement;*

7 *“(B) eligible recipients effectively developing*
8 *connections between secondary education and*
9 *postsecondary education and training;*

10 *“(C) the adoption and integration of rig-*
11 *orous and challenging academic and technical*
12 *coursework;*

13 *“(D) an eligible recipient’s progress in hav-*
14 *ing special populations participating in voca-*
15 *tional and technical education programs meet*
16 *local adjusted levels of performance; or*

17 *“(E) other factors relating to the perform-*
18 *ance of the eligible recipient under this Act as*
19 *the eligible agency determines are appropriate;*

20 *“(11) providing for activities to support entre-*
21 *preneurship education and training;”.*

22 **SEC. 15. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL**
23 **PROGRAMS.**

24 *Section 131 (20 U.S.C. 2351) is amended—*

1 (1) *by striking subsection (a) and redesignating*
 2 *subsections (b) through (i) as subsections (a) through*
 3 *(h), respectively;*

4 (2) *in subsection (a) (as so redesignated)—*

5 (A) *in the subsection heading, by striking*
 6 *“Special” and “for Succeeding Fiscal Years”;*
 7 *and*

8 (B) *by striking “for fiscal year 2000 and*
 9 *succeeding fiscal years”;* and

10 (3) *in subsection (b) (as so redesignated)—*

11 (A) *by striking “subsection (b)” and insert-*
 12 *ing “subsection (a)”;* and

13 (B) *by striking “(42 U.S.C. 9902(2))” and*
 14 *inserting “(42 U.S.C. 9902(2))”.*

15 **SEC. 16. ELIMINATION OF REDISTRIBUTION RULE.**

16 *Section 133 (20 U.S.C. 2353) is amended by striking*
 17 *subsection (b) and redesignating subsections (c) and (d) as*
 18 *subsections (b) and (c), respectively.*

19 **SEC. 17. LOCAL PLAN FOR VOCATIONAL AND TECHNICAL**
 20 **EDUCATION PROGRAMS.**

21 *Section 134(b) (20 U.S.C. 2354(b)) is amended—*

22 (1) *in paragraph (2), by inserting “and local”*
 23 *after “State”;*

24 (2) *in paragraph (3)—*

1 (A) by redesignating subparagraphs (A)
2 through (C) as subparagraphs (B) through (D),
3 respectively, and inserting before such subpara-
4 graphs the following:

5 “(A) offer the appropriate courses of at least
6 one of the model sequences of courses described in
7 section 124(c)(1), as appropriate to the eligible
8 recipient responsible for that element of the se-
9 quence;”;

10 (B) in subparagraph (B) (as so redesign-
11 ated)—

12 (i) by inserting “rigorous and chal-
13 lenging” after “integration of”; and

14 (ii) by inserting “subjects (as defined
15 by section 9101(11) of the Elementary and
16 Secondary Education Act of 1965 (20
17 U.S.C. 7801(11)))” after “core academic”;
18 and

19 (C) in subparagraph (D) (as so redesign-
20 ated), by inserting “rigorous and” after “taught
21 to the same”;

22 (3) by redesignating paragraphs (4) through (10)
23 as paragraphs (5) through (11), respectively, and in-
24 serting after paragraph (3) the following:

1 “(4) describe how comprehensive professional de-
2 velopment (including initial teacher preparation) for
3 vocational and technical, academic, guidance, and
4 administrative personnel will be provided that pro-
5 motes the integration of rigorous and challenging aca-
6 demic and technical education (including curriculum
7 development);”;

8 (4) in paragraph (5) (as so redesignated)—

9 (A) by inserting “academic and vocational
10 and technical” after “students,”; and

11 (B) by inserting “(including the eligible re-
12 cipients that offer elements of the model sequence
13 of courses)” after “such individuals and enti-
14 ties”; and

15 (5) in paragraph (8) (as so redesignated)—

16 (A) in subparagraph (A), by striking “;
17 and” and inserting a semicolon;

18 (B) in subparagraph (B), by inserting
19 “and” after the semicolon; and

20 (C) by inserting after subparagraph (B) the
21 following:

22 “(C) will provide activities to prepare spe-
23 cial populations, including single parents and
24 displaced homemakers, for high skill, high wage
25 occupations that will lead to self-sufficiency;”.

1 **SEC. 18. LOCAL USE OF FUNDS.**

2 *Section 135 (20 U.S.C. 2355) is amended—*

3 *(1) in subsection (b)—*

4 *(A) in paragraph (1), by striking “to ensure*
5 *learning in the core academic” and inserting “as*
6 *established in the State-developed model se-*
7 *quences of courses described in section*
8 *122(c)(1)(A) to ensure learning in the core aca-*
9 *demic subjects (as defined by section 9101(11) of*
10 *the Elementary and Secondary Education Act of*
11 *1965 (20 U.S.C. 7801(11)))”;*

12 *(B) by striking paragraph (8);*

13 *(C) by redesignating paragraphs (2)*
14 *through (7) as paragraphs (4) through (9), re-*
15 *spectively, and inserting after paragraph (1) the*
16 *following:*

17 *“(2) link secondary vocational and technical*
18 *education and postsecondary vocational and technical*
19 *education, including offering model sequences of*
20 *courses and implementing tech-prep programs con-*
21 *sistent with the activities described in paragraph (3);*

22 *“(3) support tech-prep programs (if the eligible*
23 *recipient receives the funds from the eligible agency*
24 *under section 112(a)(1)) that—*

1 “(A) are carried out under an articulation
2 agreement between the participants in a consor-
3 tium, which shall include—

4 “(i) a local educational agency, an in-
5 termediate educational agency or area voca-
6 tional and technical education school serv-
7 ing secondary school students, or a sec-
8 ondary school funded by the Bureau of In-
9 dian Affairs; and

10 “(ii)(I) a nonprofit institution of high-
11 er education that offers—

12 “(aa) a 2- or 4-year degree
13 program, or a 2-year certificate
14 program, and is qualified as an
15 institution of higher education
16 pursuant to section 102 of the
17 Higher Education Act of 1965 (20
18 U.S.C. 1002) (except those institu-
19 tions described in section
20 102(a)(1)(C) of such Act), includ-
21 ing an institution receiving as-
22 sistance under the Tribally Con-
23 trolled College or University As-
24 sistance Act of 1978 (25 U.S.C.
25 1801 et seq.) and a tribally con-

1 *trolled postsecondary vocational*
2 *and technical institution; or*

3 “(bb) a 2-year apprentice-
4 *ship program that follows sec-*
5 *ondary instruction, if such non-*
6 *profit institution of higher edu-*
7 *cation is not prohibited from re-*
8 *ceiving assistance under part B of*
9 *title IV of the Higher Education*
10 *Act of 1965 (20 U.S.C. 1071 et*
11 *seq.) pursuant to the provisions of*
12 *section 435(a)(3) of such Act (20*
13 *U.S.C. 1083(a)); or*

14 “(II) a proprietary institution of high-
15 *er education that offers a 2-year associate*
16 *degree program and is qualified as an insti-*
17 *tution of higher education pursuant to sec-*
18 *tion 102 of the Higher Education Act of*
19 *1965 (20 U.S.C. 1002), if such proprietary*
20 *institution of higher education is not subject*
21 *to a default management plan required by*
22 *the Secretary,*

23 *and may include nonprofit organizations that*
24 *provide eligible recipients with technology and*

1 *programs to enhance math and science skills,*
2 *employers, and labor organizations;*

3 *“(B) consist of a minimum of 2 years of*
4 *secondary school preceding graduation and a*
5 *minimum of 2 years of higher education, or an*
6 *apprenticeship program of at least 2 years, fol-*
7 *lowing secondary instruction;*

8 *“(C) meet academic standards developed by*
9 *the State, including standards developed under*
10 *section 1111 of the Elementary and Secondary*
11 *Education Act of 1965 (20 U.S.C. 6311) for sec-*
12 *ondary students, and support proficiency in*
13 *mathematics, science, reading, writing, commu-*
14 *nications, and technologies;*

15 *“(D) are comprised of model sequences of*
16 *courses that integrate rigorous and challenging*
17 *academics and vocational and technical edu-*
18 *cation;*

19 *“(E) provide technical preparation in a ca-*
20 *reer field such as engineering technology; applied*
21 *science; a mechanical, industrial, or practical*
22 *art or trade; agriculture; health occupations;*
23 *business; applied economics; advanced manufac-*
24 *turing; or other high-skill, high-wage, high-de-*
25 *mand occupations as determined by the State;*

1 “(F) use, if appropriate and available,
2 work-based or worksite learning in conjunction
3 with academic and vocational and technical edu-
4 cation;

5 “(G) use educational technology and dis-
6 tance learning, as appropriate, to involve all the
7 consortium partners more fully in the develop-
8 ment and operation of programs;

9 “(H) facilitate and promote close working
10 relationships among eligible recipients to ensure
11 that programs within a geographic area are
12 closely integrated with tech-prep program activi-
13 ties;

14 “(I) are sustainable and use performance
15 indicator data, described in section 113, to in-
16 form program quality;

17 “(J) include academic and career coun-
18 seling for participants that provides information
19 to students (and parents, as appropriate) regard-
20 ing tech-prep programs and supports student
21 progress in completing tech-prep programs;

22 “(K) include in-service training for teachers
23 that—

24 “(i) provides for joint training for
25 teachers in tech-prep programs; and

1 “(ii) is designed to ensure that teachers
2 and administrators stay current with the
3 needs, expectations, and methods of business
4 and all aspects of an industry; and

5 “(L) provide students with transferable
6 credit between the consortium members, as de-
7 scribed in subparagraph (A), and may include
8 programs that allow secondary programs to be
9 co-located on postsecondary campuses;”;

10 (D) in paragraph (5) (as so redesignated)—

11 (i) by inserting “, and the related
12 math and science education” after “use of
13 technology in vocational and technical edu-
14 cation”;

15 (ii) in subparagraph (B)—

16 (I) by inserting “(including the
17 math and science knowledge that pro-
18 vides a strong basis for such skills)”
19 after “technical skills”; and

20 (II) by striking “and tele-
21 communications field” and inserting
22 “fields”; and

23 (iii) in subparagraph (C)—

24 (I) by striking “work” and insert-
25 ing “collaborate”; and

1 (II) by inserting “that improve
2 the math and science knowledge of stu-
3 dents” after “mentoring programs”;

4 (E) in paragraph (6) (as so redesignated)—

5 (i) by striking “teachers,” and insert-
6 ing “secondary and postsecondary teachers,
7 instructors,”; and

8 (ii) in subparagraph (A), by striking
9 “in effective teaching skills based on re-
10 search” and inserting “in effective integra-
11 tion of rigorous and challenging academic
12 and vocational and technical education, in
13 effective teaching skills based on scientif-
14 ically based research”; and

15 (F) by inserting after paragraph (9) (as so
16 redesignated) the following:

17 “(10) provide activities to prepare special popu-
18 lations, including single parents and displaced home-
19 makers, for high skill, high wage occupations that will
20 lead to self sufficiency.”; and

21 (2) in subsection (c)—

22 (A) in paragraph (2), by inserting “, re-
23 garding the range of postsecondary options
24 available, including for adult students who are

1 *changing careers or updating skills” before the*
2 *semicolon;*

3 *(B) in paragraph (5), by inserting “, in-*
4 *cluding the establishment and operation of spe-*
5 *cial arrangements with industry partners that*
6 *allow qualified industry professionals to serve as*
7 *faculty in postsecondary programs” before the*
8 *semicolon;*

9 *(C) in paragraph (8), by striking “aides”*
10 *and inserting “aids and publications”;*

11 *(D) in paragraph (9), by inserting “that*
12 *address the integration of academic and voca-*
13 *tional and technical education and” after*
14 *“teacher preparation programs”;*

15 *(E) by redesignating paragraphs (10)*
16 *through (14) as paragraphs (12) through (16),*
17 *and paragraph (15) as paragraph (19), respec-*
18 *tively, and inserting after paragraph (9) the fol-*
19 *lowing:*

20 *“(10) to develop and expand postsecondary pro-*
21 *gram offerings that are accessible by students, includ-*
22 *ing the use of distance education;*

23 *“(11) to provide activities to support entrepre-*
24 *neurship education and training;”;*

1 (F) in paragraph (12) (as so redesignated),
2 by inserting “, including development of new
3 proposed model sequences of courses for consider-
4 ation by the eligible agency and courses that pre-
5 pare individuals academically and technically
6 for current and emerging occupations that are in
7 demand, and dual enrollment opportunities by
8 which secondary vocational and technical edu-
9 cation students could obtain postsecondary credit
10 to count towards an associate or baccalaureate
11 degree” before the semicolon;

12 (G) by amending paragraph (16) (as so re-
13 designated) to read as follows:

14 “(16) to support training in nontraditional
15 fields;”; and

16 (H) by inserting after paragraph (16) (as
17 so redesignated) the following:

18 “(17) to provide accurate information relating to
19 the availability of supportive services available in an
20 area served by the eligible recipient, and referral to
21 such services, as appropriate;

22 “(18) to support the activities described in sub-
23 section (b)(3); and”.

24 **SEC. 19. REPEAL OF TECH-PREP EDUCATION ACT.**

25 Title II (20 U.S.C. 2071 et seq.) is repealed.

1 **SEC. 20. GENERAL PROVISIONS.**2 (a) *REDESIGNATION OF TITLE III.*—3 (1) *REDESIGNATION.*—*Title III (20 U.S.C. 2391*
4 *et seq.) is amended—*5 (A) *by striking section 318;*6 (B) *by redesignating such title as title II of*
7 *such Act; and*8 (C) *by redesignating sections 311 through*
9 *317 as section 211 through 217 and sections 321*
10 *through 325 as sections 221 through 225, respec-*
11 *tively.*12 (2) *TABLE OF CONTENTS AMENDMENT.*—*The*
13 *table of contents in section 1(b) is amended—*14 (A) *by striking the items relating to title*
15 *III; and*16 (B) *by amending the items relating to title*
17 *II to read as follows:**“TITLE II—GENERAL PROVISIONS**“PART A—FEDERAL ADMINISTRATIVE PROVISIONS**“Sec. 211. Fiscal requirements.**“Sec. 212. Authority to make payments.**“Sec. 213. Construction.**“Sec. 214. Voluntary selection and participation.**“Sec. 215. Limitation for certain students.**“Sec. 216. Federal laws guaranteeing civil rights.**“Sec. 217. Participation of private school children and personnel.**“PART B—STATE ADMINISTRATIVE PROVISIONS**“Sec. 221. Joint funding.**“Sec. 222. Prohibition on use of funds to induce out-of-State relocation of busi-*
*nesses.**“Sec. 223. State administrative costs.*

“Sec. 224. Limitation on Federal regulations.

“Sec. 225. Student assistance and other Federal programs.”.

1 **(b) FISCAL REQUIREMENTS.**—*Section 211(b) (20*
 2 *U.S.C. 2391(b)) (as so redesignated) is amended by insert-*
 3 *ing after paragraph (2) the following:*

4 **“(3) DEFINITION.**—*For purposes of this sub-*
 5 *section, the term ‘preceding fiscal year’ means the*
 6 *Federal fiscal year or the 12-month fiscal period used*
 7 *by a State for official reporting purposes, prior to the*
 8 *beginning of the Federal fiscal year in which funds*
 9 *are available for obligation by the Secretary.”.*

10 **(c) PARTICIPATION OF PRIVATE SCHOOL CHILDREN**
 11 **AND PERSONNEL.**—*Section 217 (as so redesignated) is*
 12 *amended to read as follows:*

13 **“SEC. 217. PARTICIPATION OF PRIVATE SCHOOL CHILDREN**
 14 **AND PERSONNEL.**

15 **“(a) PARTICIPATION ON EQUITABLE BASIS.**—

16 **“(1) IN GENERAL.**—*To the extent consistent with*
 17 *the number of children in the school district of a local*
 18 *educational agency that is eligible to receive funds*
 19 *under this Act, or that serves the area in which a pro-*
 20 *gram assisted under this Act is located, who are en-*
 21 *rolled in private nonprofit elementary schools and*
 22 *secondary schools, or, with respect to instructional or*
 23 *personnel training programs funded by an eligible*

1 *agency, the local educational agency, after consulta-*
2 *tion with appropriate private school officials—*

3 *“(A) shall provide, on an equitable basis*
4 *and as may be necessary, for the benefit of such*
5 *children in such schools, secular, neutral, and*
6 *nonideological services (or other benefits), mate-*
7 *rials, and equipment, including the participa-*
8 *tion of the teachers of such children (and other*
9 *educational personnel serving such children) in*
10 *training programs; or*

11 *“(B) if such services, materials, and equip-*
12 *ment are not feasible or necessary in one or more*
13 *such private schools (as determined by the local*
14 *educational agency after consultation with the*
15 *appropriate private school officials), shall pro-*
16 *vide such other arrangements as will assure equi-*
17 *table participation of such children in the pur-*
18 *poses and benefits of this Act.*

19 *“(2) APPLICATION OF REQUIREMENTS.—The re-*
20 *quirements of this section relating to the participa-*
21 *tion of children, teachers, and other personnel serving*
22 *such children shall apply to programs carried out*
23 *under this Act by an eligible agency or local edu-*
24 *cational agency, whether directly or through grants*

1 to, or contracts with, other public or private agencies,
2 institutions, or organizations.

3 “(b) *EQUAL EXPENDITURES.*—

4 “(1) *IN GENERAL.*—Expenditures for programs
5 under subsection (a) shall be equal (consistent with
6 the number of children to be served) to expenditures
7 for programs under this Act for children enrolled in
8 the public schools of the local educational agency.

9 “(2) *CONCENTRATED PROGRAMS.*—When funds
10 available to a local educational agency under this Act
11 are used to concentrate programs on a particular
12 group, attendance area, or grade or age level, the local
13 educational agency shall, after consultation with the
14 appropriate private school officials, assure the equi-
15 table participation in both the purposes and benefits
16 of such programs for children enrolled in private
17 schools who are included within the group, attendance
18 area, or grade or age level selected for such concentra-
19 tion, taking into account the needs of the individual
20 children and other factors that relate to the expendi-
21 tures referred to in paragraph (1).

22 “(c) *ADMINISTRATIVE REQUIREMENTS.*—

23 “(1) *FUNDS, MATERIALS AND EQUIPMENT.*—

1 “(A) *FUNDS.*—*The control of funds ex-*
2 *pended under this section shall be administered*
3 *by a public agency.*

4 “(B) *MATERIALS AND EQUIPMENT.*—*The*
5 *title to materials and equipment provided under*
6 *this section, shall remain with a public agency*
7 *for the uses and purposes provided in this Act*

8 “(2) *PROVISION OF SERVICES.*—*Services pro-*
9 *vided under this Act shall be provided by employees*
10 *of a public agency or through contract by such a pub-*
11 *lic agency with a person, association, agency, organi-*
12 *zation, institution or corporation that, in the provi-*
13 *sion of such services, is independent of the private*
14 *school and of any religious organizations, and such*
15 *employment or contract shall be under the control*
16 *and supervision of such a public agency. The funds*
17 *utilized under this section shall not be commingled*
18 *with State or local funds.*

19 “(3) *TIMING AND CONTENT OF CONSULTATION.*—
20 *The consultation required under this section shall in-*
21 *clude meetings of agency and private school officials*
22 *and shall occur before the eligible agency and local*
23 *educational agency makes any decision that affects*
24 *the opportunities of eligible private school children to*
25 *participate in programs under this Act. Such meet-*

1 *ings shall include a discussion of service delivery*
2 *mechanisms (including third party contractors) and*
3 *shall continue throughout implementation and assess-*
4 *ment of services under this Act.*

5 *“(d) WAIVER AND BYPASS PROCEDURES.—*

6 *“(1) STATE PROHIBITION.—If an eligible agency*
7 *or local educational agency is prohibited, by reason of*
8 *any provision of law, from providing for the partici-*
9 *pation in programs of children enrolled in private el-*
10 *ementary schools and secondary schools as required*
11 *by subsections (a) through (c), the Secretary shall*
12 *waive such requirements for the agency involved and*
13 *shall arrange for the provision of services to such chil-*
14 *dren through arrangements that shall be subject to the*
15 *requirements of this section.*

16 *“(2) FAILURE TO COMPLY.—If the Secretary de-*
17 *termines that an eligible agency or a local edu-*
18 *cational agency has substantially failed, or is unwill-*
19 *ing, to provide for the participation on an equitable*
20 *basis of children enrolled in private elementary*
21 *schools and secondary schools as required by sub-*
22 *sections (a) through (c), the Secretary may waive*
23 *such requirements and shall arrange for the provision*
24 *of services to such children through arrangements that*
25 *shall be subject to the requirements of this section.*

1 “(3) *PAYMENT FROM STATE ALLOTMENT.*—When
2 the Secretary arranges for services under this sub-
3 section, the Secretary shall, after consultation with
4 the appropriate public school and private school offi-
5 cials, pay the cost of such services, including the ad-
6 ministrative costs of arranging for those services, from
7 the appropriate allotment of the eligible agency under
8 this Act.

9 “(4) *DURATION OF DETERMINATION.*—Any deter-
10 mination by the Secretary under this section shall
11 continue in effect until the Secretary determines that
12 there will no longer be any failure or inability on the
13 Act of the eligible agency or local educational agency
14 to meet the requirements of subsections (a) through
15 (c).

16 “(5) *REVIEW OF DETERMINATION.*—The Sec-
17 retary shall not take any final action under this sec-
18 tion until the eligible agency and the local edu-
19 cational agency affected by such action have had an
20 opportunity, for not less than 45 days after receiving
21 written notice thereof, to submit written objections
22 and to appear before the Secretary or the Secretary’s
23 designee to show cause why that action should not be
24 taken.

1 “(e) *WITHHOLDING OF ALLOTMENT OR ALLOCA-*
2 *TION.—Pending final resolution of any investigation or*
3 *complaint that could result in a waiver under subsection*
4 *(d)(1) or (d)(2), the Secretary may withhold from the allot-*
5 *ment or allocation of the affected eligible agency or local*
6 *educational agency the amount estimated by the Secretary*
7 *to be necessary to pay the cost of services to be provided*
8 *by the Secretary under such subsection.*

9 “(f) *PRIOR DETERMINATION.—Any bypass determina-*
10 *tion by the Secretary under Title I or Title IX of the Ele-*
11 *mentary and Secondary Education Act of 1965 shall, to*
12 *the extent consistent with the purposes of this Act, apply*
13 *to programs under this Act until such determinations ter-*
14 *minate or expire.”.*

Union Calendar No. 11

109TH CONGRESS
1ST Session

H. R. 366

[Report No. 109-25]

A BILL

To amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act.

MARCH 17, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed