

105TH CONGRESS
1ST SESSION

H. R. 1853

AN ACT

To amend the Carl D. Perkins Vocational and
Applied Technology Education Act.

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To amend the Carl D. Perkins Vocational and Applied
Technology Education Act.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Carl D. Perkins Voca-
3 tional-Technical Education Act Amendments of 1997”.

4 **SEC. 2. REFERENCES TO ACT.**

5 (a) **SHORT TITLE OF ACT.**—Section 1(a) of the Act
6 is amended by striking “(a) **SHORT TITLE.**—” and further
7 by striking “Vocational and Applied Technology” and in-
8 serting “Vocational-Technical”.

9 (b) **REFERENCES TO ACT.**—Except as otherwise ex-
10 pressly provided, whenever in this Act an amendment or
11 repeal is expressed in terms of an amendment to, or repeal
12 of, a title, chapter, part, subpart, section, subsection, or
13 other provision, the reference shall be considered to be
14 made to a title, chapter, part, subpart, section, subsection,
15 or other provision of the Carl D. Perkins Vocational-Tech-
16 nology Education Act as amended in subsection (a).

17 **SEC. 3. TABLE OF CONTENTS.**

18 Section 1(b) is repealed.

19 **SEC. 4. PURPOSE.**

20 Section 2 of the Act is amended to read as follows:

21 **“SEC. 2. PURPOSE.**

22 “It is the purpose of this Act to develop more fully
23 the academic, occupational, and technical skills of individ-
24 uals participating in vocational-technical education pro-
25 grams. This purpose will be achieved through concentrat-
26 ing resources on improving vocational-technical education

1 programs leading to academic and technical skill com-
2 petencies needed to work in a technologically advanced so-
3 ciety.”.

4 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

5 Section 3 of the Act is amended—

6 (1) in subsection (a) by striking
7 “\$1,600,000,000” and all that follows and inserting
8 “\$1,300,000,000, for fiscal year 1998 and such
9 sums as may be necessary for each of the 4 succeed-
10 ing fiscal years to carry out the provisions of titles
11 I and II.”;

12 (2) by amending subsection (b) to read as fol-
13 lows:

14 “(b) TITLE I.—Of the amounts made available under
15 subsection (a)—

16 “(1) 1.5 percent shall be reserved to carry out
17 section 103, relating to Indian and Native Hawai-
18 ians programs; and

19 “(2) 0.2 percent shall be reserved to carry out
20 section 101A, relating to the territories.”; and

21 (3) by amending subsection (c) to read as fol-
22 lows:

23 “(c) NATIONAL PROGRAMS.—None of the funds
24 made available under this section for programs authorized

1 under titles I, II, and part C of title III, shall be used
2 for any program authorized under part A of title III.

3 (4) by striking subsections (d) through (f).

4 **TITLE I—VOCATIONAL-TECH-**
5 **NICAL EDUCATION ASSIST-**
6 **ANCE TO THE STATES**

7 **SEC. 101. ALLOTMENT.**

8 (a) IN GENERAL.—Title I is amended by striking the
9 matter preceding the text of section 101 and inserting the
10 following:

11 **“TITLE I—VOCATIONAL-TECH-**
12 **NICAL EDUCATION ASSIST-**
13 **ANCE TO THE STATES**

14 **“PART A—ALLOTMENT AND ALLOCATION**

15 **“SEC. 101. ALLOTMENT.”.**

16 (b) ALLOTMENT.—

17 (1) Paragraphs (1) and (2) of section 101(a)
18 are amended to read as follows:

19 “(a) SPECIFIC POPULATIONS.—

20 “(1) IN GENERAL.—In each fiscal year, from
21 amounts made available under section 3(a), the Sec-
22 retary shall reserve—

23 “(A) 1.5 percent to carry out section 103,
24 of which—

1 “(i) 1.25 percent shall be available to
2 carry out section 103(e); and

3 “(ii) 0.25 percent shall be available to
4 carry out section 103(i); and

5 “(B) 0.2 percent for the purpose of carry-
6 ing out section 101A.

7 “(2) REMAINDER OF FUNDS.—From the re-
8 mainder of the sums appropriated pursuant to sec-
9 tion 3, the Secretary shall allot to each State for
10 each fiscal year—

11 “(A) an amount which bears the same
12 ratio to 50 percent of the sums being allotted
13 as the product of the population aged 15 to 19
14 inclusive, in the State in the fiscal year preced-
15 ing the fiscal year for which the determination
16 is made and the State’s allotment ratio bears to
17 the sum of the corresponding products for all
18 the States; and

19 “(B) an amount which bears the same
20 ratio to 50 percent of the sums being allotted
21 as the product of the population aged 20 to 24,
22 inclusive, in the State in the fiscal year preced-
23 ing the fiscal year for which the determination
24 is made and the State’s allotment ratio bears to

1 the sum of the corresponding products for all
2 the States.”.

3 (2) Paragraph (3) of section 101(a) is amend-
4 ed—

5 (A) by striking subparagraphs (A) and
6 (C);

7 (B) by redesignating subparagraphs (B)
8 and (D) as (A) and (B), respectively;

9 (C) in subparagraph (A), as redesignated,
10 by striking clause (i), and inserting the follow-
11 ing:

12 “(i) Notwithstanding any other provi-
13 sion of law and subject to subparagraph
14 (B) and clause (ii), no State shall receive
15 less than $\frac{1}{2}$ of 1 percent of the amount
16 available for each such program for each
17 fiscal year under this subsection.”; and

18 (D) in subparagraph (A)(ii), as redesign-
19 ated, by striking “or part A, B, C, D, or E
20 of title III”.

21 (3) By amending subsection (c) to read as fol-
22 lows:

23 “(c) ALLOTMENT RATIO.—

24 “(1) IN GENERAL.—The allotment ratio for any
25 State shall be 1.00 less the product of—

1 “(A) 0.50; and

2 “(B) the quotient obtained by dividing the
3 per capita income for the State by the per cap-
4 ita income for all the States (exclusive of Puer-
5 to Rico and the Virgin Islands), except that—

6 “(i) the allotment ratio in no case
7 shall be more than 0.55 or less than 0.40;

8 and

9 “(ii) the allotment ratio for Puerto
10 Rico and the Virgin Islands shall be 0.55.

11 “(2) ALLOTMENT RATIOS.—The allotment ra-
12 tios shall be promulgated by the Secretary for each
13 fiscal year between October 1 and December 31 of
14 the fiscal year preceding the fiscal year for which
15 the determination is made. Allotment ratios shall be
16 computed on the basis of the average of the appro-
17 priate per capita incomes for the 3 most recent con-
18 secutive fiscal years for which satisfactory data are
19 available.

20 “(3) DEFINITION.—The term ‘per capita in-
21 come’ means, with respect to a fiscal year, the total
22 personal income in the calendar year ending in such
23 year, divided by the population of the area concerned
24 in such year.

1 “(4) POPULATION DETERMINATION.—For the
2 purposes of this section, population shall be deter-
3 mined by the Secretary on the basis of the latest es-
4 timates available to the Department.”.

5 **SEC. 101A. THE TERRITORIES.**

6 Section 101A of the Act is amended by inserting after
7 subsection (c) the following new subsection:

8 “(d) RESTRICTION.—Notwithstanding any other pro-
9 vision of law, the Republic of the Marshall Islands, the
10 Federated States of Micronesia, and the Republic of Palau
11 shall not receive any funds under this part for any fiscal
12 year that begins after September 30, 2001.”.

13 **SEC. 102. WITHIN STATE ALLOTMENTS.**

14 Section 102 is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1) by striking “at least”
17 and all that follows through the semicolon and
18 inserting “an amount equal to not less than 90
19 percent of the allotment shall be available for
20 basic programs under part B of title II;”;

21 (B) by striking paragraph (2);

22 (C) by redesignating paragraphs (3) and
23 (4) as paragraphs (2) and (3), respectively;

1 (D) in paragraph (2), as redesignated, by
2 striking “8.5” and inserting “8” and further by
3 adding after the semicolon “and”;

4 (E) in paragraph (3), as redesignated—

5 (i) by striking “5” and inserting “2”;

6 (ii) by striking “of which—” and all
7 that follows through “and” at the end and
8 inserting the following:

9 “which may be used for the costs of—

10 “(A) developing the State application;

11 “(B) reviewing local applications;

12 “(C) monitoring and evaluating program
13 effectiveness; and

14 “(D) assuring compliance with all applica-
15 ble Federal laws.”; and

16 (F) by striking paragraph (5);

17 (2) in subsection (b) by striking “(a)(4)” and
18 inserting “(a)(3)”;

19 (3) by striking subsection (c) and inserting the
20 following:

21 “(c) RURAL AND URBAN RESERVE.—A State may re-
22 serve not more than 5 percent of the allotment made
23 under section 102(a)(1) to use for grants to rural areas
24 and not more than 5 percent of such allotment to use for
25 grants to urban areas.

1 “(d) DEFINITIONS.—For purposes of this section—

2 “(1) the term ‘rural area’ means an area that
3 is not in a metropolitan statistical area;

4 “(2) the term ‘urban area’ means an area that
5 serves a central city in a metropolitan statistical
6 area; and

7 “(3) the terms ‘central city’ and ‘metropolitan
8 statistical area’ have the same meanings given such
9 terms in section 10952 of the Elementary and Sec-
10 ondary Education Act of 1965.”.

11 **SEC. 103. INDIAN AND NATIVE HAWAIIAN PROGRAMS.**

12 Section 103 of the Act is amended to read as follows:

13 **“SEC. 103. NATIVE AMERICAN PROGRAM.**

14 “(a) INDIAN POLICY.—All programs assisted under
15 this section shall be administered in a manner consistent
16 with the principles of the Indian Self-Determination and
17 Education Assistance Act (25 U.S.C. 450 et seq.) and the
18 government-to-government relationship between the Fed-
19 eral Government and Indian tribal governments.

20 “(b) DEFINITIONS.—As used in this section:

21 “(1) ALASKA NATIVE.—The term ‘Alaska Na-
22 tive’ means a Native as such term is defined in sec-
23 tion 3(b) of the Alaska Native Claims Settlement
24 Act (43 U.S.C. 1602(b)).

1 “(2) BUREAU FUNDED.—The term ‘Bureau
2 funded school’ means—

3 “(A) a Bureau school;

4 “(B) a contract school; or

5 “(C) a school for which assistance is pro-
6 vided under the Tribally Controlled Schools Act
7 of 1988.

8 “(3) INDIAN, INDIAN TRIBE, AND TRIBAL ORGA-
9 NIZATION.—The terms ‘Indian’, ‘Indian tribe’, and
10 ‘tribal organization’ have the meanings given such
11 terms in subsections (d), (e), and (l), respectively, of
12 section 4 of the Indian Self-Determination and Edu-
13 cation Assistance Act (25 U.S.C. 450b).

14 “(4) INSTITUTION OF HIGHER EDUCATION.—
15 The term ‘institution of higher education’ has the
16 meaning given such term in section 1201(a) of the
17 Higher Education Act of 1965 (20 U.S.C. 1141(a)).

18 “(5) NATIVE HAWAIIAN AND NATIVE HAWAIIAN
19 ORGANIZATION.—The terms ‘Native Hawaiian’ and
20 ‘Native Hawaiian organization’ have the meanings
21 given such terms in paragraphs (1) and (3), respec-
22 tively, of section 9212 of the Native Hawaiian Edu-
23 cation Act (20 U.S.C. 7912).

24 “(6) TRIBALLY CONTROLLED COMMUNITY COL-
25 LEGE.—The term ‘tribally controlled community col-

1 lege’ has the meaning given such term in section
2 2(a)(4) of the Tribally Controlled Community Col-
3 lege Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).

4 “(7) TRIBALLY CONTROLLED POSTSECONDARY
5 VOCATIONAL INSTITUTION.—The term ‘tribally con-
6 trolled postsecondary vocational institution’ means
7 an institution of higher education that—

8 “(A) is formally controlled, or has been
9 formally sanctioned or chartered, by the govern-
10 ing body of an Indian tribe or Indian tribes;

11 “(B) offers a technical degree or certificate
12 granting program;

13 “(C) is governed by a board of directors or
14 trustees, a majority of whom are Indians;

15 “(D) demonstrates adherence to stated
16 goals, a philosophy, or a plan of operation, that
17 fosters individual Indian economic and self-suf-
18 ficiency opportunity, including programs that
19 are appropriate to stated tribal goals of devel-
20 oping individual entrepreneurships and self-sus-
21 taining economic infrastructures on reserva-
22 tions;

23 “(E) has been in operation for at least 3
24 years;

1 “(F) holds accreditation with or is a can-
2 didate for accreditation by a nationally recog-
3 nized accrediting authority for postsecondary
4 vocational-technical education; and

5 “(G) enrolls the full-time equivalent of not
6 less than 100 students, of whom a majority are
7 Indians.

8 “(c) PROGRAM AUTHORIZED.—

9 “(1) IN GENERAL.—From amounts reserved
10 under section 101(a)(1)(A)(i), the Secretary shall
11 make grants to Indian tribes, tribal organizations
12 and Alaska Native entities to carry out the author-
13 ized programs described in subsection (d), except
14 that such terms shall not include secondary school
15 programs in Bureau funded schools.

16 “(2) SPECIAL AUTHORITY RELATING TO SEC-
17 ONDARY SCHOOLS OPERATED OR SUPPORTED BY
18 THE BUREAU OF INDIAN AFFAIRS.—An Indian tribe,
19 a tribal organization, or an Alaska Native entity,
20 that receives funds through a grant made or con-
21 tract entered into under paragraph (1) may use the
22 funds to provide assistance to a secondary school op-
23 erated or supported by the Bureau of Indian Affairs
24 to enable such school to carry out vocational-tech-
25 nical education programs.

1 “(d) AUTHORIZED PROGRAMS.—Funds made avail-
2 able under this section shall be used to carry out voca-
3 tional-technical education programs consistent with the
4 purposes of this Act.

5 “(e) GRANT APPLICATION.—In order to receive a
6 grant under this section an entity described in subsection
7 (c) shall submit an application to the Secretary and shall
8 include an assurance that such entity shall comply with
9 the requirements of this Act.

10 “(f) SPECIAL CONSIDERATION.—The Secretary, in
11 making grants under subsection (c), shall give special con-
12 sideration to—

13 “(1) grants which involve, coordinate with, or
14 encourage tribal economic development plans; and

15 “(2) applications from tribally controlled com-
16 munity colleges which—

17 “(A) are accredited or are candidates for
18 accreditation by a nationally recognized accredi-
19 tation organization as an institution of post-
20 secondary vocational-technical education; or

21 “(B) operate vocational-technical education
22 programs that are accredited or are candidates
23 for accreditation by a nationally recognized ac-
24 creditation organization and issue certificates

1 for completion of vocational-technical education
2 programs.

3 “(g) CONSOLIDATION OF FUNDS.—Each entity re-
4 ceiving assistance under this section may consolidate such
5 assistance with assistance received from related programs
6 in accordance with the provisions of the Indian Employ-
7 ment, Training and Related Services Demonstration Act
8 of 1992 (25 U.S.C 3401 et seq.).

9 “(h) NONDUPLICATIVE AND NONEXCLUSIVE SERV-
10 ICES.—Nothing in this section shall be construed—

11 “(1) to limit the eligibility of any entity de-
12 scribed in subsection (c) to participate in any activ-
13 ity offered by a State or local entity under this title;
14 or

15 “(2) to preclude or discourage any agreement,
16 between any entity described in subsection (c) and
17 any State or local entity, to facilitate the provision
18 of services by such entity or to the population served
19 by such entity.

20 “(i) NATIVE HAWAIIAN PROGRAMS.—From the funds
21 reserved pursuant to section 101(a)(1)(A)(ii), the Sec-
22 retary is directed to enter into contracts with organiza-
23 tions primarily serving and representing Native Hawaiian
24 Programs which are recognized by the Governor of the
25 State of Hawaii to plan, conduct, and administer pro-

1 grams, or portions thereof, which are authorized by and
 2 consistent with the provisions of this section for the bene-
 3 fit of Native Hawaiian Programs.”.

4 **SEC. 104. TRIBALLY CONTROLLED POSTSECONDARY VOCA-**
 5 **TIONAL INSTITUTIONS.**

6 Part A of title I of the Act is amended by adding
 7 at the end the following:

8 **“SEC. 104. TRIBALLY CONTROLLED POSTSECONDARY VOCA-**
 9 **TIONAL-TECHNICAL EDUCATION PROGRAMS.**

10 “(a) GRANTS AUTHORIZED.—The Secretary shall,
 11 subject to the availability of appropriations, make grants
 12 pursuant to this section to tribally controlled postsecond-
 13 ary vocational-technical institutions to provide basic sup-
 14 port for the education and training of Indian students.

15 “(b) USE OF GRANTS.—Amounts made available pur-
 16 suant to this section shall be used for vocational-technical
 17 education programs.

18 “(c) AMOUNT OF GRANTS.—

19 “(1) IN GENERAL.—If the sums appropriated
 20 for any fiscal year for grants under this section are
 21 not sufficient to pay in full the total amount which
 22 approved applicants are eligible to receive under this
 23 section for such fiscal year, the Secretary shall first
 24 allocate to each such applicant which received funds
 25 under this part for the preceding fiscal year an

1 amount equal to 100 percent of the product of the
2 per capita payment for the preceding fiscal year and
3 such applicant's Indian student count for the cur-
4 rent program year, plus an amount equal to the ac-
5 tual cost of any increase to the per capita figure re-
6 sulting from inflationary increases to necessary costs
7 beyond the institution's control.

8 “(2) PER CAPITA DETERMINATION.—For the
9 purposes of paragraph (1), the per capita payment
10 for any fiscal year shall be determined by dividing
11 the amount available for grants to tribally controlled
12 postsecondary vocational-technical institutions under
13 this part for such program year by the sum of the
14 Indian student counts of such institutions for such
15 program year. The Secretary shall, on the basis of
16 the most accurate data available from the institu-
17 tions, compute the Indian student count for any fis-
18 cal year for which such count was not used for the
19 purpose of making allocations under this section.

20 “(d) ELIGIBLE GRANT RECIPIENTS.—To be eligible
21 for assistance under this section a tribally controlled post-
22 secondary vocational-technical institution shall—

23 “(1) be governed by a board of directors or
24 trustees, a majority of whom are Indians;

25 “(2) have been in operation for at least 3 years;

1 “(3) hold accreditation with or be a candidate
2 for accreditation by a nationally recognized accredit-
3 ing authority for postsecondary vocational-technical
4 education; and

5 “(4) enroll the full-time equivalent of not less
6 than 100 students, of whom a majority are Indians.

7 “(e) APPLICATIONS.—Any tribally controlled post-
8 secondary vocational-technical institution that desires to
9 receive a grant under this section shall submit an applica-
10 tion to the Secretary in such manner and form as the Sec-
11 retary may require.

12 “(f) OTHER PROGRAMS.—

13 “(1) IN GENERAL.—Except as specifically pro-
14 vided in this Act, eligibility for assistance under this
15 section shall not preclude any tribally controlled
16 postsecondary vocational-technical institution from
17 receiving Federal financial assistance under any pro-
18 gram authorized under the Higher Education Act of
19 1965 or any other applicable program for the benefit
20 of institutions of higher education or vocational-tech-
21 nical education.

22 “(2) PROHIBITION ON ALLOCATION OF GRANT
23 AMOUNT.—The amount of any grant for which trib-
24 ally controlled postsecondary vocational-technical in-
25 stitutions are eligible under this subpart shall not be

1 altered because of funds allocated to any such insti-
2 tution from funds appropriated under the Act of No-
3 vember 2, 1921.

4 “(3) PROHIBITION ON CONTRACT DENIAL.—No
5 tribally controlled postsecondary vocational-technical
6 institution for which an Indian tribe has designated
7 a portion of the funds appropriated for the tribe
8 from funds appropriated under the Act of November
9 2, 1921, may be denied a contract for such portion
10 under the Indian Self-Determination and Education
11 Assistance Act (except as provided in that Act), or
12 denied appropriate contract support to administer
13 such portion of the appropriated funds.

14 “(g) DEFINITIONS.—For the purposes of this section:

15 “(1) INDIAN.—The terms ‘Indian’ and ‘Indian
16 tribe’ have the meanings given such terms in section
17 2 of the Tribally Controlled Community College As-
18 sistance Act of 1978.

19 “(2) TRIBALLY CONTROLLED POSTSECONDARY
20 VOCATIONAL-TECHNICAL INSTITUTION.—The term
21 ‘tribally controlled postsecondary vocational-technical
22 institution’ means an institution of higher education
23 which is formally controlled, or has been formally
24 sanctioned or chartered by the governing body of an

1 Indian tribe or tribes which offers technical degrees
2 or certificate granting programs.

3 “(3) INDIAN STUDENT COUNT.—The term ‘In-
4 dian student count’ means a number equal to the
5 total number of Indian students enrolled in each
6 tribally controlled vocational-technical institution,
7 determined as follows:

8 “(A) REGISTRATIONS.—The registrations
9 of Indian students as in effect on October 1 of
10 each year.

11 “(B) SUMMER TERM.—Credits or clock
12 hours toward a certificate earned in classes of-
13 fered during a summer term shall be counted
14 toward the computation of the Indian student
15 count in the succeeding fall term.

16 “(C) ADMISSION CRITERIA.—Credits or
17 clock hours toward a certificate earned in class-
18 es during a summer term shall be counted to-
19 ward the computation of the Indian student
20 count if the institution at which the student is
21 in attendance has established criteria for the
22 admission of such student on the basis of the
23 student’s ability to benefit from the education
24 or training offered. The institution shall be pre-
25 sumed to have established such criteria if the

1 admission procedures for such studies include
2 counseling or testing that measures the stu-
3 dent's aptitude to successfully complete the
4 course in which the student has enrolled. No
5 credit earned by such student for purposes of
6 obtaining a high school degree or its equivalent
7 shall be counted toward the computation of the
8 Indian student count.

9 “(D) DETERMINATION OF HOURS.—Indian
10 students earning credits in any continuing edu-
11 cation program of a tribally controlled voca-
12 tional-technical institution shall be included in
13 determining the sum of all credit or clock
14 hours.

15 “(E) CONTINUING EDUCATION.—Credits
16 or clock hours earned in a continuing education
17 program shall be converted to the basis that is
18 in accordance with the institution's system for
19 providing credit for participation in such pro-
20 grams.

21 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated not more than
23 \$4,000,000 for fiscal year 1998 and such sums as may
24 be necessary for each of the 4 succeeding fiscal years to
25 carry out the provisions of this section.”.

1 **PART B—STATE ORGANIZATIONAL AND**
2 **PLANNING RESPONSIBILITIES**

3 **SEC. 111. STATE ADMINISTRATION.**

4 Section 111 of this Act is amended—

5 (1) in subsection (a)(1)(A), by striking “pursu-
6 ant to section 113(b)(8), section 116, and section
7 117”;

8 (2) by striking subsection (a)(1)(B);

9 (3) in subsection (a)(1)(C), by striking “con-
10 sultation with” and all that follows through the
11 semicolon at the end of subsection (a)(1)(C) and in-
12 serting “consultation with the Governor and appro-
13 priate agencies, groups, and individuals, including
14 business, industry and representatives of employees
15 involved in the planning, administration, evaluation,
16 and coordination of programs funded under this
17 Act;”; and

18 (4) by striking subsections (b) through (g) and
19 inserting the following:

20 “(b) LIST OF PROGRAMS ASSISTED.—The State
21 board shall make available to each Private Industry Coun-
22 cil established under section 102 of the Job Training Part-
23 nership Act within the State a listing of all programs as-
24 sisted under this Act.”.

25 **SEC. 112. STATE COUNCIL ON VOCATIONAL EDUCATION.**

26 Section 112 of the Act is repealed.

1 **SEC. 113. STATE APPLICATION.**

2 Section 113 of the Act is amended—

3 (1) by redesignating such section as section
4 112;

5 (2) by striking “**PLAN**” in the section heading
6 and inserting “**APPLICATION**”;

7 (3) in subsection (a)—

8 (A) in paragraph (1), by striking “(A)”
9 and further by striking all that follows after
10 “Secretary” and inserting “an application in
11 such manner and accompanied by such informa-
12 tion as the Secretary may require but which, at
13 a minimum, shall be for a 5-year period.”;

14 (B) in paragraph (1), by striking subpara-
15 graph (B);

16 (C) by amending paragraph (2) to read as
17 follows:

18 “(2) The State board shall conduct public hearings
19 in the State, after appropriate and sufficient notice, for
20 the purpose of affording all segments of the public and
21 interested organizations and groups an opportunity to
22 present their views and make recommendations regarding
23 the State application. A summary of such recommenda-
24 tions and the State board’s response shall be included with
25 the State application.”; and

1 (D) by amending paragraph (3) to read as
2 follows:

3 “(3) The State board shall, for secondary vocational-
4 technical education programs, establish effective activities
5 and procedures, by which parents, students, teachers, and
6 area residents concerned will be able to participate in
7 State and local decisions that influence programs under
8 this Act, and ensure that such individuals are given access
9 to the information needed to use such procedures.”.

10 (4) by striking subsections (b) and (c) and in-
11 serting the following:

12 “(b) CONTENTS.—Each State application shall—

13 “(1) describe the vocational-technical education
14 programs that will be carried out with funds re-
15 ceived by the State under this Act, including a de-
16 scription of—

17 “(A) the secondary and postsecondary vo-
18 cational-technical education programs to be car-
19 ried out at the State level pursuant to section
20 201, including programs that will be carried out
21 by the State to develop, improve, and expand
22 access to quality, state-of-the-art technology in
23 vocational-technical education programs;

1 “(B) the criteria that will be used by the
2 State in approving applications of eligible re-
3 cipients of funds under this Act;

4 “(C) how such programs will prepare voca-
5 tional-technical education students for opportu-
6 nities in postsecondary education or entry into
7 high skill, high wage jobs in current and emerg-
8 ing occupations; and

9 “(D) how funds will be used to improve or
10 develop new vocational-technical education
11 courses.

12 “(2) describe how the State will actively involve
13 parents, teachers, local businesses (including small-
14 and medium-sized businesses) and representatives of
15 employees in the planning, development, implemen-
16 tation, and evaluation of such vocational-technical
17 education programs;

18 “(3) describe how funds received by the State
19 through the allotment made under section 102 will
20 be allocated among secondary school vocational-tech-
21 nical education, or postsecondary and adult voca-
22 tional-technical education, or both, including the ra-
23 tionale for such allotment;

24 “(4) describe how the State will—

1 “(A) improve the academic and technical
2 skills of students participating in vocational-
3 technical education programs which includes
4 strengthening the academic and vocational com-
5 ponents of vocational-technical education pro-
6 grams through the integration of academics
7 with vocational-technical education to ensure
8 learning in the core academic and vocational
9 subjects and provide students with strong expe-
10 rience and understanding of all aspects of the
11 industry; and

12 “(B) ensure that students who participate
13 in such vocational-technical education programs
14 are taught to the same challenging academic
15 proficiencies as are provided for all other stu-
16 dents;

17 “(5) describe how the State will annually evalu-
18 ate the effectiveness of such vocational-technical
19 education programs and describe, to the extent prac-
20 ticable, how the State is coordinating such programs
21 to ensure nonduplication with other existing Federal
22 programs;

23 “(6) identify the benchmarks that the State will
24 use to measure the progress of the State, including
25 a description of how such benchmarks will ensure

1 continuous improvement for vocational-technical stu-
2 dents in meeting such benchmarks;

3 “(7) describe how the State will—

4 “(A) provide vocational-technical education
5 programs that lead to high skill, high wage ca-
6 reers for members of special populations, dis-
7 placed homemakers, single parents, and single
8 pregnant women; and

9 “(B) ensure that members of special popu-
10 lations meet State benchmarks established
11 under section 114 and are prepared for post-
12 secondary education, further learning, and high
13 skill, high wage careers;

14 “(8) describe what steps the State shall take to
15 involve representatives of local school boards in the
16 development of the State’s benchmarks;

17 “(9) provide a financial audit of funds received
18 under this Act which may be included as part of an
19 audit of other Federal or State programs; and

20 “(10) provide assurances that none of the funds
21 expended under this Act will be used to acquire
22 equipment (including computer software) in any in-
23 stance in which such acquisition results in a direct
24 financial benefit to any organization representing

1 the interests of the purchasing entity or its employ-
2 ees or any affiliate of such an organization.

3 “(c) AMENDMENTS.—The State board may submit
4 amendments to the State application, as necessary, during
5 the 5-year period. Such amendments shall be submitted
6 in accordance with section 113(c).”.

7 **SEC. 114. SUBMISSION OF STATE APPLICATION.**

8 Section 114 of the Act is amended—

9 (1) by redesignating such section as section
10 113;

11 (2) by striking “**STATE PLAN APPROVAL**” in
12 the section heading and inserting “**SUBMISSION OF**
13 **STATE APPLICATION**”;

14 (3) by striking subsections (a) and (b); and

15 (4) by adding at the end the following:

16 “(a) APPLICATION.—Each State application shall be
17 submitted to the Secretary by not later than May 1 pre-
18 ceding the beginning of the first fiscal year for which a
19 State application is to be in effect.

20 “(b) CONSULTATION.—The State board shall develop
21 the portion of each State application relating to the
22 amount and uses of any funds proposed to be reserved
23 for adult vocational-technical education, postsecondary vo-
24 cational-technical education, tech-prep education, and sec-
25 ondary vocational-technical education after consultation

1 with the State agency responsible for supervision of com-
2 munity colleges, technical institutes, or other 2-year post-
3 secondary institutions primarily engaged in providing
4 postsecondary vocational-technical education, and the
5 State agency responsible for secondary education. If a
6 State agency finds that a portion of the final State appli-
7 cation is objectionable, such agency shall file such objec-
8 tions with the State board. The State board shall respond
9 to any objections of such agency in submitting such appli-
10 cation to the Secretary.

11 “(c) APPLICATION SUBMISSION.—A State application
12 submitted to the Secretary under this section shall be ap-
13 proved by the Secretary unless the Secretary makes a
14 written determination, within 90 days after receiving the
15 application, that the application is in violation of the provi-
16 sions of this Act.”.

17 **SEC. 115. ACCOUNTABILITY.**

18 Part B of title I is amended by inserting after section
19 113, as redesignated, the following:

20 **“SEC. 114. ACCOUNTABILITY.**

21 “(a) BENCHMARKS.—

22 “(1) ELIGIBILITY.—To be eligible to receive an
23 allotment under section 102, a State shall develop
24 and identify in the State application submitted
25 under section 113 proposed rigorous and quantifi-

1 able benchmarks to measure the statewide progress
2 of the State, which shall include, at a minimum,
3 measures, of—

4 “(A) attainment of challenging State aca-
5 demic and vocational proficiencies;

6 “(B) attainment of secondary school diplo-
7 mas or general equivalency diplomas; and

8 “(C) placement in, retention in, and com-
9 pletion of, postsecondary education or advanced
10 training, or placement and retention in military
11 service, or employment.

12 “(2) EXISTING BENCHMARKS.—If a State has
13 developed State performance indicators or bench-
14 marks for skills according to challenging academic
15 or vocational proficiencies consistent with this Act,
16 the State may use such performance indicators or
17 benchmarks in measuring the progress of vocational-
18 technical education students.

19 “(b) PROGRAM IMPROVEMENT AND SANCTIONS.—

20 “(1) STATE PROGRAM IMPROVEMENT PLAN.—If
21 a State fails to meet its State benchmarks as de-
22 scribed in the report submitted under subsection (c),
23 the State shall develop and implement a program
24 improvement plan in consultation with appropriate
25 agencies, individuals, and organizations for the first

1 program year succeeding the program year in which
2 the State failed to meet its benchmarks in order to
3 avoid a sanction as provided under paragraph (3).

4 “(2) LOCAL IMPROVEMENT PLAN.—If an eligi-
5 ble recipient fails to meet its State benchmarks, the
6 eligible recipient shall develop a program improve-
7 ment plan with appropriate agencies, individuals,
8 and organizations for the succeeding program year.

9 “(3) SANCTIONS.—

10 “(A) IN GENERAL.—If a State fails to
11 meet the State benchmarks required under sub-
12 section (a), and has not implemented an im-
13 provement plan as described in paragraph (1),
14 has not demonstrated improvement in meeting
15 its benchmarks, or has failed to meet its bench-
16 marks for 2 or more consecutive years, the Sec-
17 retary may, after notice and opportunity for a
18 hearing, or withhold from the State all, or a
19 portion of, the State’s allotment under this Act.
20 The Secretary may waive the sanction due to
21 exceptional or uncontrollable circumstances
22 such as a natural disaster or a precipitous and
23 unforeseen decline in the financial resources of
24 the State.

1 “(B) FUNDS RESULTING FROM REDUCED
2 ALLOTMENTS.—The amount of funds retained
3 by the Secretary as a result of a reduction in
4 an allotment made under subparagraph (A)
5 shall be redistributed to other States in accord-
6 ance with section 101.

7 “(c) REPORT.—

8 “(1) IN GENERAL.—

9 “(A) INFORMATION.—Each State that re-
10 ceives an allotment under section 102 shall an-
11 nually prepare and submit to the Secretary a
12 report on how the State is performing on State
13 benchmarks that relate to vocational-technical
14 education programs. In preparing the report,
15 the State may include information on such ad-
16 ditional vocational-technical education bench-
17 marks as the State may establish.

18 “(B) SPECIAL POPULATIONS.—The report
19 submitted by the State in accordance with sub-
20 paragraph (A) shall include a description of
21 how special populations, displaced homemakers,
22 single parents, and single pregnant women par-
23 ticipating in vocational-technical education pro-
24 grams have performed in meeting the voca-

1 tional-technical education benchmarks estab-
2 lished by the State.

3 “(2) INFORMATION DISSEMINATION.—

4 “(A) STATE REQUIREMENTS.—Each State
5 shall make the information contained in reports
6 described under paragraph (1) available to the
7 general public through publication and other
8 appropriate methods which may include elec-
9 tronic communication.

10 “(B) SECRETARY REQUIREMENTS.—The
11 Secretary shall make the information contained
12 in such reports available to the general public
13 through publication and other appropriate
14 methods which may include electronic commu-
15 nication.

16 “(3) BENCHMARK PERFORMANCE.—Each local
17 recipient shall make available to the general public
18 information regarding how the local recipient is per-
19 forming in regard to the State benchmarks.”.

20 **SEC. 116. PROGRAM EVALUATION.**

21 Sections 115, 116, 117, and 118 of the Act are re-
22 pealed.

1 **TITLE II—BASIC STATE GRANTS**
2 **FOR VOCATIONAL-TECH-**
3 **NICAL EDUCATION**

4 **SEC. 201. STATE PROGRAMS.**

5 (a) **HEADING.**—The heading for title II is amended
6 to read as follows:

7 **“TITLE II—BASIC STATE GRANTS**
8 **FOR VOCATIONAL-TECH-**
9 **NICAL EDUCATION”.**

10 (b) **PROGRAMS.**—Section 201 of the Act is amend-
11 ed—

12 (1) in subsection (a), by striking “102(a)(3)”
13 and inserting “102(a)(2)”;

14 (2) by amending subsection (b) to read as fol-
15 lows:

16 “(b) **REQUIRED USES OF FUNDS.**—The programs
17 described in subsection (a) shall include—

18 “(1) an assessment of the vocational-technical
19 education programs carried out with funds under
20 this Act that includes an assessment of how the
21 needs of special populations are being met and how
22 such programs will ensure that the benchmarks es-
23 tablished under section 114 are being met;

1 “(2) developing, improving, or expanding the
2 use of technology in vocational-technical education
3 which may include—

4 “(A) training of vocational-technical edu-
5 cation personnel to use state-of-the art tech-
6 nology, which may include distance learning;

7 “(B) providing vocational-technical edu-
8 cation students with the academic and technical
9 skills that lead to entry into the high technology
10 and telecommunications field; or

11 “(C) encouraging schools to work with
12 high tech industries to offer voluntary intern-
13 ships and mentoring programs;

14 “(3) professional development programs, includ-
15 ing—

16 “(A) inservice and preservice training in
17 state-of-the-art vocational-technical education
18 programs and techniques, effective teaching
19 skills based on research, and effective practices
20 to improve parental and community involve-
21 ment; and

22 “(B) support of education programs for
23 teachers of vocational-technical education in
24 public schools and other public school personnel
25 who are involved in the direct delivery of edu-

1 cational services to vocational education stu-
2 dents to ensure that such teachers stay current
3 with the needs, expectations, and methods of in-
4 dustry; and

5 “(4) support for vocational-technical education
6 programs that improve the academic and technical
7 skills of students participating in vocational-tech-
8 nical education programs by strengthening the aca-
9 demic and vocational component of such vocational-
10 technical education programs through the integra-
11 tion of academics with vocational-technical education
12 to ensure learning in the core academic and voca-
13 tional subjects.”;

14 (3) by amending subsection (c) to read as fol-
15 lows:

16 “(c) PERMISSIBLE USES OF FUNDS.—The programs
17 under subsection (a) may include—

18 “(1) technical support for eligible recipients;

19 “(2) establishing agreements between secondary
20 and postsecondary vocational-technical education
21 programs in order to provide postsecondary edu-
22 cation and training opportunities for students par-
23 ticipating in such vocational-technical education pro-
24 grams, such as tech-prep programs;

1 “(3) support for programs for single parents,
2 displaced homemakers, single pregnant women, and
3 individuals in nontraditional occupations that lead to
4 high skill, high wage careers;

5 “(4) support for cooperative education;

6 “(5) support for vocational student organiza-
7 tions;

8 “(6) support for public charter schools operat-
9 ing secondary vocational-technical education pro-
10 grams;

11 “(7) support for vocational-technical education
12 programs that offer experience in, and understand-
13 ing of, all aspects of the industry for which students
14 are preparing to enter;

15 “(8) support for family and consumer sciences
16 programs;

17 “(9) support for corrections vocational-technical
18 education;

19 “(10) support for education and business part-
20 nerships; and

21 “(11) support to improve or develop new voca-
22 tional-technical education courses.”; and

23 (4) by adding after subsection (c) the following
24 new subsection:

1 “(d) RESTRICTION ON USES OF FUNDS.—A State
2 that receives funds under section 102(a)(2) may not use
3 any of such funds to pay administrative costs.”.

4 **SEC. 202. SECONDARY, POSTSECONDARY, AND ADULT VO-**
5 **CATIONAL-TECHNICAL EDUCATION PRO-**
6 **GRAMS.**

7 Part B of title II of the Act is amended to read as
8 follows:

9 **“PART B—SECONDARY, POSTSECONDARY, AND**
10 **ADULT VOCATIONAL-TECHNICAL EDU-**
11 **CATION PROGRAMS**

12 **“Subpart 1—Within-State Allocation**

13 **“SEC. 221. DISTRIBUTION OF FUNDS TO SECONDARY**
14 **SCHOOL PROGRAMS.**

15 “(a) GENERAL RULE.—Except as otherwise provided
16 in this section and section 223, each State shall distribute
17 the funds received under this Act and available in fiscal
18 year 1998 for secondary school vocational-technical edu-
19 cation to local educational agencies within the State as
20 follows:

21 “(1) From 70 percent of such funds, each local
22 educational agency shall be allocated an amount that
23 bears the same relationship to such 70 percent as
24 the amount such local educational agency was allo-
25 cated under section 1124 or such section’s prede-

1 cessor authority of the Elementary and Secondary
2 Education Act of 1965 in the preceding fiscal year
3 bears to the total amount received under such sec-
4 tion by local educational agencies in the State in
5 such year.

6 “(2) From 20 percent of such funds, each local
7 educational agency shall be allocated an amount that
8 bears the same relationship to such 20 percent as
9 the number of students with disabilities who have in-
10 dividualized education programs under section
11 614(d) of the Individuals with Disabilities Education
12 Act who are served by such local educational agency
13 in the preceding fiscal year bears to the total num-
14 ber of such students served by local educational
15 agencies in the State in such year.

16 “(3) From 10 percent of such funds, each local
17 educational agency shall be allocated an amount that
18 bears the same relationship to such 10 percent as
19 the number of students enrolled in schools and
20 adults enrolled in training programs under the juris-
21 diction of such local educational agency in the pre-
22 ceding fiscal year bears to the number of students
23 enrolled in schools and adults enrolled in training
24 programs under the jurisdiction of all local edu-
25 cational agencies in the State in such year.

1 “(b) SPECIAL DISTRIBUTION RULES FOR SUBSE-
2 QUENT FISCAL YEARS.—

3 “(1) FISCAL YEARS 1999 AND 2000.—In fiscal
4 years 1999 and 2000, each State shall distribute the
5 funds available under this Act in such fiscal years
6 for secondary school vocational-technical education
7 programs to local educational agencies within the
8 State as follows:

9 “(A) LESSER OR EQUAL AMOUNTS.—Each
10 State shall distribute all funds allocated by the
11 State for each such fiscal year for secondary
12 school vocational-technical education programs
13 in amounts less than or equal to the total
14 amount of funds distributed pursuant to section
15 231(a) of this Act as such section was in effect
16 on the day before the date of the enactment of
17 the Carl D. Perkins Vocational-Technical Edu-
18 cation Act Amendments of 1997 for such pro-
19 grams in fiscal year 1997 as follows:

20 “(i) 30 percent shall be allocated to
21 such agencies in proportion to the number
22 of individuals aged 15 to 19, inclusive, who
23 reside in the school district served by such
24 agency for the preceding fiscal year com-
25 pared to the total number of such individ-

1 uals who reside in the school districts
2 served by all local educational agencies in
3 the State for such preceding year.

4 “(ii) 70 percent shall be allocated to
5 such agencies in proportion to the number
6 of individuals aged 15 through 19, inclu-
7 sive, who reside in the school district
8 served by such agency from families with
9 incomes below the poverty line (as defined
10 by the Office of Management and Budget
11 and revised annually in accordance with
12 section 673(2) of the Community Services
13 Block Grant Act (42 U.S.C. 9902(2))) ap-
14 plicable to a family of the size involved for
15 the fiscal year for which the determination
16 is made compared to the number of such
17 individuals in all the local educational
18 agencies in the State.

19 “(B) GREATER AMOUNTS.—Each State
20 shall distribute all funds allocated by the State
21 for each such fiscal year for secondary school
22 vocational-technical education programs in
23 amounts greater than the total amount of funds
24 distributed pursuant to section 231(a) of this
25 Act as such section was in effect on the day be-

1 fore the date of the enactment of the Carl D.
2 Perkins Vocational-Technical Education Act
3 Amendments of 1997 for such programs in fis-
4 cal year 1997 as follows:

5 “(i) 40 percent shall be allocated to
6 such agencies in proportion to the number
7 of individuals aged 15 to 19, inclusive, who
8 reside in the school district served by such
9 agency for the preceding fiscal year com-
10 pared to the total number of such individ-
11 uals who reside in the school districts
12 served by all local educational agencies in
13 the State for such preceding year.

14 “(ii) 60 percent shall be allocated to
15 such agencies in proportion to the number
16 of individuals aged 15 through 19, inclu-
17 sive, who reside in the school district
18 served by such agency from families with
19 incomes below the poverty line (as defined
20 by the Office of Management and Budget
21 and revised annually in accordance with
22 section 673(2) of the Community Services
23 Block Grant Act (42 U.S.C. 9902(2))) ap-
24 plicable to a family of the size involved for
25 the fiscal year for which the determination

1 is made compared to the number of such
2 individuals in all the local educational
3 agencies in the State.

4 “(2) FISCAL YEAR 2001.—Each State shall dis-
5 tribute funds allocated under this Act in fiscal year
6 2001 for secondary school vocational-technical edu-
7 cation programs to local educational agencies within
8 the State as follows:

9 “(A) 35 percent shall be allocated to such
10 agencies in proportion to the number of individ-
11 uals aged 15 to 19, inclusive, who reside in the
12 school district served by such agency for the
13 preceding fiscal year compared to the total
14 number of such individuals who reside in the
15 school districts served by all local educational
16 agencies in the State for such preceding year.

17 “(B) 65 percent shall be allocated to such
18 agencies in proportion to the number of individ-
19 uals aged 15 through 19, inclusive, who reside
20 in the school district served by such agency
21 from families with incomes below the poverty
22 line (as defined by the Office of Management
23 and Budget and revised annually in accordance
24 with section 673(2) of the Community Services
25 Block Grant Act (42 U.S.C. 9902(2))) applica-

1 ble to a family of the size involved for the fiscal
2 year for which the determination is made com-
3 pared to the number of such individuals in all
4 the local educational agencies in the State.

5 “(3) FISCAL YEAR 2002.—Each State shall dis-
6 tribute funds allocated under this Act in fiscal year
7 2002 for secondary school vocational-technical edu-
8 cation programs to local educational agencies within
9 the State as follows:

10 “(A) 40 percent shall be allocated to such
11 agencies in proportion to the number of individ-
12 uals aged 15 to 19, inclusive, who reside in the
13 school district served by such agency for the
14 preceding fiscal year compared to the total
15 number of such individuals who reside in the
16 school districts served by all local educational
17 agencies in the State for such preceding year.

18 “(B) 60 percent shall be allocated to such
19 agencies in proportion to the number of individ-
20 uals aged 15 through 19, inclusive, who reside
21 in the school district served by such agency
22 from families with incomes below the poverty
23 line (as defined by the Office of Management
24 and Budget and revised annually in accordance
25 with section 673(2) of the Community Services

1 Block Grant Act (42 U.S.C. 9902(2)) applica-
2 ble to a family of the size involved for the fiscal
3 year for which the determination is made com-
4 pared to the number of such individuals in all
5 the local educational agencies in the State.

6 “(c) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary may waive the application of sub-
7 section (b) in the case of any State that submits to the
8 Secretary an application for such a waiver that—

10 “(1) demonstrates that a proposed alternative
11 formula more effectively targets funds on the basis
12 of poverty (as defined by the Office of Management
13 and Budget and revised annually in accordance with
14 section 673(2) of the Community Services Block
15 Grant Act (42 U.S.C. 9902(2)) to local educational
16 agencies within the State than the formula described
17 in subsection (b); and

18 “(2) includes a proposal for such an alternative
19 formula.

20 “(d) MINIMUM GRANT AMOUNT.—

21 “(1) IN GENERAL.—Except as provided in para-
22 graph (2), no local educational agency shall be eligi-
23 ble for a grant under this part unless the amount al-
24 located to such agency under subsections (a) and (b)
25 is not less than \$10,000. A local educational agency

1 may enter into a consortium with other local edu-
2 cational agencies for purposes of meeting the mini-
3 mum allocation requirement of this paragraph.

4 “(2) WAIVER.—The State shall waive the appli-
5 cation of paragraph (1) in any case in which the
6 local educational agency—

7 “(A)(i) is located in a rural, sparsely popu-
8 lated area, or

9 “(ii) is a public charter school operating
10 secondary vocational-technical education pro-
11 grams; and

12 “(B) demonstrates that the agency is un-
13 able to enter into a consortium for purposes of
14 providing services under this part.

15 “(3) REDISTRIBUTION.—Any amounts that are
16 not allocated by reason of paragraph (1) or para-
17 graph (2) shall be redistributed to local educational
18 agencies that meet the requirements of paragraph
19 (1) or (2) in accordance with the provisions of this
20 section.

21 “(e) LIMITED JURISDICTION AGENCIES.—

22 “(1) IN GENERAL.—In applying the provisions
23 of subsections (a), (b), (c), and (d), no State receiv-
24 ing assistance under this Act shall allocate funds to
25 a local educational agency that serves only elemen-

1 tary schools, but shall distribute such funds to the
2 local educational agency or regional educational
3 agency that provides secondary school services to
4 secondary school students in the same attendance
5 area.

6 “(2) SECONDARY SCHOOL JURISDICTION.—The
7 amount to be allocated under paragraph (1) to a
8 local educational agency that has jurisdiction only
9 over secondary schools shall be determined based on
10 the number of students that were enrolled in such
11 secondary schools in the previous year from the ele-
12 mentary schools involved.

13 “(f) ALLOCATIONS TO AREA VOCATIONAL-TECH-
14 NICAL EDUCATION SCHOOLS AND EDUCATIONAL SERVICE
15 AGENCIES.—

16 “(1) IN GENERAL.—Each State shall distribute
17 funds available for secondary school vocational-tech-
18 nical education programs to the appropriate area vo-
19 cational-technical education school or educational
20 service agency in any case in which the area voca-
21 tional-technical education school or educational serv-
22 ice agency and the local educational agency con-
23 cerned—

1 “(A) have formed or will form a consor-
2 tium for the purpose of receiving funds under
3 this section; or

4 “(B) have entered into or will enter into a
5 cooperative arrangement for such purpose.

6 “(2) ALLOCATION BASIS.—If an area voca-
7 tional-technical education school or educational serv-
8 ice agency meets the requirements of paragraph (1),
9 then the amount that would otherwise be distributed
10 to the local educational agency shall be allocated to
11 the area vocational-technical education school, the
12 educational service agency, and the local educational
13 agency based on each school’s or entity’s relative
14 share of students who are attending vocational-tech-
15 nical education programs (based, if practicable, on
16 the average enrollment for the prior 3 years).

17 “(3) APPEALS PROCEDURE.—The State board
18 shall establish an appeals procedure for resolution of
19 any dispute arising between a local educational
20 agency and an area vocational-technical education
21 school or an educational service agency with respect
22 to the allocation procedures described in this section,
23 including the decision of a local educational agency
24 to leave a consortium or terminate a cooperative ar-
25 rangement.

1 “(g) CONSORTIUM REQUIREMENTS.—

2 “(1) ALLIANCE.—Any local educational agency
3 receiving an allocation that is not sufficient to con-
4 duct a program which meets the requirements of
5 section 225 is encouraged to—

6 “(A) form a consortium or enter into a co-
7 operative agreement with an area vocational-
8 technical education school or educational service
9 agency offering programs that meet the require-
10 ments of section 225; and

11 “(B) transfer such allocation to the area
12 vocational-technical education school or edu-
13 cational service agency; and

14 “(C) operate programs that are of suffi-
15 cient size, scope, and quality as to be effective.

16 “(2) FUNDS TO CONSORTIUM.—Funds allocated
17 to a consortium formed to meet the requirements of
18 this paragraph shall be used only for purposes and
19 programs that are mutually beneficial to all mem-
20 bers of the consortium and can be used only for pro-
21 grams authorized under this Act. Such funds may
22 not be reallocated to individual members of the con-
23 sortium for purposes or programs benefiting only
24 one member of the consortium.

1 “(h) DATA.—The Secretary shall collect information
2 from States regarding the specific dollar allocations made
3 available by the State for vocational-technical education
4 programs under subsections (a), (b), (c), and (d) and how
5 these allocations are distributed to local educational agen-
6 cies, area vocational-technical education schools, edu-
7 cational services agencies, and eligible institutions within
8 the State in accordance with this section.

9 **“SEC. 222. DISTRIBUTION OF FUNDS FOR POSTSECONDARY**
10 **AND ADULT VOCATIONAL-TECHNICAL EDU-**
11 **CATION PROGRAMS.**

12 “(a) ALLOCATION.—

13 “(1) IN GENERAL.—Except as provided in sub-
14 sections (b) and (c) and section 223, each State
15 shall distribute funds available in any fiscal year for
16 postsecondary and adult vocational-technical edu-
17 cation programs to eligible institutions or consortia
18 of eligible institutions within the State.

19 “(2) FORMULA.—Each eligible institution or
20 consortium of eligible institutions shall receive an
21 amount that bears the same relationship to the
22 amount of funds available under such section as the
23 number of individuals who are Pell Grant recipients
24 or recipients of assistance from the Bureau of In-
25 dian Affairs and are enrolled in programs meeting

1 the requirements of section 225 offered by such in-
2 stitution or consortium in the preceding fiscal year
3 bears to the number of such recipients enrolled in
4 such programs within the State for such year.

5 “(3) CONSORTIUM REQUIREMENTS.—

6 “(A) IN GENERAL.—In order for a consor-
7 tium of eligible institutions described in para-
8 graph (2) to receive assistance pursuant to such
9 paragraph, such consortium shall operate joint
10 projects that—

11 “(i) provide services to all postsecond-
12 ary institutions participating in the consor-
13 tium; and

14 “(ii) are of sufficient size, scope, and
15 quality as to be effective.

16 “(B) FUNDS TO CONSORTIUM.—Funds al-
17 located to a consortium formed to meet the re-
18 quirements of this section shall be used only for
19 purposes and programs that are mutually bene-
20 ficial to all members of the consortium and can
21 be used only for programs authorized under
22 this Act. Such funds may not be reallocated to
23 individual members of the consortium for pur-
24 poses or programs benefiting only one member
25 of the consortium.

1 “(b) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary may waive the application of sub-
2 TION.—The Secretary may waive the application of sub-
3 section (a) in the case of any State that submits to the
4 Secretary of Education an application for such a waiver
5 that—

6 “(1) demonstrates that the formula described in
7 subsection (a) does not result in a distribution of
8 funds to the institutions or consortia within the
9 State that have the highest numbers of economically
10 disadvantaged individuals and that an alternative
11 formula would result in such a distribution; and

12 “(2) includes a proposal for such an alternative
13 formula.

14 “(c) MINIMUM GRANT AMOUNT.—

15 “(1) IN GENERAL.—No funds provided to any
16 institution or consortium under this section shall be
17 for an amount that is less than \$35,000.

18 “(2) REDISTRIBUTION.—Any amounts that are
19 not distributed by reason of paragraph (1) shall be
20 redistributed to eligible institutions or consortia of
21 eligible institutions in accordance with the provisions
22 of this section.

23 “(d) DEFINITIONS.—For the purposes of this sec-
24 tion—

1 “(1) the term ‘eligible institution’ means an in-
2 stitution of higher education as such term is defined
3 in section 1201(a) of the Higher Education Act of
4 1965, a local educational agency serving adults, or
5 an area vocational education school serving adults
6 that offers or will offer a program that meets the re-
7 quirements of section 225 and seeks to receive as-
8 sistance under this part; and

9 “(2) the term ‘Pell Grant’ means a recipient of
10 financial aid under subpart 1 of part A of title IV
11 of the Higher Education Act of 1965.

12 **“SEC. 223. SPECIAL RULES FOR VOCATIONAL-TECHNICAL**
13 **EDUCATION.**

14 “(a) SPECIAL RULE FOR MINIMAL ALLOCATION.—

15 “(1) GENERAL AUTHORITY.—Notwithstanding
16 the provisions of sections 221 and 222 and in order
17 to make a more equitable distribution of funds for
18 programs serving the areas of greatest economic
19 need, for any program year for which a minimal
20 amount is made available by a State for distribution
21 under section 221 or 222, such State may distribute
22 such minimal amount for such year—

23 “(A) on a competitive basis; or

24 “(B) through any alternative method de-
25 termined by the State.

1 “(2) MINIMAL AMOUNT.—For purposes of this
2 section, the term ‘minimal amount’ means not more
3 than 15 percent of the total amount made available
4 for distribution under this part.

5 “(b) REDISTRIBUTION.—

6 “(1) IN GENERAL.—In any academic year that
7 a local educational agency or eligible institution does
8 not expend all of the amounts it is allocated for such
9 year under section 221 or 222, such recipient shall
10 return any unexpended amounts to the State to be
11 reallocated under section 221 or 222, as appropriate.

12 “(2) REDISTRIBUTION OF AMOUNTS RETURNED
13 LATE IN AN ACADEMIC YEAR.—In any academic year
14 in which amounts are returned to the State under
15 section 221 or 222 and the State is unable to reallo-
16 cate such amounts according to such sections in
17 time for such amounts to be expended in such aca-
18 demic year, the State shall retain such amounts for
19 distribution in combination with amounts provided
20 under this title for the following academic year.

21 “(c) CONSTRUCTION.—Nothing in section 221 or 222
22 shall be construed—

23 “(1) to prohibit a local educational agency (or
24 a consortium thereof) that receives assistance under
25 section 221, from working with an eligible recipient

1 (or consortium thereof) that receives assistance
2 under section 222, to carry out secondary school vo-
3 cational-technical education programs in accordance
4 with this title;

5 “(2) to prohibit an eligible recipient (or consor-
6 tium thereof) that receives assistance under section
7 222, from working with a local educational agency
8 (or consortium thereof) that receives assistance
9 under section 221, to carry out postsecondary and
10 adult vocational-technical education programs in ac-
11 cordance with this title; or

12 “(3) to require a charter school which provides
13 vocational-technical education programs and is a
14 local educational agency to jointly establish its eligi-
15 bility unless the charter school is explicitly permitted
16 to do so under the State’s charter school statute.

17 “(d) CONSISTENT APPLICATION.—For purposes of
18 this section, the State board shall provide funds to charter
19 schools that offer vocational-technical education programs
20 that are public schools of the local educational agency in
21 the same manner as it provides those funds to other
22 schools of the local educational agency. Such vocational-
23 technical education program within a charter school shall
24 be of sufficient size, scope, and quality as to be effective.

1 **“SEC. 224. LOCAL APPLICATION FOR VOCATIONAL-TECH-**
2 **NICAL EDUCATION PROGRAMS.**

3 “(a) APPLICATION REQUIRED.—Any eligible recipi-
4 ent desiring financial assistance under this part shall, in
5 accordance with requirements established by the State
6 board, submit an application to the State board. Such ap-
7 plication shall cover the same period of time as the period
8 of time applicable to the State application submitted under
9 section 112.

10 “(b) CONTENTS.—The State board shall determine
11 requirements for local applications, except that each appli-
12 cation shall—

13 “(1) describe how the vocational-technical edu-
14 cation programs required under section 225(b) will
15 be carried out with funds received under this part;

16 “(2) describe how students participating in vo-
17 cational-technical education programs carried out
18 with funds under this Act will reach the State
19 benchmarks as established under section 114;

20 “(3) describe how the eligible recipient will—

21 “(A) improve the academic and technical
22 skills of students participating in vocational-
23 technical education programs by strengthening
24 the academic and vocational components of
25 such programs through the integration of aca-
26 demics with vocational-technical education pro-

1 grams through a coherent sequence of courses
2 to ensure learning in the core academic and vo-
3 cational subjects; and

4 “(B) ensure that students who participate
5 in such vocational-technical education programs
6 are taught to the same challenging academic
7 proficiencies as are provided for all other stu-
8 dents;

9 “(4) describe how parents, students, teachers,
10 business and representatives of employees are in-
11 volved in the development, implementation, and eval-
12 uation of vocational-technical education programs
13 assisted under this Act, and how these individuals
14 are effectively informed about, and assisted in un-
15 derstanding, the requirements of this Act; and

16 “(5) provide assurances that the eligible recipi-
17 ent will provide a vocational-technical education pro-
18 gram that is of such size, scope, and quality as to
19 bring about improvement in the quality of voca-
20 tional-technical education programs.

21 **“SEC. 225. LOCAL USES OF FUNDS.**

22 “(a) GENERAL AUTHORITY.—Each eligible recipient
23 that receives a grant under this part shall use such funds
24 to improve vocational-technical education programs.

1 “(b) REQUIREMENTS FOR USES OF FUNDS.—Funds
2 made available under this part shall be used to support
3 vocational-technical education programs that—

4 “(1) strengthen the academic and technical
5 skills of students participating in vocational-technical
6 education programs by strengthening the academic and vocational
7 components of such programs through the integration of academics with vocational-
8 technical education programs through a coherent sequence of courses to ensure learning in the
9 core academic and vocational subjects;

12 “(2) develop, improve, or expand the use of
13 technology in vocational-technical education which
14 may include—

15 “(A) training of vocational-technical education
16 personnel to use State-of-the art technology, which may include distance learning;

18 “(B) providing vocational-technical education
19 students with the academic and technical skills that lead to entry into the high technology
20 and telecommunications field; or

22 “(C) encouraging schools to work with
23 high tech industries to offer voluntary internships and mentoring programs;

1 “(3) provide professional development pro-
2 grams, including—

3 “(A) inservice training in state-of-the-art
4 vocational-technical education programs and
5 techniques, effective teaching skills based on re-
6 search, and effective practices to improve pa-
7 rental and community involvement; and

8 “(B) support of education programs for
9 teachers of vocational-technical education in
10 public schools and other public school personnel
11 who are involved in the direct delivery of edu-
12 cational services to vocational-technical edu-
13 cation students, to ensure that such teachers
14 stay current with the needs, expectations, and
15 methods of industry;

16 “(4) support vocational-technical education pro-
17 grams that improve the academic and technical skills
18 of students participating in vocational-technical edu-
19 cation programs by strengthening the academic com-
20 ponent of such vocational-technical education pro-
21 grams through the integration of academics with vo-
22 cational-technical education to ensure learning in the
23 core academic subjects; and

24 “(5) provide an assessment of the vocational-
25 technical education programs carried out with funds

1 under this Act, including an assessment of how the
2 needs of special populations are being met, and how
3 such programs will ensure that the benchmarks es-
4 tablished under section 114 are being met.

5 “(c) PERMISSIBLE ACTIVITIES.—Funds made avail-
6 able under this part may be used for—

7 “(1) establishing agreements between secondary
8 and postsecondary vocational-technical education
9 programs in order to provide postsecondary edu-
10 cation and training opportunities for students par-
11 ticipating in such vocational-technical programs,
12 such as tech-prep programs;

13 “(2) involving parents, business, and represent-
14 atives of employees in the design, implementation,
15 and evaluation of vocational-technical education pro-
16 grams authorized under this Act;

17 “(3) providing career guidance and academic
18 counseling;

19 “(4) providing work related experience, such as
20 internships, cooperative education, school-based en-
21 terprises, entrepreneurship, and job shadowing that
22 are related to vocational-technical education pro-
23 grams;

24 “(5) programs for single parents, displaced
25 homemakers, and single pregnant women;

1 “(6) local education and business partnerships;

2 “(7) vocational student organizations;

3 “(8) mentoring and support services;

4 “(9) leasing, purchasing, or upgrading of equip-
5 ment;

6 “(10) establishing effective programs and pro-
7 cedures to enable vocational-technical education pro-
8 gram participants and their parents to participate
9 directly in decisions that influence the programs, in-
10 cluding providing information and assistance for in-
11 formed effective participation;

12 “(11) teacher preparation programs which as-
13 sist individuals who are interested in becoming voca-
14 tional-technical education instructors, including indi-
15 viduals with experience in business and industry;

16 “(12) improving or developing new vocational-
17 technical education courses; and

18 “(13) support for family and consumer sciences
19 programs.

20 “(d) ADMINISTRATIVE COSTS.—Each eligible recipi-
21 ent receiving funds under this part shall not use more than
22 2 percent of the funds for administrative costs associated
23 with the administration of the grant.”.

24 **SEC. 203. REPEAL OF PART C.**

25 Part C of title II is repealed.

1 **TITLE III—RESEARCH AND**
2 **DEVELOPMENT**

3 **SEC. 301. EVALUATION; RESEARCH, DEMONSTRATIONS AND**
4 **DISSEMINATION.**

5 (a) **HEADING.**—The heading for title III is amended
6 to read as follows:

7 **“TITLE III—RESEARCH AND**
8 **DEVELOPMENT”.**

9 (b) **PART A.**—Part A of title III is amended to read
10 as follows:

11 **“PART A—RESEARCH AND DEVELOPMENT**
12 **“SEC. 301. EVALUATION; RESEARCH; DEMONSTRATIONS;**
13 **AND DISSEMINATION.**

14 “(a) **SINGLE PLAN.**—

15 “(1) **IN GENERAL.**—The Secretary shall develop
16 a single plan for evaluation and assessment, re-
17 search, demonstrations, and dissemination with re-
18 gard to the vocational-technical education programs
19 assisted under this Act.

20 “(2) **PLAN.**—Such plan shall—

21 “(A) identify the vocational-technical edu-
22 cation programs the Secretary will carry out
23 under this section;

1 “(B) describe how the Secretary will evalu-
2 ate such vocational-technical education pro-
3 grams in accordance with subsection (b); and

4 “(C) include such other information as the
5 Secretary determines to be appropriate.

6 “(b) EVALUATION AND ASSESSMENT.—

7 “(1) IN GENERAL.—From amounts made avail-
8 able under subsection (g), the Secretary shall pro-
9 vide for the conduct of an independent evaluation
10 and assessment of vocational-technical education
11 programs under this Act through studies and analy-
12 ses conducted independently through grants and
13 contracts awarded on a competitive basis.

14 “(2) CONTENTS.—Such evaluation and assess-
15 ment of vocational-technical education programs
16 shall include descriptions of—

17 “(A) the extent to which State, local, and
18 tribal entities have developed, implemented, or
19 improved State and local vocational-technical
20 education programs;

21 “(B) the degree to which the expenditures
22 of funds provided under this Act at the Federal,
23 State, local, and tribal levels address improve-
24 ment in vocational-technical education pro-
25 grams;

1 “(C) the extent to which vocational-tech-
2 nical education programs succeed in preparing
3 individuals participating in such programs for
4 entry into postsecondary education, further
5 learning, or high skill, high wage careers; and

6 “(D) the effect of State benchmarks, per-
7 formance measures, and other measures of ac-
8 countability on the delivery of vocational-tech-
9 nical education programs.

10 “(c) COLLECTION OF INFORMATION AND REPORT.—

11 “(1) IN GENERAL.—The Secretary may collect
12 and disseminate information from States regarding
13 State efforts to meet State benchmarks described in
14 section 114.

15 “(2) REPORT.—The Secretary shall gather any
16 information collected pursuant to paragraph (1) and
17 submit a report to the Committee on Education and
18 the Workforce of the House of Representatives and
19 the Committee on Labor and Human Resources of
20 the Senate.

21 “(d) RESEARCH.—

22 “(1) IN GENERAL.—The Secretary shall award
23 grants, on a competitive basis, to an institution of
24 higher education, a public or private organization or
25 agency, or a consortium of such institutions, organi-

1 zations, or agencies to establish a national research
2 center or centers—

3 “(A) to carry out research for the purpose
4 of developing, improving, and identifying the
5 most successful methods for successfully ad-
6 dressing the education, employment, and train-
7 ing needs of participants in vocational-technical
8 education programs;

9 “(B) to carry out research to increase the
10 effectiveness and improve the implementation of
11 vocational-technical education programs, includ-
12 ing conducting research and development and
13 studies providing longitudinal information or
14 formative evaluation with respect to vocational-
15 technical education programs;

16 “(C) to carry out research that can be
17 used to improve teaching and learning in the
18 vocational-technical education classroom; and

19 “(D) to carry out such other research as
20 the Secretary determines to be appropriate to
21 achieve the purposes of this Act.

22 “(2) SUMMARY.—The Secretary shall provide
23 an annual report summarizing the evaluations and
24 assessments described in subsection (b), and the re-
25 search conducted pursuant to this subsection, and

1 the findings of such evaluations and assessments,
2 and research, to the Committee on Education and
3 the Workforce of the House of Representatives and
4 the Committee on Labor and Human Resources of
5 the Senate.

6 “(e) DEMONSTRATIONS AND DISSEMINATION.—

7 “(1) DEMONSTRATION PROGRAM.—The Sec-
8 retary is authorized to carry out demonstration voca-
9 tional-technical education programs, to replicate
10 model vocational-technical education programs, to
11 disseminate best practices information, and to pro-
12 vide technical assistance upon request of a State, for
13 the purposes of developing, improving, and identify-
14 ing the most successful methods and techniques for
15 providing vocational-technical education programs
16 assisted under this Act.

17 “(2) DEMONSTRATION PARTNERSHIP.—

18 “(A) IN GENERAL.—The Secretary shall
19 carry out a demonstration partnership project
20 involving a 4-year, accredited postsecondary in-
21 stitution, in cooperation with local public edu-
22 cation organizations, volunteer groups, and pri-
23 vate sector business participants to provide pro-
24 gram support, and facilities for education,
25 training, tutoring, counseling, employment

1 preparation, specific skills training in emerging
2 and established professions, retraining of mili-
3 tary medical personnel, retraining of individuals
4 displaced by corporate or military restructuring,
5 migrant workers, and other individuals who oth-
6 erwise would not have access to such services,
7 through multi-site, multi-State distance learn-
8 ing technologies.

9 “(B) PROGRAM.—Such program may be
10 carried out directly or through grants, con-
11 tracts, cooperative agreements, or through the
12 national center or centers.

13 “(f) DEFINITION.—As used in this section, the term
14 ‘institution of higher education’ has the meaning given the
15 term in section 1201(a) of the Higher Education Act of
16 1965 (20 U.S.C. 1141(a)).

17 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as may be
19 necessary for fiscal year 1998 and such sums as may be
20 necessary for each of the 4 succeeding fiscal years to carry
21 out this part.”.

22 **SEC. 302. TECH-PREP EDUCATION.**

23 Part B of title III is amended to read as follows:

1 **“PART C—TECH-PREP EDUCATION**

2 **“SEC. 321. TECH-PREP EDUCATION.**

3 “(a) PROGRAM AUTHORIZED.—The State board, in
4 accordance with the provisions of this part, shall award
5 grants to consortia on a competitive basis or on the basis
6 of a formula determined by the State board, for tech-prep
7 education programs.

8 “(b) GENERAL AUTHORITY.—Each grant recipient
9 shall use amounts provided under the grant to develop and
10 operate a 4- or 6-year tech-prep education program.

11 “(c) CONTENTS OF PROGRAM.—Any such program
12 shall—

13 “(1) be carried out under an articulation agree-
14 ment between the participants in the consortium;

15 “(2) consist of the 2 or 4 years of secondary
16 school preceding graduation and 2 years of higher
17 education, or an apprenticeship program of at least
18 2 years following secondary instruction, with a com-
19 mon core of required proficiency in mathematics,
20 science, communications, and technologies designed
21 to lead to an associate degree or postsecondary cer-
22 tificate in a specific career field;

23 “(3) include the development of tech-prep edu-
24 cation program components appropriate to the needs
25 of the consortium participants;

1 “(4) include in-service training for teachers
2 that—

3 “(A) is designed to train vocational-tech-
4 nical teachers to effectively implement tech-prep
5 education programs;

6 “(B) provides for joint training for teach-
7 ers in the tech-prep consortium; and

8 “(C) may provide such training in week-
9 end, evening, and summer sessions, institutes,
10 or workshops;

11 “(5) include training programs for counselors
12 designed to enable counselors to more effectively—

13 “(A) provide information to students re-
14 garding tech-prep education programs;

15 “(B) support student progress in complet-
16 ing such programs; and

17 “(C) provide information on related em-
18 ployment opportunities;

19 “(6) provide equal access to the full range of
20 technical preparation programs to individuals who
21 are members of special populations, including the
22 development of tech-prep education program services
23 appropriate to the needs of such individuals; and

24 “(7) provide for preparatory services that assist
25 participants in such programs.

1 “(d) ADDITIONAL AUTHORIZED ACTIVITIES.—Each
2 such program may—

3 “(1) provide for the acquisition of tech-prep
4 education program equipment; and

5 “(2) acquire technical assistance from State or
6 local entities that have successfully designed, estab-
7 lished and operated tech-prep programs.

8 **“SEC. 322. APPLICATIONS.**

9 “(a) IN GENERAL.—Each consortium that desires to
10 receive a grant under this part shall submit an application
11 to the State board, as appropriate, at such time and in
12 such manner as the State board shall prescribe.

13 “(b) PLAN.—Each application submitted under this
14 section shall contain a 5-year plan for the development
15 and implementation of programs under this part.

16 “(c) APPROVAL.—The State board shall approve ap-
17 plications based on their potential to create an effective
18 tech-prep education program as provided for in this sec-
19 tion.

20 “(d) SPECIAL CONSIDERATION.—The State board, as
21 appropriate, shall give special consideration to applications
22 which—

23 “(1) provide for effective employment placement
24 activities or transfer of students to 4-year bacca-
25 laurate degree programs;

1 “(2) are developed in consultation with busi-
2 ness, industry, institutions of higher education, and
3 representatives of employees;

4 “(3) address effectively the issues of dropout
5 prevention and reentry and the needs of special pop-
6 ulations.

7 **“SEC. 323. REPORT.**

8 “Each State that receives a grant under this part
9 shall annually prepare and submit to the Secretary a re-
10 port on the effectiveness of their Tech-Prep programs, in-
11 cluding how competitive grants were awarded within the
12 State.

13 **“SEC. 324. ALLOTMENT.**

14 “The Secretary shall allot funds under this part in
15 each fiscal year in the same manner as funds are allotted
16 under section 101(a)(2).

17 **“SEC. 325. AUTHORIZATION.**

18 “(a) IN GENERAL.—From amounts made available
19 under section 3(a), 10 percent shall be used to carry out
20 this part for fiscal year 1998 and for each of the 4 suc-
21 ceeding fiscal years.

22 “(b) MINIMUM AMOUNT.—No State shall receive a
23 grant of less than \$250,000 under this part in any fiscal
24 year.”.

1 **SEC. 303. VOCATIONAL-TECHNICAL EDUCATION AND OCCU-**
2 **PATIONAL INFORMATION DATA SYSTEMS.**

3 Part C of title IV is amended—

4 (1) by striking the part heading and inserting
5 the following:

6 **“PART B—VOCATIONAL-TECHNICAL EDUCATION**
7 **INFORMATION”;**

8 (2) by redesignating sections 421 through 424
9 as sections 311 through 314, respectively.

10 (3) by amending subsection (e) of section 312,
11 as redesignated under paragraph (2), to read as fol-
12 lows:

13 “(e) There are authorized to be appropriated for each
14 of fiscal years 1998 through 2002 such sums as may be
15 necessary to carry out this part.”;

16 (4) in section 313(a)(1), as redesignated in
17 paragraph (2), by striking “421” and inserting
18 “311”; and

19 (5) by adding at the end of such part the fol-
20 lowing new section:

21 **“SEC. 315. AUTHORIZATION OF APPROPRIATIONS**

22 “There are authorized to be appropriated for this
23 part such sums as may be necessary for fiscal year 1998
24 and such sums as may be necessary for each of the 4 suc-
25 ceeding fiscal years.”.

1 **SEC. 304. REPEALS.**

2 (a) TITLE III.—Parts C, D, E, F, G, and H of title
3 III of the Act, as the Act was in effect on the day before
4 the date of the enactment of this Act, are repealed.

5 (b) TITLE IV.—The heading for title IV and parts
6 A, B, E, and F of such title of the Act are repealed.

7 **TITLE IV—GENERAL**
8 **PROVISIONS**

9 **SEC. 401. GENERAL PROVISIONS.**

10 Title V of the Act is amended to read as follows:

11 **“TITLE IV—GENERAL**
12 **PROVISIONS**

13 **“PART A—FEDERAL ADMINISTRATIVE**
14 **PROVISIONS**

15 **“SEC. 401. PAYMENTS.**

16 “The Secretary shall pay from its allotment under
17 section 101 to each State for any fiscal year for which
18 the State has a State application submitted in accordance
19 with section 113 (including any amendment to such appli-
20 cation) the Federal share of the costs of carrying out the
21 State application.

22 **“SEC. 402. FISCAL REQUIREMENTS.**

23 “(a) SUPPLEMENT NOT SUPPLANT.—Funds received
24 under this Act shall be used to supplement, not supplant,
25 the amount of funds that would, in the absence of such

1 Federal funds, be made available from non-Federal
2 sources for vocational-technical education programs.

3 “(b) MAINTENANCE OF EFFORT.—

4 “(1) DETERMINATION.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraphs (B) and (C), no payments shall
7 be made under this title for any fiscal year to
8 a State for vocational-technical education pro-
9 grams unless the Secretary of Education deter-
10 mines that the fiscal effort per student or the
11 aggregate expenditures of such State for voca-
12 tional-technical programs for the fiscal year
13 preceding the fiscal year for which the deter-
14 mination is made, equaled or exceeded such ef-
15 fort or expenditures for vocational-technical
16 education programs, for the second fiscal year
17 preceding the fiscal year for which the deter-
18 mination is made.

19 “(B) COMPUTATION.—In computing the
20 fiscal effort or aggregate expenditures pursuant
21 to subparagraph (A), the Secretary of Edu-
22 cation shall exclude capital expenditures, special
23 one-time project costs, and the cost of pilot pro-
24 grams.

1 “(C) DECREASE IN FEDERAL SUPPORT.—

2 If the amount made available for vocational-
3 technical education programs under this Act for
4 a fiscal year is less than the amount made
5 available for vocational-technical education pro-
6 grams under this Act for the preceding fiscal
7 year, then the fiscal effort per student or the
8 aggregate expenditures of a State required by
9 subparagraph (B) for such preceding fiscal year
10 shall be decreased by the same percentage as
11 the percentage decrease in the amount so made
12 available.

13 “(2) WAIVER.—The Secretary may waive the
14 requirements of paragraph (1) (with respect to not
15 more than 5 percent of expenditures required for the
16 preceding fiscal year by any State) for 1 program
17 year only, after making a determination that such
18 waiver would be equitable due to exceptional or un-
19 controllable circumstances affecting the ability of the
20 State to meet such requirements, such as a natural
21 disaster or an unforeseen and precipitous decline in
22 financial resources. No level of funding permitted
23 under such a waiver may be used as the basis for
24 computing the fiscal effort or aggregate expenditures
25 required under this paragraph for years subsequent

1 to the year covered by such waiver. The fiscal effort
2 or aggregate expenditures for the subsequent years
3 shall be computed on the basis of the level of fund-
4 ing that would, but for such waiver, have been re-
5 quired.

6 **“SEC. 403. AUTHORITY TO MAKE PAYMENTS.**

7 “Any authority to make payments or to enter into
8 contracts under this Act shall be available only to such
9 extent or in such amounts as are provided in advance ap-
10 propriation Acts.

11 **“SEC. 404. NATIONAL AND STATE FUNDING.**

12 “Nothing in this Act shall be construed to permit,
13 allow, encourage, or authorize any Federal control over
14 any aspect of any private, religious, or home school,
15 whether or not a home school is treated as a private school
16 or home school under State law. This section shall not be
17 construed to bar private, religious, or home schools from
18 participation in programs or services under the Act.

19 **“SEC. 405. FREEDOM TO CHOOSE.**

20 “None of the funds made available under this Act
21 shall be used to—

22 “(1) require any individual to choose or pursue
23 a specific career path or major or to participate in
24 any vocational-technical education program;

1 “(2) compel any individual to enter into a spe-
2 cific course of study which requires as a condition of
3 completion, attainment of federally-funded or en-
4 dorsed industry recognized skills or standards;

5 “(3) require any individuals to meet or obtain
6 federally-funded or federally endorsed industry rec-
7 ognized skills, certificates, or standards, unless the
8 participant has selected and is participating in a
9 program or course of study that requires, as a condi-
10 tion of completion, attainment of an industry-recog-
11 nized skill or standard; or

12 “(4) to require any individual to obtain a feder-
13 ally-funded or endorsed certificate of mastery.

14 **“SEC. 406. LIMITATION FOR CERTAIN STUDENTS.**

15 “None of the funds received under this Act may be
16 used to provide vocational-technical education programs to
17 students prior to the seventh grade, except that equipment
18 and facilities purchased with funds under this Act may
19 be used by such students.

20 **“SEC. 407. FEDERAL LAWS GUARANTEEING CIVIL RIGHTS.**

21 “Nothing in this Act shall be construed to be incon-
22 sistent with applicable Federal laws guaranteeing civil
23 rights.

1 **“SEC. 408. AUTHORIZATION OF SECRETARY.**

2 “For the purposes of increasing and expanding the
3 use of technology in vocational-technical education in-
4 struction, including the training of vocational-technical
5 education personnel as provided in title II, the Secretary
6 is authorized to receive funds collected by the Federal
7 Government from fees for the use of property, rights-of-
8 way, and easements under the control of Federal depart-
9 ments and agencies for the placement of telecommuni-
10 cations services that are dependent, in whole or in part,
11 upon the utilization of general spectrum rights for the
12 transmission or reception of such services.

13 **“SEC. 409. PARTICIPATION OF PRIVATE SCHOOL PERSON-**
14 **NEL.**

15 “A State or local educational agency which uses
16 funds under this Act for inservice and preservice voca-
17 tional-technical education professional development pro-
18 grams for vocational-technical education teachers, admin-
19 istrators, and other personnel may, upon request, permit
20 the participation in such programs of vocational-technical
21 education teachers, administrators, and other personnel in
22 nonprofit private schools offering vocational-technical edu-
23 cation programs located in the geographical area served
24 by such agency.

1 **“PART B—STATE ADMINISTRATIVE PROVISIONS**

2 **“SEC. 411. JOINT FUNDING.**

3 “(a) GENERAL AUTHORITY.—Funds made available
4 to States under this Act may be used to provide additional
5 funds under an applicable program if—

6 “(1) such program otherwise meets the require-
7 ments of this Act and the requirements of the appli-
8 cable program;

9 “(2) such program serves the same individuals
10 that are served under this Act;

11 “(3) such program provides services in a coordi-
12 nated manner with services provided under this Act;
13 and

14 “(4) such funds would be used to supplement,
15 and not supplant, funds provided from non-Federal
16 sources.

17 “(b) APPLICABLE PROGRAM.—For the purposes of
18 this section, the term ‘applicable program’ means any pro-
19 gram under any of the following provisions of law:

20 “(1) Section 123, title II, and title III of the
21 Job Training Partnership Act.

22 “(2) The Wagner-Peyser Act.

23 “(c) USE OF FUNDS AS MATCHING FUNDS.—For the
24 purposes of this section, the term ‘additional funds’ does
25 not include the use of funds as matching funds.

1 **“SEC. 412. PROHIBITION ON USE OF FUNDS TO INDUCE**
2 **OUT-OF-STATE RELOCATION OF BUSINESSES.**

3 “No funds provided under this Act shall be used for
4 the purpose of directly providing incentives or induce-
5 ments to an employer to relocate a business enterprise
6 from one State to another State if such relocation would
7 result in a reduction in the number of jobs available in
8 the State where the business enterprise is located before
9 such incentives or inducements are offered.

10 **“SEC. 413. STATE ADMINISTRATIVE COSTS.**

11 “(a) GENERAL RULE.—Except as provided in sub-
12 section (b), for each fiscal year for which a State receives
13 assistance under this Act, the State shall provide from
14 non-Federal sources for costs the State incurs for adminis-
15 tration of programs under this Act an amount that is not
16 less than the amount provided by the State from non-Fed-
17 eral sources for such costs for the preceding fiscal year.

18 “(b) EXCEPTION.—If the amount made available for
19 administration of programs under this Act for a fiscal year
20 is less than the amount made available for administration
21 of programs under this Act for the preceding fiscal year,
22 the amount the State is required to provide from non-Fed-
23 eral sources for costs the State incurs for administration
24 of programs under this Act shall be the same percentage
25 as the amount made available for administration of pro-
26 grams under this Act.

1 **“SEC. 414. LIMITATION ON FEDERAL REGULATIONS.**

2 “The Secretary may issue regulations under this Act
3 only to the extent necessary to administer and ensure com-
4 pliance with the specific requirements of this Act.

5 **“SEC. 415. STUDENT ASSISTANCE AND OTHER FEDERAL**
6 **PROGRAMS.**

7 “(a) ATTENDANCE COSTS NOT TREATED AS INCOME
8 OR RESOURCES.—The portion of any student financial as-
9 sistance received under this Act that is made available for
10 attendance costs described in subsection (b) shall not be
11 considered as income or resources in determining eligi-
12 bility for assistance under any other program funded in
13 whole or in part with Federal funds.

14 “(b) ATTENDANCE COSTS.—The attendance costs de-
15 scribed in this subsection are—

16 “(1) tuition and fees normally assessed a stu-
17 dent carrying the same academic workload as deter-
18 mined by the institution, and including costs for
19 rental or purchase of any equipment, materials, or
20 supplies required of all students in the same course
21 of study; and

22 “(2) an allowance for books, supplies, transpor-
23 tation, dependent care, and miscellaneous personal
24 expenses for a student attending the institution on
25 at least a half-time basis, as determined by the insti-
26 tution.

1 “(c) COSTS OF VOCATIONAL-TECHNICAL EDUCATION
2 SERVICES.—Funds made available under title II may be
3 used to pay for the costs of vocational-technical education
4 services required in an individualized education plan devel-
5 oped pursuant to section 614(d) of the Individuals with
6 Disabilities Education Act and services necessary to meet
7 the requirements of section 504 of the Rehabilitation Act
8 of 1973 with respect to ensuring equal access to voca-
9 tional-technical education.

10 **“PART C—DEFINITIONS**

11 **“SEC. 421. DEFINITIONS.**

12 “Except as otherwise specified in this Act, as used
13 in this Act:

14 “(1) ADMINISTRATION.—The term ‘administra-
15 tion’ means programs of a State necessary for the
16 proper and efficient performance of its duties under
17 this Act, including supervision, but does not include
18 curriculum development programs, personnel devel-
19 opment, or research programs.

20 “(2) ALL ASPECTS OF THE INDUSTRY.—The
21 term ‘all aspects of the industry’ means strong expe-
22 rience in, and comprehensive understanding of, the
23 industry that individuals are preparing to enter.

1 “(3) AREA VOCATIONAL-TECHNICAL EDUCATION
2 SCHOOL.—The term ‘area vocational-technical edu-
3 cation school’ means—

4 “(A) a specialized secondary school used
5 exclusively or principally for the provision of vo-
6 cational-technical education to individuals who
7 are available for study in preparation for enter-
8 ing the labor market;

9 “(B) the department of a secondary school
10 exclusively or principally used for providing vo-
11 cational-technical education in not fewer than
12 five different occupational fields to individuals
13 who are available for study in preparation for
14 entering the labor market;

15 “(C) a technical institute or vocational-
16 technical education school used exclusively or
17 principally for the provision of vocational-tech-
18 nical education to individuals who have com-
19 pleted or left secondary school and who are
20 available for study in preparation for entering
21 the labor market, if the institute or school ad-
22 mits as regular students both individuals who
23 have completed secondary school and individ-
24 uals who have left secondary school; or

1 “(D) the department or division of a junior
2 college, or community college, that operates
3 under the policies of the State board and that
4 provides vocational-technical education in not
5 fewer than five different occupational fields
6 leading to immediate employment but not nec-
7 essarily leading to a baccalaureate degree, if the
8 department or division admits as regular stu-
9 dents both individuals who have completed sec-
10 ondary school and individuals who have left sec-
11 ondary school.

12 “(4) CAREER GUIDANCE AND ACADEMIC COUN-
13 SELING.—The term ‘career guidance and academic
14 counseling’ means providing individuals with infor-
15 mation access on career awareness and planning for
16 their occupational and academic future which shall
17 involve career options, financial aid, and postsecond-
18 ary options.

19 “(5) COOPERATIVE EDUCATION.—The term ‘co-
20 operative education’ means a method of instruction
21 of education for individuals who, through written co-
22 operative arrangements between a school and em-
23 ployers, receive instruction, including required aca-
24 demic courses and related vocational-technical edu-
25 cation instruction, by alternation of study in school

1 with a job in any occupational field, which alter-
2 nation shall be planned and supervised by the school
3 and employer so that each contributes to the edu-
4 cation and employability of the individual, and may
5 include an arrangement in which work periods and
6 school attendance may be on alternate half days, full
7 days, weeks, or other periods of time in fulfilling the
8 cooperative program.

9 “(6) DISPLACED HOMEMAKER.—The term ‘dis-
10 placed homemaker’ means an individual who—

11 “(A) has worked primarily without remu-
12 neration to care for a home and family, and for
13 that reason has diminished marketable skills; or

14 “(B) is a parent whose youngest dependent
15 child will become ineligible to receive assistance
16 under title I of the Personal Responsibility and
17 Work Opportunity Reconciliation Act of 1996
18 not later than 2 years after the date of which
19 the parent applies for assistance under this
20 title.

21 “(7) EDUCATIONAL SERVICE AGENCY.—The
22 term ‘educational service agency’ means a regional
23 public multiservice agency authorized by State stat-
24 ute to develop and manage a service or program and

1 provide the service or program to a local educational
2 agency.

3 “(8) ELIGIBLE RECIPIENT.—The term ‘eligible
4 recipient’ means a local educational agency, an area
5 vocational-technical education school, an educational
6 service agency, an institution of higher education (as
7 such term is defined in section 1201(a) of the High-
8 er Education Act of 1965 (20 U.S.C. 1141(a))), and
9 a consortium of such entities.

10 “(9) LOCAL EDUCATIONAL AGENCY.—The term
11 ‘local educational agency’ has the meaning given
12 such term in section 14101 of the Elementary and
13 Secondary Education Act of 1965 (20 U.S.C. 8801).

14 “(10) OUTLYING AREA.—The term ‘outlying
15 area’ means the United States Virgin Islands,
16 Guam, American Samoa, the Commonwealth of the
17 Northern Mariana Islands, the Republic of the Mar-
18 shall Islands, the Federated States of Micronesia,
19 and the Republic of Palau.

20 “(11) REPRESENTATIVES OF EMPLOYEES.—
21 The term ‘representatives of employees’ means—

22 “(A) individuals who have been elected by
23 organizations, associations, or a network of
24 similar institutions to represent the economic

1 interests of employees at a significant segment
2 of workplaces; or

3 “(B) individuals from organizations, asso-
4 ciations, or a network of similar institutions,
5 with expertise to represent, or experience rep-
6 resenting, the interests of employees with re-
7 spect to vocational-technical education.

8 “(12) SECONDARY SCHOOL.—The term ‘second-
9 ary school’ has the meaning given the term in sec-
10 tion 14101 of the Elementary and Secondary Edu-
11 cation Act of 1965 (20 U.S.C. 8801).

12 “(13) SPECIAL POPULATIONS.—The term ‘spe-
13 cial populations’ means individuals with disabilities,
14 economically disadvantaged individuals, individuals
15 of limited English proficiency, and individuals par-
16 ticipating in nontraditional training and employ-
17 ment.

18 “(14) SECRETARY.—The term ‘Secretary’
19 means the Secretary of Education.

20 “(15) STATE.—The term ‘State’ means each of
21 the several States of the United States, the District
22 of Columbia, and the Commonwealth of Puerto Rico.

23 “(16) TECH-PREP PROGRAM.—The term ‘tech-
24 prep program’ means a program of study that—

1 “(A) combines at least 2 years of second-
2 ary education (as determined under State law)
3 and 2 years of postsecondary education in a
4 nonduplicative sequential course of study;

5 “(B) strengthens the applied academic
6 component of vocational-technical education
7 through the integration of academic and voca-
8 tional-technical instruction;

9 “(C) provides technical preparation in an
10 area such as engineering technology, applied
11 science, a mechanical, industrial, or practical
12 art or trade, agriculture, a health occupation,
13 business, or applied economics;

14 “(D) builds student competence in mathe-
15 matics, science, and communications (including
16 through applied academics) in a coherent se-
17 quence of courses; and

18 “(E) leads to an associate degree or a cer-
19 tificate in a specific career field and to high
20 skill, high wage employment or further edu-
21 cation.

22 “(17) VOCATIONAL-TECHNICAL EDUCATION.—
23 The term ‘vocational-technical education’ means or-
24 ganized educational programs that—

1 **SEC. 403. EFFECTIVE DATE.**

2 Except as otherwise provided, the repeals and amend-
3 ments made by this Act shall take effect on the date of
4 the enactment of the Carl D. Perkins Vocational-Technical
5 Education Act Amendments of 1997.

Passed the House of Representatives July 22, 1997.

Attest:

Clerk.