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CARL D. PERKINS CAREER AND TECHNICAL EDUCATION IMPROVEMENT ACT OF 2004

OCTOBER 4, 2004.—Ordered to be printed

Mr. GREGG, from the Committee on Health, Education, Labor, and
Pensions, submitted the following

R E P O R T

[To accompany S. 2686]

The Committee on Health, Education, Labor, and Pensions, to which was referred the bill (S. 2686) to reauthorize the Carl D. Perkins Vocational and Technical Education Act of 1998, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill (as amended) do pass.

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I. INTRODUCTION

S. 2686 is the product of an extensive bipartisan effort, as well as significant input from the career and technical education community and the Department of Education.

II. PURPOSE AND SUMMARY

The purpose of S. 2686, The Carl D. Perkins Career and Technical Education Improvement Act of 2004, is to reauthorize and im-

prove the federally supported career and technical education programs last reauthorized by the Carl D. Perkins Vocational and Technical Education Amendments Act of 1998.

The goals of the legislation include: building on the efforts of States and localities to develop challenging academic and technical standards; assisting students in meeting such standards, especially in preparation for high-skill, high-wage, or high-demand occupations in emerging or established professions; promoting the development of services and activities that integrate challenging academic and career and technical instruction, and that link secondary and postsecondary education for participating career and technical education students; increasing State and local flexibility in providing services and activities designed to develop, implement, and improve career and technical education; conducting and disseminating information on best practices; promoting leadership, comprehensive initial training and professional development for career and technical education teachers, faculty, principals, administrators and counselors; providing technical assistance that will improve career and technical education programs, services, and activities; supporting partnerships among secondary schools, postsecondary institutions, area career technical centers, business and industry, professional associations, and intermediaries; and developing a highly skilled workforce needed to keep America competitive in the global economy in conjunction with other Federal education and training programs, including workforce investment programs, that provide lifelong learning for the workforce of today and tomorrow.

The legislation was drafted with the intent of ensuring that career and technical education programs could be effectively linked with other Federal education and training programs, such as the Workforce Investment Act, the Higher Education Act, the Elementary and Secondary Education Act of 1965, and the Adult Literacy and Basic Education Act, in order to prepare students for self-sufficiency.

State Flexibility in Funding

This legislation amends the current system that requires States to spend 5 percent of funds on State administration and 10 percent on State leadership activities. Instead, States are permitted to use discretion within the 15 percent of grants retained at the State level to accomplish the set of required and optional State leadership activities, and to appropriately administer the program.

State Plans

States are required to submit the State plan once during the 6-year reauthorization period. Every 2 years, the State must update its accountability components to ensure continued improvement in career and technical education programs.

Local Plans

Local recipients are required to submit a plan to the State once during the 6-year reauthorization period. They are also required to update their performance targets every 2 years during the reauthorization period.

Tech-Prep Education Programs

The legislation provides for greater collaboration between State and local Tech-Prep programs and those career and technical education programs carried out with funds from basic State grants made to eligible agencies. The legislation amends current law so that Tech-Prep programs are included as part of Title I, although they continue to have a dedicated authorization.

Formula for Basic State Grants

The formula for allocating basic State grants funds was changed to permit certain States that had not received an increase in Perkins funding since fiscal year 1998 to begin to receive increases as appropriations for the Perkins program increase. The formula is applied only to new funds appropriated for the Perkins program, beginning with fiscal year 2005.

Performance Measures

The legislation amends the current performance measures and separates them into core indicators for secondary and postsecondary institutions. The indicators are aligned with other federally required performance indicators included in other acts, such as the Workforce Investment Act, the Elementary and Secondary Education Act of 1965, and the Adult and Basic Education Act, to the extent practicable.

Research and Dissemination

The legislation consolidates the activities conducted by the national research and dissemination centers into one national center that would conduct both sets of activities.

Maintenance of Effort

The legislation allows States to compare 3-year averages of career and technical education expenditures against a previous 3-year period in order to determine whether or not the State is meeting its maintenance of effort requirement under the law.

III. BACKGROUND AND NEED FOR LEGISLATION

The enactment of the Smith-Hughes Act (P.L. 64-347) in 1917 marked the beginning of the Federal investment in vocational education. The law established a Federal Board for Vocational Education and provided funding to assist States in preparing and compensating teachers of agricultural, trade, industrial, and home economics subjects. Over the course of 4 decades, Federal support for vocational education was expanded several times, most notably by the George-Barden Act (P.L. 80-402) in 1946, and the National Defense Education Act (P.L. 85-864) in 1958, which included funding to prepare individuals for vocational and technical occupations related to national defense.

Congress further increased support for vocational education in the Vocational Education Act, signed into law in 1963. The Act authorized funding for vocational work-study programs and research, training and demonstration programs. A National Advisory Council on Vocational Education was established by the Vocational Education Amendments of 1968 (P.L. 90-576), which also provided

funding for collecting and disseminating information about programs administered by the Commissioner of Education.

The Vocational Education Act was renamed the Carl D. Perkins Vocational Education Act (P.L. 98-524) in 1984. The law maintained Federal support for vocational education, and emphasized the acquisition of job skills in vocational and technical education. The Act also included provisions and set-asides designed to make vocational education programs accessible to special populations, such as individuals with disabilities, disadvantaged individuals, single parents and homemakers, and incarcerated individuals.

The 1984 Act was reauthorized by the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (P.L. 101-392). The law established the Tech-Prep program to encourage greater coordination of secondary and postsecondary vocational education programs and activities through a coherent sequence of courses. While the law removed most set-asides for special populations, it also created gender equity programs to prepare students for training and employment nontraditional to each gender. The law also reserved a higher maximum percentage of funds for State programs, but lessened States' discretion over the funds. In addition, the law required States to develop and adopt performance standards and measures to assess students' learning and program efficacy.

Such accountability provisions were strengthened by P.L. 105-332, the Carl D. Perkins Vocational and Applied Technology Amendments of 1998. The 1998 law established core indicators of performance for States, with levels of performance negotiated between each State and the Secretary of Education, and authorized sanctions against States that did not meet such levels. The Act also placed greater emphasis on the importance of academics for vocational education students. The Act eliminated set-asides for gender-equity programs in favor of increased flexibility in State and local uses of funds. The Act also directed a higher proportion of funds to local, rather than State, programs.

During this reauthorization of the law, the committee believes it is critical to ensure that vocational and technical education programs prepare all students with both the academic and technical skills they need to be successful in postsecondary education and the workforce, particularly in high-wage, high-skill occupations. The committee believes that integrating academic and technical skills in instruction is a primary way to accomplish this. The committee also believes that the connection between secondary and postsecondary programs must be strengthened to ensure that students have a seamless pathway from one level of education and training to the next, and that attainment of technical skill proficiency, credentials, certificates or degrees ought to be part of any such extended program of study. The committee further believes that the recruitment, initial preparation, and subsequent professional development of career and technical education personnel must be improved. The committee considers it critical that vocational and technical education programs be relevant to the current needs of businesses and communities, and that programs be regularly updated to reflect major trends therein. The committee wishes to recognize modernization already occurring within the field by renam-

ing vocational and technical education as career and technical education.

IV. LEGISLATIVE HISTORY AND COMMITTEE ACTION

The Health, Education, Labor, and Pensions Committee held a hearing on the reauthorization of the Carl D. Perkins Vocational and Technical Education Act on June 24, 2004. The Committee heard testimonies from five witnesses: Dr. Michael Rush, administrator, Idaho Division of Professional-Technical Education; Dr. Frank Blankenship, assistant superintendent and vocational director, Columbiana County Career and Technical Center; Dr. Jo Anne McFarland, president, Central Wyoming College; Harry Lightsey, president of Bell South, South Carolina; Angela Olszewski, journeywoman and instructor, Nontraditional Employment for Women, New York, NY.

Senator Enzi introduced the bill on July 19, 2004 with Senators Gregg, Kennedy, Dodd, Alexander, Jeffords, Sessions, Bingaman, Murray, Reed, and Clinton as cosponsors. Additional cosponsors were added after introduction: Senators Conrad, DeWine, Reid, Harkin, and Roberts.

V. EXPLANATION OF BILL AND COMMITTEE VIEWS

The Carl D. Perkins Vocational and Technical Education Act has an extensive history of providing Federal support for career and technical education programs. This support has been integral in providing students from all backgrounds the essential academic and technical skill training to succeed in the workplace.

The Carl D. Perkins Career and Technical Education Improvement Act of 2004 builds on the previous improvements to career and technical education programs by emphasizing the connection between academic instruction and technical skills preparation. The bill also encourages stronger collaboration with Federal programs such as the Workforce Investment Act to more effectively meet the needs of career and technical education students. This collaboration between Federal and State programs will have a greater impact on improving each individual program's effectiveness.

In this reauthorization, the committee believes it is important to update the terminology associated with career and technical education in Federal law; therefore, S. 2686 would replace the term "vocational and technical education" with "career and technical education" where it appears in current law. Professionals in the field of career and technical education made this change several years ago; it is appropriate the Federal law keep pace with developments in the field.

The committee's proposed change to the definition of career and technical education is intended to clarify that a 2-year postsecondary program of career and technical education should not be an ending point in a career and technical student's education. The current law definition contained limiting language that created a perception that career and technical education ends with the completion of a 2-year postsecondary degree or certificate. The committee sees the importance of all students having the ability to pursue higher levels of education and considered the change to the definition important in sending this message. However, it is not the in-

tent of the committee to deny or dilute critical funds to 2-year programs at community or technical colleges.

Purpose

Career and technical education is a critical component of a number of Federal education and training initiatives that are designed to help support the development of a 21st Century workforce. Career and technical education is unique in that it fuses challenging academic curricula with relevant skill training in order to prepare secondary and postsecondary students for the workplace. The central goal of federally supported career and technical education programs is to provide students with strong academic and technical preparation, so that students can successfully enter the workforce or pursue additional education.

One purpose of the Act is to build on the efforts of States and localities to develop challenging academic and technical standards. Strong standards are essential if career and technical education students are to be successful later in life, no matter which path they choose to pursue: employment, further training, or additional education.

The second purpose of the Act is to establish a set of services and activities that integrate academic and career and technical instruction; and that link secondary and postsecondary education for participating career and technical education students. The integration of these services will become even more important as future job creation in the United States demands higher skills from secondary and postsecondary school graduates.

The third purpose of the bill is to support flexibility in implementing career and technical education. Flexibility has been an important factor in the long-term success of federally supported career and technical education programs.

The fourth purpose of the legislation is to support the dissemination of national research, and provide professional development and technical assistance that will improve career and technical education programs. The national effort to improve career and technical education programs will rely on the availability of rigorous and scientifically-based research. The Federal Government has an interest in helping to ensure that this research is available and effectively distributed to practitioners of career and technical education.

The committee considered it important to elaborate on the purposes of the Federal legislation authorizing career and technical education programs. The first additional purpose, and the fifth overall, is to promote leadership, initial preparation and professional development of career and technical education teachers, faculty, principals, administrators, and counselors, and to develop research and best practices that will help improve career and technical education.

The sixth purpose, and the second added by the committee in this reauthorization, is to support partnerships among secondary schools, postsecondary institutions, area career technical centers, business and industry, professional associations and intermediaries. One of the primary benefits of career and technical education has been its ability to provide students with relevant work skills. Strengthening career and technical education will require

that courses be more directly linked to the needs of employers, guaranteeing that career and technical education students receive relevant skill training, in addition to challenging academic content.

The final purpose of this legislation is to help develop the highly skilled workforce needed to keep America competitive in the global economy. This is to be done in conjunction with other Federal education and training programs, including workforce investment programs that support lifelong learning for the workforce of today and tomorrow. The committee recognizes that the Perkins program is an important part of preparing America's future workforce and will be most effective when Federal resources are used collaboratively with State efforts and other Federal programs.

Career Pathways

The committee believes that career and technical education programs must be organized in a way that enables students to achieve measurable outcomes. The committee believes States and local recipients should work cooperatively to identify sequences of academic and career and technical education courses that lead to such outcomes and offer such options. The bill therefore requires that each secondary or postsecondary recipient provide the appropriate courses for at least one career pathway. A career pathway is a coordinated and non-duplicative sequence of secondary and postsecondary education courses and associated credits that may culminate in technical skill proficiency, a credential, certificate, or a degree, and includes challenging academic and career and technical education content. Career pathways may include the opportunity for secondary students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary credits.

The committee considered it important to emphasize and strengthen career pathways that appear in current law in order to improve the integration of challenging academic instruction with career and technical education. The integration of these skills is critical to students' long-term success in the workforce, and will help students prepare for additional postsecondary education and training, which is becoming increasingly necessary in the American economy. As the 21st Century workforce demands higher-skilled workers, career and technical education will provide essential support for preparing students to meet such demand.

Work-Based Learning

In referring to a sequence of courses throughout the bill, including in the definitions of career and technical education, career and technical education student, and career pathway, the committee intends to include "work-based learning experiences," such as long-term internships or apprenticeships.

Accountability

The 1998 reauthorization of the Carl D. Perkins Career and Technical Education Act created an accountability system where States would be held responsible for the performance of their career and technical education students. The system was established so that secondary and postsecondary institutions were reporting on the same indicators.

The committee believes that separate indicators should be established to improve reporting and strengthen the accountability system. S. 2686 specifies different indicators appropriate for secondary and postsecondary institutions. While some of the indicators overlap, it is important to create a distinction that would allow secondary schools to assess technical and academic achievement, while simultaneously allowing postsecondary institutions to use other indicators, as well as employment outcomes.

The committee also believes it is important that many of the indicators in current law be further separated in order to ensure a more complete evaluation of student outcomes. Secondary performance indicators include separate measures of student achievement on technical assessments and attainment of technical skill proficiencies that are aligned with nationally recognized industry standards, if available and appropriate; academic achievement standards; rates of attainment of a secondary school diploma, a recognized equivalent of a secondary school diploma, technical skill proficiency, a credential, a certificate, and a degree; placement in postsecondary education, military service, apprenticeship programs or employment; and student participation in, and completion of, career and technical education programs that lead to employment in nontraditional fields. Postsecondary indicators are also separated and include student achievement on technical assessments and attainment of technical skill proficiencies that are aligned with nationally recognized industry standards, if available and appropriate; student attainment of technical skill proficiency, a credential, a certificate, or a degree, or retention in postsecondary education, including transfer to a baccalaureate degree program; placement in military service, apprenticeship programs, or employment; student participation in, and completion of, career and technical education programs that lead to employment in nontraditional fields; and increase in earnings, where available. The committee retains language enabling both secondary and postsecondary recipients to establish additional indicators.

The committee also believes that it is important to reduce the administrative burden on States and program grantees by requiring that States identify the core and additional indicators of performance so that substantially similar information gathered for other State and Federal programs is also used to satisfy the data reporting requirements. The committee recognizes that participating institutions are often required to report similar, but not identical, information for different Federal and State programs, placing a heavy burden on them in terms of costs and human resources. With this provision, S. 2686 requires States to identify opportunities for schools and institutions to use the same data reported for other Federal and State programs, where it is appropriate, to satisfy the reporting requirements of this Act.

The new secondary indicators require the measurement of academic achievement by the assessments adopted by the State under the Elementary and Secondary Education Act of 1965. Whenever possible, these assessments should be given at a point in students' academic careers and in a manner that reflects the relevance and value added of career and technical education programs. Academic achievement tests given before a student enters a career and technical education program should not be used as a measure of aca-

ademic performance for career and technical education students and Perkins-funded programs.

S. 2686 requires eligible recipients to establish, in cooperation with the State's eligible agency, locally agreed upon levels of performance. The committee believes that this will improve State accountability systems by ensuring that programs at all levels are working to improve student outcomes.

Under S. 2686, for the first time, States have the ability to withhold some or all funds from local recipients that fail to meet more than one of their negotiated performance indicators for more than two years, just as the Secretary may currently sanction States that fail to meet their performance indicators. The committee believes this offers States important leverage in driving improvement at the local level. However, such action may be taken only after a State has conducted an assessment of each eligible recipient's educational needs in consultation with appropriate individuals and organizations, created an improvement plan with and for each eligible recipient, and provided technical assistance to each eligible recipient. In addition, an eligible recipient is permitted, in collaboration with the appropriate eligible agency, to request additional technical assistance from the Secretary.

The committee encourages local secondary education recipients to report the results of professional certification exams as part of the report cards required by the Elementary and Secondary Education Act of 1965.

The committee believes that the State adjusted levels of performance for core indicators of performance shall be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable, and that the Secretary's role in the agreements with States is limited to reaching agreement on the percentage or number of students who attain the State adjusted levels of performance.

Career Guidance and Academic Counseling

Career guidance and academic counseling can help inform students and their parents about available education and training options, and is critical to the success of programs supported under this bill. Career guidance and academic counseling should be provided to students as one part of a comprehensive guidance program, and should be available to individuals participating in or considering participating in career and technical education.

While the committee recognizes the unique circumstances of school systems in parts of the country where qualified school counselors might not be readily available, the committee feels that, when they are available and the best resource available, qualified school counselors should be the professionals developing and administering graduation and career plans for career and technical education students.

Reservations and State Allotment

The 1998 reauthorization significantly altered the way funds are distributed from the Federal level to the States. Under current law, the basic State grant formula distributes funds in varying proportions to each State's share of individuals in three population groups. The committee retains this formula for current levels of funding, as well as current reservations of funds for outlying areas,

Native American career and technical education programs, and incentive grants. The committee notes that certain requirements and special rules under current law have created a situation in which a number of small States' allotments can never exceed their fiscal year 1998 levels regardless of any future increases in appropriations. In order to address this imbalance so that those States can receive a share of future funding increases, the committee establishes a new Federal to State formula to be applied only to appropriations in excess of the fiscal year 2004 level. By limiting the formula to new money, the committee's intent is to enable those States to receive extra funding when such funding becomes available, without decreasing any other State's current allotment.

The committee is aware that the Department of Education is not in possession of the full data set necessary for the calculation of the number of individuals in each State who are between the ages of 15 and 19. Because the committee is uncertain of the effect modifying the formula to codify the current data set would have on State allocations, the committee has retained current law regarding that portion of the formula. If, however, such data becomes available, the committee requests that the Department of Education notify the committee before applying such new data to its formula calculations.

Within State Allocation

States are currently permitted to spend no more than the greater of 5 percent or \$250,000 of their allotments on administration of State plans, and no more than 10 percent on State leadership activities. In light of the new responsibilities placed on States in this legislation, the committee believes that additional flexibility in utilizing funds at the State level will be beneficial. The committee provides such flexibility by enabling States to spend a combined total of 15 percent on administration and leadership activities. States must continue to match any such funds spent on administration as required under current law.

Throughout the bill, the committee has significantly improved language that supports the development of programs to recruit and retain students in career and technical education programs that lead to high-skill, high-wage and nontraditional careers. The ability to access high-quality career and technical education programs that lead to economic self-sufficiency is imperative for secondary and postsecondary students alike. The committee therefore permits States additional flexibility in meeting these obligations by eliminating both the \$150,000 cap on services that prepare individuals for nontraditional training, and the 1 percent cap on services for individuals in State institutions.

Under current law, States must provide at least 85 percent of their State allotments to local eligible recipients, a requirement this legislation retains. Of that 85 percent, States have the authority to award 10 percent to local eligible recipients in rural areas, areas with high percentages or numbers of vocational and technical students, and communities negatively impacted by allocation changes in the 1998 reauthorization. This provision, however, was of limited or no value for smaller, non-rural States. To address this situation, the committee has provided States additional flexibility to reserve the 10 percent, with the approval of participating eligible

recipients, for innovative Statewide initiatives that benefit such recipients, including developing and implementing technical assessments; improving the professional development of career and technical education teachers, faculty, principals, and administrators; and establishing, enhancing, and supporting systems for accountability data collection or reporting purposes; or for the development and implementation of career pathways or career clusters.

National Activities

Complete and accurate data are essential to the evaluation and analysis of career and technical education programs. As such, S. 2686 requires that the Secretary's annual report include a State-by-State analysis of performance data that is disaggregated by special populations for postsecondary institutions, and disaggregated for secondary institutions by special populations and by the categories described in the school report cards under the Elementary and Secondary Education Act of 1965. The committee believes that such requirements will not be onerous, since much of the information is already reported by States to the Department. Consistent with other Federal statutes, the requirement to disaggregate is waived when the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual.

S. 2686 slightly modifies the composition of the independent advisory panel to better focus on such committee priorities as the integration of academic and career and technical content, and collaboration with a wide range of types and sizes of businesses. Required members include educators, principals and administrators (including State directors of career and technical education) with experience in the integration of academic and career and technical education, experts in evaluation, representatives of small business, and other individuals and intermediaries with relevant expertise.

To reduce duplication and increase efficiency, the committee reduced the number of national research centers on career and technical education to one. The committee believes the career and technical education field will be best served by a single center that can both conduct and disseminate high-quality research. The committee further believes that institutions offering a comprehensive graduate program in career and technical education are best poised to house such a center, and should be designated as the primary recipient of such a grant. It is the committee's intent that the national center conducts research using the most rigorous methods available, including scientifically based research where appropriate. These methods should be designed to address the research problems and questions. Research methods may include, but are not limited to, case studies, observations, interviews, historical reviews, and secondary analysis.

The committee believes it is critical that the center focus on career and technical education's connection to the workforce and to teacher education, professional development, recruitment and retention. The center is given the additional task of carrying out research to develop, improve and identify the most successful methods for addressing the needs of employers in high-skill, high-wage business and industry. The center is also required to conduct scientifically based research, where appropriate, that can be used to

improve the preparation and professional development of teachers, principals, and administrators, as well as student learning. Such research would include effective in-service and pre-service teacher and faculty education that assists career and technical education programs in integrating with academic content standards and student academic achievement standards under the Elementary and Secondary Education Act of 1965, as well as promoting technical education aligned with industry-based standards and certifications to meet regional industry needs. Such research would also address recruitment and retention of career and technical education teachers, faculty, counselors, principals and administrators.

The committee also requires that an institution of higher education seeking a grant under this section identify in its application an independent governing board that meets the specifications outlined in this legislation. The purpose of such an independent governing board would be to ensure that the research and dissemination activities carried out by the national research center are based on the expertise of the board members and coordinated with the research activities carried out by the Secretary.

National Assessment of Career and Technical Education

The committee makes several modifications to the independent evaluation and assessment of career and technical education programs, including an assessment of current implementation. Such an assessment can offer valuable insight into how the law is serving the needs of career and technical education students, and offer guidance in shaping revisions to the law during the next reauthorization. Recognizing the need for comprehensive information, the committee also broadens the scope of such assessment by permitting the inclusion of additional topics not required under the law. In addition, the committee expands upon the list of required contents, adding provisions regarding special populations, attainment of a high school diploma by career and technical education students, employer satisfaction with career and technical education students' preparation for employment, and the effect of local adjusted levels of performance established under the legislation on the delivery of career and technical education services.

The committee believes that the National Assessment of Vocational Education should include, in its evaluation of career and technical education, an analysis comparing data on career and technical education students with students who have neither participated in career and technical education nor followed a consistent pathway to college attendance upon graduation from high school.

Tribally Controlled Postsecondary Career and Technical Institutions

The committee has not made any changes to the way that funding is distributed under this section. Since their inception over three decades ago, however, tribally controlled postsecondary educational institutions have evolved in directions that best benefit the unique tribal populations they serve. In order to respond to the unique educational needs of the institutions, interested Senators intend to ask the Government Accountability Office (GAO) to evaluate various proposed distribution methods to better under-

stand their impact on eligible institutions. If the GAO makes recommendations for changes, the committee would be willing to consider those changes as part of upcoming education reauthorizations.

The committee notes that it is retaining the requirement in current law for the Department of Education to prepare a budget needs estimate for each institution eligible for a grant under this section on an annual basis. The committee encourages the Secretary to provide this information to Congress as part of its yearly budget submission.

The committee is aware of the persistent dissatisfaction among recipients of grants under this section regarding the amounts awarded to each eligible institution. To assure each such institution an adequate opportunity to address their grievances, the committee establishes an appeals process consisting of a hearing on the record before an administrative law judge. It is the committee's intent that each such institution regard the appeals process as a last resort in resolving disputes.

The committee is also concerned with the frequent late payments to the tribally controlled postsecondary vocational education grantees. We understand that only a small portion of the FY04 funds have been awarded to the grantees as of September 24, 2004. This makes budgeting by the institutions very difficult. We ask the Department to endeavor to let the grantees know their full award amounts by no later than July 1, to distribute the funds in a timely manner, and to inform the committee of the reasons if this is not possible.

Occupational and Employment Information

The committee believes that providing students with adequate information regarding both employment opportunities and the skills necessary to obtain employment, particularly in high-skill, high-wage, or high-demand occupations, is an essential component of federally supported career and technical education programs. In amending this section, the committee heard from practitioners in the States and made some important improvements based on that input.

One of the improvements made was to allow occupational and employment information programs to submit their application for Federal funding together with the State plan submitted for the basic State grants program. A common complaint from the occupational and employment information providers was that they had to apply annually for grant funding. The change made by the committee will permit these providers to plan more effectively for the future.

The committee recognizes that special populations are underrepresented in career and technical education courses of study that would prepare them for high-wage, high-skill and nontraditional careers. The committee intends that the information, materials, training and other resources outlined in this section be used proactively to recruit special populations who are underrepresented in nontraditional fields to high-wage and high-skill occupations. This requirement will help ameliorate the current discrepancies in course enrollment and subsequent future earnings.

State Plan

S. 2686 requires States to submit to the Secretary a State plan for a 6-year period, rather than a 5-year period as required under current law. In recognition of the challenges of adapting to the provisions of a new law, each eligible agency is permitted to submit a transition plan during the first full year of implementation of the legislation after the date of its enactment.

The committee believes that a carefully crafted, comprehensive, strategic State plan is critical to the success of career and technical education programs within each State. For this reason, the range of individuals with whom the eligible agency must consult in developing the State plan is expanded to include academic and career and technical education teachers, faculty, principals, administrators, career guidance and academic counselors, the State Tech-Prep coordinator and representatives of Tech-Prep consortia (if applicable), representatives of charter school authorizers and organizers (if applicable), and representatives of business (including small business). In requiring the involvement of Tech-Prep personnel, the committee intends that States actively seek mechanisms to integrate and coordinate programs and activities under both the basic State grant and Tech-Prep grant programs.

S. 2686 retains many elements of the State plan contents required under current law including, among other items, descriptions of the secondary and postsecondary career and technical programs to be carried out, initiatives to improve and expand access to quality technology in those programs, and the rationale for allocation of funds among secondary and postsecondary career and technical education.

S. 2686 revises and expands the contents of the State plan in a number of key areas to reflect new responsibilities given the States in this legislation. States must describe how they will assist eligible recipients in meeting the legislation's new requirement that each eligible recipient develop and implement at least one career pathway. It is the committee's intent, however, that the State should encourage and assist eligible recipients in developing and implementing multiple career pathways to offer students the greatest possible array of options. The State plan requires the eligible agency to describe how it will support eligible recipients in developing articulation agreements and how they will use labor market information. The plan further requires the eligible agency to describe how it will make available information about the career pathways offered by various eligible recipients within the State, and how it will consult with business and industry and use industry-recognized standards and assessments, if appropriate. In carrying out these obligations, the committee believes it is important that the State respect the tradition of local control of education.

States will also be required to address their strategy for promoting successful outcomes for career and technical education students. Specifically, they must explain how they will encourage secondary career and technical education students to enroll in challenging courses in core academic subjects, and describe the criteria they will use to assess how local plans will promote higher levels of academic achievement and technical skill attainment. The State plan must describe how secondary programs will prepare career and technical education students, including special populations, to

not only graduate from high school with a diploma, but also be prepared for opportunities in postsecondary education or entry into high-skill, high-wage or high-demand occupations, including non-traditional fields. The State must also outline how it will use funds to improve or develop new career and technical education courses that are aligned with business needs and industry standards. At the secondary level, courses should be aligned with challenging academic content standards and student academic achievement standards adopted by the State under the Elementary and Secondary Education Act of 1965.

States must also describe program strategies for special populations, including a description of how the State will ensure that individuals will not be discriminated against on the basis of their status as members of a special population, and will be provided with equal access to activities assisted under the legislation. Such program strategies must include a description of programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high-skill, high-wage, or high demand occupations. The plan must also address how the eligible agency will measure and report disaggregated data relating to student participation in and completion of career and technical education within specific career clusters. The committee believes such disaggregation by career clusters will yield important information regarding gender and special populations that may be used to evaluate and improve career and technical education programs.

The committee is aware that States have requested the option of filing a single, unified plan instead of submitting a separate plan for each of the following sections: 111, 118, and 141. The committee agrees that States should be given the option, but not be required, to submit such a unified plan in order to reduce time spent on administration. The committee hopes that offering a consolidated plan option will encourage States to further integrate and coordinate activities carried out under such sections.

State Leadership Activities

S. 2686 significantly strengthens the professional development activities required by the 1998 reauthorization of the Carl D. Perkins Vocational and Technical Education Act and requires States to provide technical assistance to local recipients that are not meeting their negotiated performance levels.

In addition, the committee added several permissible activities. S. 2686 permits States to use leadership funds for developing technical skill assessments, supporting articulation agreements, and coordinating with State workforce investment activities. States are also permitted to spend funds for the development and enhancement of data systems and the improvement of career guidance and academic counseling.

The committee believes the significant improvements made to federally supported career and technical education programs will provide important opportunities for States to support the efforts of local grant recipients. By expanding the list of allowable State leadership activities, eligible agencies will be better able to support local grantees.

In Section 124, the committee expects schools and local educational agencies to provide career guidance and academic counselors with the professional development support necessary to remain current on industry trends and needs.

Career and Technical Education Personnel

Much of the responsibility for ensuring that career and technical education programs are current, well integrated with relevant academic standards and assessments, and aligned with business and industry practice and expectations, will lie with career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors. However, there is currently a nationwide shortage of career and technical education personnel, and a decreasing number of programs at the postsecondary level to develop such personnel.

The committee, therefore, has a particular interest in improving the recruitment, initial preparation, and subsequent professional development of career and technical education personnel. As such, the committee strengthens these activities, as it did in the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act reauthorization pending in Congress. Specifically, the bill, through the State plan, State leadership activities, local plan, and local uses of funds, requires comprehensive and high quality initial preparation and professional development for career and technical education personnel, including through mentoring programs and training designed to improve teaching skills, increase academic and career and technical education knowledge, promote the integration of academic and career and technical education curriculum, improve instruction for special populations, effectively involve parents, and enhance the leadership capacity of principals and administrators. Additionally, the bill's focus in this important area is not just on career and technical education teachers, but on all personnel, including faculty, principals, administrators, and career guidance and academic counselors, involved with career and technical education students.

Small Learning Communities

The committee believes that career and technical education programs, which are generally organized around unifying and integrated career themes, such as career clusters, create ideal opportunities for small learning communities. Such communities may consist of small new schools, schools within schools, career academies, or other small learning environments. Small learning communities are associated with many positive outcomes. For example, average achievement is higher in small high schools, and effects are greatest for low-income and minority students. Other positive outcomes include higher school attendance rates, higher pass rates for core classes, higher graduation rates and lower drop-out rates, and higher rates of college attendance. Students in small schools also feel less alienated and tend to be more actively engaged in school activities. In addition, small schools are safer schools where students are less likely to experience physical danger, loss of property, and vandalism. Accordingly, the committee amended Section 135(c) to allow local recipients to use funds to develop and support small, personalized career-themed learning communities.

Data Systems

High-quality data systems are the bedrock on which effective career and technical education programs are built. Such systems are essential for collecting and analyzing data about educational and employment outcomes, as well as for career and technical education program evaluation and improvement. The data reported, however, must be complete, accurate, valid and reliable. Yet present data and data systems are too often incapable of meeting the requirements of career and technical education programs, of States, and of this Act. Accordingly, the committee includes several new provisions for data collection, utilization, and analysis, including provisions which allow the State allocation to be used to support and develop State data systems, and State leadership funds to be used to develop and enhance data systems to collect and analyze data on postsecondary and employment outcomes.

Valid and Reliable Technical Assessments

This bill is designed to improve student educational and employment outcomes, including their technical and workplace knowledge and skills. For example, this bill will require States to identify core indicators of performance that include measure of student achievement on technical assessments and attainment of career and technical skill proficiencies. Thus, it is essential to develop valid and reliable assessments of technical and career competencies that are aligned with nationally recognized industry standards and integrate industry recognized certification assessments, if available and appropriate. To address this need for high-quality technical assessments, S. 2686 permits State leadership funds to be used to develop valid and reliable assessments of technical skills that are integrated with industry recognized certification assessments, where available.

Local Plan for Career and Technical Education Programs

The committee believes a comprehensive local plan is the foundation for an effective system of career and technical education programs at the local level. S. 2686 largely maintains the required contents of the local plan, while revising and adding several topics to reflect committee priorities. The legislation requires eligible recipients to describe how career and technical education activities will be carried out with respect to meeting State levels of performance and the local levels of performance newly established under section 104. The committee believes it is critical that the merit of such activities be judged by how the eligible recipient meets State and local levels of performance, and makes adjustments in planning and practice accordingly. The committee also believes it is imperative for career and technical education programs to span both secondary and postsecondary levels and to prepare students to attain technical skill proficiency, a credential, a certificate or a degree whenever possible. As such, the local plan requires eligible recipients to describe how they will offer the appropriate courses of at least one career pathway.

The committee believes a wide range of individuals and entities must be involved in the development, implementation and evaluation of career and technical education programs. The legislation broadens the scope of such required consultation by stipulating

that representatives of Tech-Prep consortia be included if an eligible recipient is part of a Tech-Prep consortia. Such consultation would provide for better integration of traditional career and technical education activities and Tech-Prep activities.

In addition, local plans must describe how comprehensive professional development will be provided consistent with section 111; how career guidance and counseling will be provided to all career and technical education students; and those efforts that will improve the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators.

The committee provides that local secondary education recipients may meet the requirement established in Section 134(b)(10) of current law through adult education programs and area vocational technical schools that have demonstrated the ability to meet the education and training needs of special populations who are under-represented in high-wage, high-skill or nontraditional fields.

Local Uses of Funds

The committee allows local recipients to utilize local funds for activities to prepare special populations for high-skill, high-wage, or nontraditional occupations that will lead to self-sufficiency. These activities may include outreach, recruitment, career and academic counseling, life skills development, vocational assessment and testing, supportive services, financial literacy training, job readiness training, tuition assistance, and preparatory services.

It is the intent of the committee that the career and technical education programs funded under the Act provide meaningful opportunities for students and workers to prepare for high-skill, high-wage occupations that may lead to economic self-sufficiency. In implementing this provision, it is the recommendation of the committee that students and workers be provided with information about other State and Federal programs that may offer additional assistance.

S. 2686 requires that any local funds spent on equipment be for "instructional" equipment. This would include any equipment critical for successful instruction and the preparation of students for entry into the workforce. The new language would provide safeguards to prevent schools from using Perkins funds for items unrelated to career and technical education, but should not prevent programs from purchasing needed technical equipment.

Tech-Prep Education

Tech-Prep education has had its own authorization since the 1990 reauthorization of Federal vocational and technical education programs. S. 2686 maintains a separate authorization, but the committee felt strongly that the activities authorized by the Tech-Prep education program could be more consistently incorporated with those activities supported by the basic State grants. To that end, the committee believes shifting the Tech-Prep program into the basic State grants as a new Part D while maintaining independent funding would help improve collaboration between Tech-Prep grantees and basic State grant recipients.

In addition, the committee has encouraged greater collaboration between 2- and 4-year institutions of higher education and secondary schools in order to extend the benefits of career and tech-

nical education to all career and technical education students, not just students attending Tech-Prep programs.

Fiscal Requirements

The committee heard from a number of States that the maintenance of effort requirements were creating a reporting challenge. In order to address these concerns, the committee allows States to use a rolling average of expenditures from consecutive three-year periods to make that determination, rather than use alternative solutions that had been suggested.

VI. COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 28, 2004.

Hon. JUDD GREGG,
*Chairman, Committee on Health, Education, Labor, and Pensions,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2686, the Carl D. Perkins Career and Technical Education Improvement Act of 2004.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Justin Humphrey.

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

S. 2686—Carl D. Perkins Career and Technical Education Improvement Act of 2004

Summary: S. 2686 would amend the Carl D. Perkins Vocational and Technical Education Act of 1998 and reauthorize secondary and postsecondary vocational education programs through fiscal year 2011. These programs currently are authorized through 2004 by the General Education Provisions Act (GEPA). The bill would authorize appropriations of an estimated \$1.4 billion for these purposes for fiscal year 2005 and an estimated \$10.1 billion for fiscal years 2005 through 2011, assuming adjustments for inflation. Assuming the appropriation of the necessary funds, the resulting outlays would total \$41 million for 2005 and \$8.2 billion for the seven-year period. Enacting the bill would not affect direct spending or revenues.

S. 2686 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA); any costs to state, local, or tribal governments would result from complying with conditions of federal assistance.

Estimated cost to the Federal Government: The estimated federal budgetary impact of S. 2686 is shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

	By fiscal year, in millions of dollars—							
	2004	2005	2006	2007	2008	2009	2010	2011
SPENDING SUBJECT TO APPROPRIATION								
Spending Under Current Law for Vocational Education:								
Budget Authority ¹	1,335	0	0	0	0	0	0	0
Estimated Outlays	1,326	1,294	334	67	0	0	0	0
Proposed Changes:								
State Grants:								
Estimated Authorization Level	0	1,215	1,239	1,266	1,292	1,321	1,349	1,379
Estimated Outlays	0	36	912	1,173	1,259	1,385	1,313	1,342
National Activities:								
Estimated Authorization Level	0	12	12	13	13	13	13	14
Estimated Outlays	0	1	9	12	13	13	13	13
Tribally Controlled Postsecondary Vocational Institutions:								
Estimated Authorization Level	0	10	10	10	11	11	11	11
Estimated Outlays	0	*	8	10	10	11	11	11
Occupational and Employment Information:								
Estimated Authorization Level	0	9	9	10	10	10	10	10
Estimated Outlays	0	*	7	9	9	10	10	10
Tech Prep Education:								
Estimated Authorization Level	0	109	111	113	116	118	121	123
Estimated Outlays	0	3	82	105	113	115	118	120
Total Changes:								
Estimated Authorization Level	0	1,355	1,382	1,412	1,441	1,473	1,505	1,538
Estimated Outlays	0	41	1,017	1,309	1,404	1,433	1,464	1,496
Spending under S. 2686 for Vocational Education:								
Estimated Authorization Level ¹	1,335	1,355	1,382	1,412	1,441	1,473	1,505	1,538
Estimated Outlays	1,326	1,334	1,351	1,375	1,404	1,433	1,464	1,496

¹ The 2004 amount is the total appropriated that year for vocational and technical education.

Notes.—Components may not sum to totals because of rounding. * = less than \$500,000.

Basis of estimate: For this estimate, CBO assumes that S. 2686 will be enacted this fall and that the necessary amounts will be appropriated for each year. Estimated outlays are based on the historical spending of programs authorized by the Carl D. Perkins Vocational Education Act.

The bill would authorize such sums as may be necessary for fiscal years 2005 through 2010 for programs that provide grants and administrative support for programs that provide grants and administrative support for career-related education and training. Grants to tribally controlled postsecondary vocational and technical institutions would be authorized at \$10 million for fiscal year 2005 and such sums as may be necessary through 2010. Under the General Education Provisions Act, these authorizations automatically would be extended for an additional year, through 2011.

Based on amounts previously appropriated for these programs (or, amounts explicitly stated in the bill, as applicable), CBO estimates this bill would authorize \$1.4 billion for fiscal year 2005, and \$10.1 billion over the 7-year period. Details of these authorizations are shown on the preceding table. Fiscal year 2004 appropriations for these programs are listed below.

State Grants—\$1,195 million. These formula grants are used for vocational programs in high schools, technical schools, and community colleges.

National Activities—\$12 million. These funds support the collection of data on vocational education performance and research on the effectiveness of vocational and technical education.

Tribally Controlled Institutions—\$7 million. These grants provide funding for career-oriented education and training at tribally-controlled institutions.

Occupational and Employment Information—\$9 million. These funds are used to improve vocational education counseling services and career guidance.

Tech Prep Education—\$107 million. This program provides grants to states to support coordinated programs between secondary and post-secondary vocational education.

Intergovernmental and private-sector impact: S. 2686 contains no private-sector or intergovernmental mandates as defined in UMRA; any costs to state, local, or tribal governments would result from complying with conditions of federal assistance.

Previous CBO estimate: On August 12, 2004, CBO transmitted a cost estimate for H.R. 4496, the Vocational and Technical Education for the Future Act, as ordered reported by the House Committee on Education and the Workforce on July 21, 2004. The authorization level for that bill was similar to S. 2686, totaling \$10 billion from 2005 through 2011.

Estimate prepared by: Federal Costs: Christina Hawley Sadoti and Justin Humphrey; Impact on State, Local, and Tribal Governments: Sarah Puro; and Impact on the Private Sector: Ralph Smith.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

VII. REGULATORY IMPACT STATEMENT

The committee has determined that there will be de minimis changes in the regulatory burden imposed by this bill.

VIII. APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1, the Congressional Accountability Act (CAA) requires a description of the application of this bill to the legislative branch. S. 2686 reauthorizes secondary and postsecondary vocational education programs for the States and does not amend any act that applies to the legislative branch.

IX. SECTION-BY-SECTION ANALYSIS

Section 1—Short Title, Table of Contents

Designates the bill as the “Carl D. Perkins Career and Technical Education Improvement Act of 2004.” Amends the table of contents for the bill.

Section 2—References

Specifies that changes in this legislation apply to the Carl D. Perkins Vocational and Technical Education Act of 1998.

Section 3—Purpose

Amends section 2 of current law and adds three purposes: promoting leadership and professional development at the State and local levels, and developing research and best practices for improving the quality of career and technical education teachers, faculty, principals, administrators, and counselors; supporting partnerships

among secondary schools, postsecondary institutions, area career technical centers, business and industry, professional associations and intermediaries; and developing a highly skilled workforce needed to keep America competitive in the global economy in conjunction with other Federal education and training programs, including workforce investment programs, that provide lifelong learning for the workforce of today and tomorrow.

Section 4—Definitions

Amends the definition of vocational and technical education to read “career and technical education” throughout the bill. Shifts the set of definitions from Title II into section 4 of the Act.

Defines “career pathway” as a coordinated and nonduplicative sequence of courses that identifies both secondary and postsecondary elements; includes challenging academic and career and technical education content; may include the opportunity for students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary credits; and may culminate in technical skill proficiency, a credential, a certificate, or a degree.

Defines the term “core academic subjects” as it is defined in section 9101 of the Elementary and Secondary Education Act of 1965.

Amends the definition of an “eligible institution” by specifying that eligible institutions must be “a public or nonprofit private institution of higher education that offers career and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or a degree.”

Defines the term “graduation and career plan” as a written plan for a secondary career and technical education student that: is developed with career guidance and academic counseling staff, and in consultation with parents, not later than in the first year of secondary school or upon enrollment in career and technical education; is reviewed annually and modified as needed; includes relevant information on secondary school requirements for graduating with a diploma, postsecondary education admission requirements, and high-skill, high-wage, or high-demand occupations and non-traditional fields in emerging and established professions and labor market indicators; and States the student’s secondary school graduation goals, postsecondary education and training, or employment goals, and identifies one or more career pathways that correspond to the goals.

Defines the term “self-sufficiency” as a standard that is adopted, calculated, or commissioned by a local area or State, and which adjusts for local factors in specifying the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations.

Section 5—Transition Provisions

Provides for the successful transition between the current Act and the Carl D. Perkins Career and Technical Education Improvement Act of 2004. Ensures that each eligible agency will have a full fiscal year for transition to plan for and implement the requirements of this Act.

Section 6—Limitation

Strikes a reference in current law to the School-to-Work Opportunities Act of 1994.

Section 7—Authorization of Appropriations

Authorizes funding for career and technical education through 2010.

TITLE I—CAREER AND TECHNICAL EDUCATION
ASSISTANCE TO THE STATES

Section 101—Career and Technical Education Assistance to the States

Renames the Title I basic State grant program “Career and Technical Education Assistance to the States.”

Section 102—Reservations and State Allotment

Section 102 modifies the formula in section 111 of current law for Federal to State allocations. The modification applies only to funding appropriated in excess of fiscal year 2004 funding. Any such excess amounts are to be distributed according to the formula under paragraph (2) of current law, but with the following restrictions: no State may receive less than $\frac{1}{2}$ of 1 percent of the total excess amount, and no State, because of the application of such modified formula in combination with the regular formula, may receive in total for a fiscal year more than the amount determined by a mathematical calculation.

Section 103—State Allocations

Section 103 amends section 112 of current law.

Section 103 modifies section 112 of current law for state allocations. The modification gives states greater flexibility with previous set-asides for serving individuals in State institutions, and preparing individuals for nontraditional employment. It also allows States to use the 10 percent reserve money from the amount being sent to local areas to award grants to eligible recipients in rural areas, areas with high percentages or numbers of career and technical education students as in current law; and offers a new option, with the approval of participating eligible recipients, to offer innovative statewide initiatives that demonstrate benefits for eligible recipients.

This section further modifies current law by allowing states to use funds to develop and support state data systems.

Section 104—Accountability

Amends section 113 of current law. This section establishes separate indicators for secondary and postsecondary grant recipients. The amended secondary performance indicators are: student achievement on technical assessments and attainment of career and technical skill proficiencies that are aligned with nationally recognized industry standards, if available and appropriate; student attainment of challenging academic content standards and student academic achievement standards as adopted by the State under the Elementary and Secondary Education Act of 1965 and measured by the academic assessments described in section

1111(b)(3) of such Act, consistent with State requirements; student rates of attainment of a secondary school diploma, the recognized equivalent of a secondary school diploma, technical skill proficiency, a credential, a certificate, and a degree; placement in postsecondary education, military service, apprenticeship programs, or employment; student participation in, and completion of, career and technical education programs that lead to employment in non-traditional fields.

The postsecondary indicators are: student achievement on technical assessments and attainment of career and technical skill proficiencies that are aligned with nationally recognized industry standards, if appropriate; student attainment of technical skill proficiency, a credential, a certificate, or a degree, or retention in postsecondary education, including transfer to a baccalaureate degree program; placement in military service, apprenticeship programs, or employment; student participation in, and completion of, career and technical education programs that lead to employment in non-traditional fields; increase in earnings, where available.

This section also requires States to align performance indicators with other applicable State and Federal programs in order to meet the requirements of this section, disaggregate data when reporting, reevaluate levels of performance every two years, and require local recipients to meet performance indicators established in conjunction with the State.

Section 105—National Activities

Section 105 amends section 114 of current law to require that the Secretary's annual report to Congress on the Secretary's aggregate analysis of performance information collected each year pursuant to the law include an analysis of performance data that is disaggregated by special populations for postsecondary institutions, and disaggregated for secondary institutions by special populations and by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965. The requirement to disaggregate is waived when the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual.

Section 105 modifies the composition of the independent advisory panel to include educators, principals and administrators (including State directors of career and technical education) with experience in the integration of academic and career and technical education, experts in evaluation, representatives of small business, and other individuals and intermediaries with relevant expertise.

Section 105 requires that the independent evaluation and assessment of career and technical education programs that the Secretary must provide for shall include, to the extent practicable, the implementation of the Carl D. Perkins Career and Technical Education Improvement Act of 2004. The section broadens the scope of such assessment by stating that it is not limited to the list of contents required by the law. The section modifies the list of required contents and adds provisions regarding special populations, attainment of a high school diploma by career and technical education students, employer satisfaction with career and technical education students' preparation for employment, and the effect of new local

adjusted levels of performance on the delivery of career and technical education services.

Section 105 authorizes the Secretary to award competitive grants, contracts or cooperative agreements to an institution of higher education offering a comprehensive graduate program in career and technical education, which shall collaborate with organizations or agencies to establish one national research center, rather than multiple centers as permitted under current law. The center is given the additional task of carrying out research to develop, improve and identify the most successful methods for addressing the needs of employers in high-skill, high-wage business and industry. The center's tasks are further modified to require the conduct of research, which should be scientifically based where appropriate, that can be used to improve the preparation and professional development of teachers, principals, and administrators, as well as student learning.

Section 105 requires that an institution of higher education that desires a grant under this section shall identify in its application an independent governing board that meets the qualifications newly established in this section. The purpose of such independent governing board would be to ensure that the research and dissemination activities carried out by the national research center are coordinated with the research activities carried out by the Secretary.

Section 106—Assistance for the Outlying Areas

Amends section 115 of current law by replacing “vocational” with “career” where it appears and eliminating the Republic of the Marshall Islands and the Federated States of Micronesia from the Perkins grant program, consistent with the agreements in the new Compact of Free Association.

Section 107—Native American Program

Amends section 116 of current law. Adds an additional use of funds programs that are targeted to recruit, train and retrain Native American women who are traditionally underrepresented to compete for high-skill, high-wage occupations, including women pursuing technology careers (particularly in health care and science) or women who reside in rural or geographically isolated areas.

Section 108—Tribally Controlled Postsecondary Career and Technical Institutions

Section 108 amends section 117 of current law and requires that the Secretary's preparation of an actual budget needs estimate for each institution eligible under this section occur on an annual basis. The Secretary is required to conduct a detailed study of the training, housing and immediate facilities needs of each such institution by July 1, 2006. The Secretary is also required to conduct a long-term study of the facilities of each such institution beginning on the date of enactment of this legislation.

Section 108 establishes an appeals process for tribally controlled postsecondary career and technical institutions consisting of a hearing on the record before an administrative law judge with respect to a determination of ineligibility for a grant or a determination regarding the calculation of the amount of a grant awarded

under this section. Appeals must be filed within 30 days of receipt of a determination. The Secretary is directed to withhold the amount in dispute from the award of grant funds under this section until the administrative law judge has issued a written decision on the appeal.

Section 109—Occupational and Employment Information

This section amends section 118 of current law by allowing States to apply for their Occupational and Employment Information grant funds with their Perkins application. It further requires States to describe how they will use funds to provide information on labor market trends, and the academic content standards and student achievement standards adopted by the State. The modifications clarify that the State may provide this information to students and parents and should include information on secondary and postsecondary education and training in high-skill, high-wage and high demand occupations, including nontraditional occupations in emerging or established fields.

This section further requires that the State plan include information on how the grantee will equip teachers, faculty, administrators, and counselors with the knowledge, skills and occupational information to assist parents and students, including special populations underrepresented in certain careers, to make informed career choices.

Section 110—State Administration

Amends section 121 of current law. Amends State administration requirements so that teacher preparation programs and business involvement are included in the State's administration responsibilities.

Section 111—State Plan

Section 111 requires eligible agencies to submit to the Secretary a State plan for a 6-year period, together with such annual revisions as may be necessary. Each eligible agency is permitted to submit a transition plan during the first full year of implementation of the legislation after the date of its enactment. The range of individuals with which the eligible agency must consult in developing the State plan is expanded to include academic and career and technical education teachers, faculty, principals, administrators, career guidance and academic counselors, the State Tech-Prep coordinator and representatives of Tech-Prep consortia (if applicable), representatives of charter school authorizers and organizers (if applicable), and representatives of business (including small business).

Section 111 revises and expands the contents of the State plan to include, among other things, a description of: how the eligible agency will support eligible recipients in developing or implementing career pathways, developing articulation agreements, and using labor market information; how the eligible agency will make available information about career pathways offered by eligible recipients; how the eligible agency will consult with business and industry and use industry-recognized standards and assessments, if appropriate; criteria to assess the extent to which a local plan will promote higher levels of academic achievement and technical skill

attainment, and identify and address workforce needs; how secondary programs will prepare career and technical education students, including special populations, to graduate from high school with a diploma and be prepared for opportunities in postsecondary education or entry into high-skill, high-wage or high demand occupations; how funds will be used to improve and develop new career and technical education courses that are aligned with business needs and industry standards, and at the secondary level, aligned with challenging academic content standards and student academic achievement standards adopted by the State under the Elementary and Secondary Education Act of 1965; how career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors will be provided with comprehensive initial preparation and professional development, including through programs and activities that promote the integration of academic and career and technical education curriculum development and increase the academic and career and technical education knowledge of such teachers and faculty; efforts to improve recruitment and retention of career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors, and the transition to teaching from business; efforts to improve the capacity of programs and faculty at postsecondary institutions to effectively prepare career and technical education personnel; how the eligible agency will encourage secondary school students to enroll in challenging courses in core academic subjects; how the eligible agency will collaborate in developing the State plan with various entities within the State, including those responsible for elementary and secondary education, and for postsecondary education; how the eligible agency will measure and report disaggregated data relating to student participation in and completion of career and technical education within specific career clusters; and how funds will be used to promote preparation for high-skill, high-wage or high-demand occupations and nontraditional fields in emerging or established professions.

Section 111 permits an eligible agency to submit a single State plan in fulfillment of its plan or application submission requirements of this section, section 118(b) and section 141(c). In such consolidated plan, an eligible agency may allow eligible recipients to submit a single local plan to fulfill obligations under section 134 and subsections (a) and (b) of section 143.

Section 112—Improvement Plans

This section modifies section 123 of current law by providing separate actions for state and local improvement plans.

If the State fails to meet State adjusted levels of performance, the Secretary shall provide technical assistance in order to assist them in meeting their adjusted levels of performance. If the State fails to meet their adjusted levels of performance, has not implemented an improvement plan, has shown no improvement 1 year after implementation of an improvement plan, or has failed to meet State adjusted levels of performance for 2 or more consecutive years, the Secretary may withhold all or a portion of the State's allotment. The Secretary must use the funds withheld from any sanction to provide services within the State through alternative ar-

rangements. The Secretary may waive the sanction due to exceptional circumstances.

For local recipients who are not making substantial progress in achieving the local adjusted levels of performance, the State must conduct an assessment of local performance, enter into an improvement plan with the eligible recipient for one program year that shall include information on how the local performance deficiencies will be corrected and what programmatic changes and professional development will take place, and conduct regular evaluations of progress being made toward reaching the local adjusted levels of performance. All of the activities conducted by the State will be done with the appropriate individual and organizations, including teachers, principals, faculty, administrators and parents. The State shall also provide the necessary technical assistance.

If the local recipient fails to implement an improvement plan, fails to show improvement after 1 year, or has failed to meet local adjusted levels of performance for 2 or more consecutive years, the State may withhold funding after notice and opportunity for a hearing. The State may waive the sanction for exceptional circumstances and must use funds withheld to provide services and activities to students within the same area.

Section 113—State Leadership Activities

Amends section 124 of current law. Amends the required State activities to include efforts to train career and technical education professionals to use technology, encourage schools to collaborate with technology industries for internship or mentoring opportunities, enhance professional development and make connections between career and technical education programs and business needs.

Amends the allowable State activities to include improving career guidance and academic counseling, establish articulation agreements, support for public charter school programs, support for partnerships with businesses or business intermediaries, developing technical skills assessments, enhancing State data systems, and commissioning or adopting a self-sufficiency standard.

Section 114—Distribution of Funds to Secondary School Programs

Section 114 amends section 131 of current law by striking the outdated subsection (a) regarding distribution for fiscal year 1999. Subsection (b) is renamed “Distribution Rules” to reflect the deletion of the fiscal year 1999 provisions. The provisions of subsection (b) become the standard rules regarding distribution.

Section 115—Distribution of Postsecondary Career and Technical Education Programs

Amends section 132 of current law by changing the title of the section and by replacing “vocational” with “career” where it appears.

Section 116—Special Rules for Career and Technical Education

Amends section 133 of current law by changing the title of the section and by replacing “vocational” with “career” where it appears.

Section 117—Local Plan for Career and Technical Education Programs

Section 117 amends section 134 of current law. It revises and expands the contents of the local plan to include, among other things, a description of: how career and technical education activities will be carried out with respect to meeting State and local adjusted levels of performance; how the eligible recipient will offer the appropriate courses of at least one career pathway; how comprehensive professional development will be provided consistent with section 111; how various individuals and entities (including representatives of Tech-Prep consortia if applicable) are involved in the development, implementation and evaluation of career and technical education programs assisted under this title, and how such individuals and entities are effectively informed about the requirements of this title, including career pathways; how career guidance and counseling will be provided to all career and technical education students; and efforts to improve the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators.

Section 118—Local Uses of Funds

Section 118 amends section 135 of current law by replacing “vocational” with “career” where it appears.

It requires each grantee to strengthen the academic and career and technical skills of students in career and technical education program by improving integration through a coherent sequence of courses, such as career pathways. It requires that each grantee link secondary and postsecondary career and technical education by offering not less than 1 career pathway, developing and supporting articulation agreements between secondary and post-secondary institutions, or supporting tech prep program. It requires each grantee to develop, improve or expand the use of technology, including distance learning, in career and technical education through training teachers, faculty, principals and administrators to use technology and partner with technology industries to offer voluntary internships and mentoring programs. It further requires that each grantee provide quality professional development programs; evaluations, including assessments on how the needs of special populations are being met; a description of how career and technical education are being modernized; a description of the services and activities provided to special populations in order to prepare them for high-skill, high-wage, and high demand occupations; and their efforts to provide programs that are of sufficient size, scope and quality.

The modifications also allow each grantee to involve parents, businesses and labor organizations in the design and implementation of career and technical programs; to fund partnerships with business and business intermediaries; to provide career guidance and academic counseling; to provide programs for special populations; to support career and technical student organizations; to establish mentoring and support services; to use funds to lease, purchase, upgrade or adapt instructional equipment; to use funds for teacher preparation programs that address the integration of academic and technical education and assist individuals interested in entering career and technical education, including individuals

with experience in business and industry; to develop new career and technical courses and career pathways; to develop and support small, personalized, career-themed learning communities; to develop career and technical education programs for adults and school dropouts to complete their secondary school education or upgrade their technical skills; to provide assistance to individuals who have participated in services and activities under this legislation to find an appropriate job through collaboration with the workforce system in the State; to support activities, such as mentoring and outreach, in nontraditional fields; and support other career and technical education activities that are consistent with this Act.

Section 119—Tech-Prep Education

Section 119 amends Title II of current law. It moves the Tech-Prep program from Title II into Title I and redesignates it as Part D of Title I. Amends the professional development requirements under the Tech-Prep program to match the requirements set forth elsewhere in the bill and includes graduation and career plans in allowable uses of funds.

Authorizes funding for Tech-Prep programs through FY10.

TITLE II—GENERAL PROVISIONS

Section 201—Redesignation of Title

Amends Title III, section 301 of current law. Makes conforming amendments consistent with the movement of the Tech-Prep education program to Title I, renames Title III to read “Title II—General Provisions.”

Section 202—Fiscal Requirements

Amends section 311 of current law (redesignated as section 211 by the bill). Updates language by replacing “vocational” with “career” where it appears. Changes the maintenance of effort requirement for States from meeting or exceeding the previous year’s per student or aggregate State expenditure to the aggregate or per student expenditure over the 3 fiscal years preceding the fiscal year for which the determination is made. The Secretary is instructed to exclude capital expenditures, special one-time projects, and the cost of pilot programs from the calculation. In the event of the Federal appropriation decreasing, the aggregate expenditures by the State shall be decreased by the same percentage as the percentage decrease in the amount available. The term “fiscal effort” is replaced with the term “average fiscal effort”.

Section 203—Voluntary Selection and Participation

Amends section 314 (redesignated as section 214 by the bill) by replacing “vocational” with “career” where it appears.

Section 205—Authorization of Secretary; Participation of Private School Personnel

Amends sections 217 and 218 of current law (as redesignated by the bill). Updates language by replacing “vocational” with “career” where it appears. Adds principals to those receiving career and technical education training.

Section 206—Student Assistance and Other Federal Programs

Amends section 225(c) of current law (as redesignated by the bill) by replacing “vocational” with “career” where it appears.

Section 207—Table of Contents

Amends section 1(b) of current law by amending the table of contents to reflect the changes made by S. 2686.

X. CHANGES IN EXISTING LAW

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**CARL D. PERKINS VOCATIONAL AND TECHNICAL
EDUCATION ACT OF 1998**

* * * * *

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Carl D. Perkins Vocational and Technical Education Act of 1998”.

[(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- [Sec. 1. Short title; table of contents.
- [Sec. 2. Purpose.
- [Sec. 3. Definitions.
- [Sec. 4. Transition provisions.
- [Sec. 5. Privacy.
- [Sec. 6. Limitation.
- [Sec. 7. Special rule.
- [Sec. 8. Authorization of appropriations.

**[TITLE I—VOCATIONAL AND TECHNICAL EDUCATION ASSISTANCE TO THE
STATES**

[PART A—ALLOTMENT AND ALLOCATION

- [Sec. 111. Reservations and State allotment.
- [Sec. 112. Within State allocation.
- [Sec. 113. Accountability.
- [Sec. 114. National activities.
- [Sec. 115. Assistance for the outlying areas.
- [Sec. 116. Native American program.
- [Sec. 117. Tribally controlled postsecondary vocational and technical institutions.
- [Sec. 118. Occupational and employment information.

[PART B—STATE PROVISIONS

- [Sec. 121. State administration.
- [Sec. 122. State plan.
- [Sec. 123. Improvement plans.
- [Sec. 124. State leadership activities.

[PART C—LOCAL PROVISIONS

- [Sec. 131. Distribution of funds to secondary school programs.
- [Sec. 132. Distribution of funds for postsecondary vocational and technical education programs.
- [Sec. 133. Special rules for vocational and technical education.
- [Sec. 134. Local plan for vocational and technical education programs.
- [Sec. 135. Local uses of funds.

【TITLE II—TECH-PREP EDUCATION

- 【Sec. 201. Short title.
- 【Sec. 202. Definitions.
- 【Sec. 203. State allotment and application.
- 【Sec. 204. Tech-prep education.
- 【Sec. 205. Consortium applications.
- 【Sec. 206. Report.
- 【Sec. 207. Demonstration program.
- 【Sec. 208. Authorization of appropriations.

【TITLE III—GENERAL PROVISIONS

【PART A—FEDERAL ADMINISTRATIVE PROVISIONS

- 【Sec. 311. Fiscal requirements.
- 【Sec. 312. Authority to make payments.
- 【Sec. 313. Construction.
- 【Sec. 314. Voluntary selection and participation.
- 【Sec. 315. Limitation for certain students.
- 【Sec. 316. Federal laws guaranteeing civil rights.
- 【Sec. 317. Authorization of Secretary.
- 【Sec. 318. Participation of private school personnel.

【PART B—STATE ADMINISTRATIVE PROVISIONS

- 【Sec. 321. Joint funding.
- 【Sec. 322. Prohibition on use of funds to induce out-of-State relocation of businesses.
- 【Sec. 323. State administrative costs.
- 【Sec. 324. Limitation on Federal regulations.
- 【Sec. 325. Student assistance and other Federal program.】

(b) *TABLE OF CONTENTS.—The table of contents for this Act is as follows:*

- Sec. 1. Short title; table of contents.*
- Sec. 2. Purpose.*
- Sec. 3. Definitions.*
- Sec. 4. Transition provisions.*
- Sec. 5. Privacy.*
- Sec. 6. Limitation.*
- Sec. 7. Special rule.*
- Sec. 8. Authorization of appropriations.*

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

PART A—ALLOTMENT AND ALLOCATION

- Sec. 111. Reservations and State allotment.*
- Sec. 112. Within State allocation.*
- Sec. 113. Accountability.*
- Sec. 114. National activities.*
- Sec. 115. Assistance for the outlying areas.*
- Sec. 116. Native American program.*
- Sec. 117. Tribally controlled postsecondary career and technical institutions.*
- Sec. 118. Occupational and employment information.*

PART B—STATE PROVISIONS

- Sec. 121. State administration.*
- Sec. 122. State plan.*
- Sec. 123. Improvement plans.*
- Sec. 124. State leadership activities.*

PART C—LOCAL PROVISIONS

- Sec. 131. Distribution of funds to secondary school programs.*
- Sec. 132. Distribution of funds for postsecondary career and technical education programs.*
- Sec. 133. Special rules for career and technical education.*
- Sec. 134. Local plan for career and technical education programs.*
- Sec. 135. Local uses of funds.*

PART D—TECH-PREP EDUCATION

- Sec. 141. *State allotment and application.*
 Sec. 142. *Tech-prep education.*
 Sec. 143. *Consortium applications.*
 Sec. 144. *Authorization of appropriations.*

TITLE II—GENERAL PROVISIONS

PART A—FEDERAL ADMINISTRATIVE PROVISIONS

- Sec. 211. *Fiscal requirements.*
 Sec. 212. *Authority to make payments.*
 Sec. 213. *Construction.*
 Sec. 214. *Voluntary selection and participation.*
 Sec. 215. *Limitation for certain students.*
 Sec. 216. *Federal laws guaranteeing civil rights.*
 Sec. 217. *Participation of private school personnel.*

PART B—STATE ADMINISTRATIVE PROVISIONS

- Sec. 221. *Joint funding.*
 Sec. 222. *Prohibition on use of funds to induce out-of-State relocation of businesses.*
 Sec. 223. *State administrative costs.*
 Sec. 224. *Limitation on Federal regulations.*
 Sec. 225. *Student assistance and other Federal programs.*

* * * * *

SEC. 2. PURPOSE.

The purpose of this Act is to develop more fully the academic, [vocational] *career*, and technical skills of secondary students and postsecondary students who elect to enroll in [vocational] *career* and technical education programs, by—

(1) building on the efforts of States and localities to develop challenging academic [standards] *and technical standards, and to assist students in meeting such standards, especially in preparation for high skill, high wage, or high demand occupations in emerging or established professions;*

(2) promoting the development of services and activities that integrate *challenging* academic, [vocational] *career* and technical instruction, and that link secondary and postsecondary education for participating [vocational] *career* and technical education students;

(3) increasing State and local flexibility in providing services and activities designed to develop, implement, and improve [vocational] *career* and technical education, including tech-prep education; [and]

(4) *conducting and disseminating* national research, *disseminating information on best practices*, and providing professional development and technical assistance, that will improve [vocational] *career* and technical education programs, services, and activities[.];

(5) *promoting leadership and professional development at the State and local levels, and developing research and best practices for improving the quality of career and technical education teachers, faculty, principals, administrators, and counselors;*

(6) *supporting partnerships among secondary schools, postsecondary institutions, area career technical centers, business and industry, professional associations, and intermediaries; and*

(7) *developing a highly skilled workforce needed to keep America competitive in the global economy in conjunction with other Federal education and training programs, including*

workforce investment programs, that provide lifelong learning for the workforce of today and tomorrow.

* * * * *

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—* * *

* * * * *

(2) ALL ASPECTS OF AN INDUSTRY.—The term “all aspects of an industry” means strong experience in, and comprehensive understanding of, the industry that the individual is preparing to enter, *including employment statistics and information relating to national, regional, and local labor market areas, as provided pursuant to section 118, and career ladder information, where appropriate.*

(3) AREA **[VOCATIONAL] CAREER AND TECHNICAL EDUCATION SCHOOL.**—The term “area **[vocational] career** and technical education school” means—

(A) a specialized public secondary school used exclusively or principally for the provision of **[vocational] career** and technical education to individuals who are available for study in preparation for entering the labor market;

(B) the department of a public secondary school exclusively or principally used for providing **[vocational] career** and technical education in not fewer than 5 different occupational fields to individuals who are available for study in preparation for entering the labor market;

(C) a public or nonprofit technical institution or **[vocational] career** and technical education school used exclusively or principally for the provision of **[vocational] career** and technical education to individuals who have completed or left secondary school and who are available for study in preparation for entering the labor market, if the institution or school admits as regular students both individuals who have completed secondary school and individuals who have left secondary school; or

(D) the department or division of an institution of higher education, that operates under the policies of the eligible agency and that provides **[vocational] career** and technical education in not fewer than five different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits as regular students both individuals who have completed secondary school and individuals who have left secondary school.

[(4) CAREER GUIDANCE AND ACADEMIC COUNSELING.—The term “career guidance and academic counseling” means providing access to information regarding career awareness and planning with respect to an individual’s occupational and academic future that shall involve guidance and counseling with respect to career options, financial aid, and postsecondary options.]

(4) ARTICULATION AGREEMENT.—*The term “articulation agreement” means a written commitment, approved annually by the relevant administrators of the secondary and postsecondary in-*

stitutions, to a program that is designed to provide students with a nonduplicative sequence of progressive achievement leading to technical skill proficiency, a credential, a certificate, or a degree, and linked through credit transfer agreements.

(5) *CAREER AND TECHNICAL EDUCATION.*—The term “career and technical education” means organized educational activities that—

(A) offer a sequence of courses (which may include technical learning experiences) that—

(i) provides individuals with the challenging academic and technical knowledge and skills the individuals need to prepare for further education and for careers in emerging and established professions; and

(ii) may lead to technical skill proficiency, a credential, a certificate, or a degree; and

(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, of an individual.

(6) *CAREER AND TECHNICAL EDUCATION STUDENT.*—The term career and technical education student means a student who enrolls in a clearly defined sequence of career and technical education courses (which may include technical learning experiences) leading to attainment of technical skill proficiency, a credential, a certificate, or a degree.

(7) *CAREER AND TECHNICAL STUDENT ORGANIZATION.*—

(A) *IN GENERAL.*—The term “career and technical student organization” means an organization for individuals enrolled in a career and technical education program that engages in career and technical education activities as an integral part of the instructional program.

(B) *STATE AND NATIONAL UNITS.*—An organization described in subparagraph (A) may have State and national units that aggregate the work and purposes of instruction in career and technical education at the local level.

(8) *CAREER GUIDANCE AND ACADEMIC COUNSELING.*—The term “career guidance and academic counseling” means providing access to information regarding career awareness and planning with respect to an individual’s occupational and academic future that shall involve guidance and counseling with respect to career options, financial aid, and postsecondary options.

(9) *CAREER PATHWAY.*—The term “career pathway” means a coordinated and nonduplicative sequence of courses (which may include technical learning experiences) and associated credits that—

(A) shall identify both secondary and post-secondary education elements;

(B) shall include challenging academic and career and technical education content;

(C) may include the opportunity for secondary students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary credits; and

(D) may culminate in technical skill proficiency, a credential, a certificate, or a degree.

[(5)] (10) CHARTER SCHOOL.—The term “charter school” has the meaning given the term in section [5206] 5210 of the Elementary and Secondary Education Act of 1965.

(11) COMMUNITY COLLEGE.—The term “community college”—

(A) means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, that provides not less than a 2-year program that is acceptable for full credit toward a baccalaureate degree; and

(B) includes tribally controlled colleges or universities.

[(6)] (11) [(11)] (12) COOPERATIVE EDUCATION.—The term “cooperative education means a [method of instruction] method of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required academic courses and related [vocational] career and technical education instruction, by alternation of study in school with a job in any occupational field, which alternation shall be planned and supervised by the school and employer so that each contributes to the education and employability of the individual, and may include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

(13) CORE ACADEMIC SUBJECTS.—The term “core academic subjects” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965, except that under this Act such subjects included in such term shall be only those subjects in a secondary school context.

[(7)] (12) [(12)] (13) [(13)] (14) DISPLACED HOMEMAKER.—The term “displaced homemaker” means an individual who—

(A)(i) * * *

* * * * *

[(8)] (13) [(13)] (14) [(14)] (15) EDUCATIONAL SERVICE AGENCY.—* * *

* * * * *

[(9)] (14) [(14)] (15) [(15)] (16) ELIGIBLE AGENCY.—The term “eligible agency” means a State board designated or created consistent with State law as the sole State agency responsible for the administration of [vocational] career and technical education or for supervision of the administration of [vocational] career and technical education in the State.

[(10)] (15) [(15)] (16) [(16)] (17) ELIGIBLE INSTITUTION.—The term “eligible institution” means—

(A) [an institution of higher education] a public or non-profit private institution of higher education that offers career and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or a degree;

(B) * * *

(C) an area [vocational] career and technical education school providing education at the postsecondary level;

* * * * *

[(11)] (16) [(16)] (17) [(17)] (18) ELIGIBLE RECIPIENT.—The term “eligible recipient” means—

(A) a local educational [agency, an area vocational] agency (including a public charter school that operates as a local educational agency), an area career and technical education school, an educational service agency, or a consortium, eligible to receive assistance under section 131; or
(B) * * *

* * * * *
[(12)] (17) [(17)] (18) [(18)] (19) GOVERNOR.—The term “Governor” means the chief executive officer of a State or an outlying area.

(20) GRADUATION AND CAREER PLAN.—The term “graduation and career plan” means a written plan for a secondary career and technical education student, that—

(A) is developed with career guidance and academic counseling or other professional staff, and in consultation with parents, not later than in the first year of secondary school or upon enrollment in career and technical education;

(B) is reviewed annually and modified as needed;

(C) includes relevant information on—

(i) secondary school requirements for graduating with a diploma;

(ii) postsecondary education admission requirements; and

(iii) high skill, high wage, or high demand occupations and nontraditional fields in emerging and established professions and labor market indicators; and

(D) states the student’s secondary school graduation goals, postsecondary education and training, or employment goals, and identifies 1 or more career pathways that correspond to the goals.

[(13)] (18) [(18)] (19) [(19)] (20) [(20)] (21) INDIVIDUAL WITH LIMITED ENGLISH PROFICIENCY.—* * *

* * * * *

(A) * * *

(B) * * *

[(14)] (19) [(19)] (20) [(20)] (21) [(21)] (22) INDIVIDUAL WITH A DISABILITY.—

(A) IN GENERAL.—* * *

* * * * *

(B) INDIVIDUALS WITH DISABILITIES.—* * *

* * * * *

[(15)] (20) [(20)] (21) [(21)] (22) [(22)] (23) INSTITUTION OF HIGHER EDUCATION.—* * *

* * * * *

[(16)] (21) [(21)] (22) [(22)] (23) [(23)] (24) LOCAL EDUCATIONAL AGENCY.—* * *

* * * * *

[(17)] (22) [(22)] (23) [(23)] (24) [(24)] (25) NONTRADITIONAL [TRAINING AND EMPLOYMENT] FIELDS.—The term “nontraditional [training and employment] fields” means occupations or fields of work, including careers in computer science,

technology, and other emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

[(18)] (23) [(23)] (24) [(24)] (25) [(25)] (26) OUTLYING AREA.—The term “outlying area” means the United States Virgin Islands, Guam, American Samoa, [the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.] *and the Commonwealth of the Northern Mariana Islands.*

[(19)] (24) [(24)] (25) [(25)] (26) [(26)] (27) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term “postsecondary educational institution” means—

- (A) * * *
- (B) * * *
- (C) * * *

* * * * *
[(20)] (25) [(25)] (26) [(26)] (27) [(27)] (28) SCHOOL DROP-OUT.—* * *

* * * * *
[(21)] (26) [(26)] (27) [(27)] (28) [(28)] (29) SECONDARY SCHOOL.—* * *

* * * * *
[(22)] (27) [(27)] (28) [(28)] (29) [(29)] (30) SECRETARY.—* * *

* * * * *
(31) SELF-SUFFICIENCY.—*The term “self-sufficiency” means a standard that is adopted, calculated, or commissioned by a local area or State, and which adjusts for local factors in specifying the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations.*

* * * * *
[(23)] (28) [(28)] (29) [(29)] (30) [(30)] (31) [(31)] (32) SPECIAL POPULATIONS.—The term “special populations” means—

- (A) * * *
- (B) * * *

* * * * *
(C) individuals preparing for nontraditional [training and employment] *fields*;

- (D) * * *
- (E) * * *

* * * * *
(F) [individuals with other barriers to educational achievement, including] individuals with limited English proficiency.

[(24)] (29) [(29)] (30) [(30)] (31) [(31)] (32) [(32)] (33) STATE.—* * *

* * * * *

[(25)] (30) [(30)] (31) [(31)] (32) [(32)] (33) [(33)] (34) SUPPORT SERVICES.—The term “support services” means services related to curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices] *instructional aids, and work supports.*

[(26)] TECH-PREP PROGRAM.—The term “tech-prep program” means a program of study that—

[(A)] combines at least 2 years of secondary education (as determined under State law) and 2 years of postsecondary education in a nonduplicative sequential course of study;

[(B)] strengthens the applied academic component of vocational and technical education through the integration of academic, and vocational and technical, instruction;

[(C)] provides technical preparation in an area such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, a health occupation, business, or applied economics;

[(D)] builds student competence in mathematics, science, and communications (including through applied academics) in a coherent sequence of courses; and

[(E)] leads to an associate degree or a certificate in a specific career field, and to high skill, high wage employment, or further education.]

(35) TECH-PREP PROGRAM.—*The term “tech-prep program” means a program of study that—*

(A) combines at a minimum 2 years of secondary education (as determined under State law) with a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study;

(B) integrates academic and career and technical education instruction, and utilizes work-based and worksite learning where appropriate and available;

(C) provides technical preparation in a career field, including high skill, high wage, or high demand occupations;

(D) builds student competence in technical skills and in core academic subjects, as appropriate, through applied, contextual, and integrated instruction, in a coherent sequence of courses (which may include technical learning experiences);

(E) leads to technical skill proficiency, a credential, a certificate, or a degree, in a specific career field;

(F) leads to placement in appropriate employment or to further education; and

(G) utilizes career pathways, to the extent practicable.

[(27)] (32) [(32)] (33) [(33)] (34) [(34)] (35) [(35)] (36) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—* * *

* * * * *

[(28)] (33) [(33)] (34) [(34)] (35) [(35)] (36) [(36)] (37) TRIBALLY CONTROLLED POSTSECONDARY [VOCATIONAL] CAREER AND TECHNICAL INSTITUTION.—The term “tribally controlled postsecondary [vocational] career and technical institution” means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965, except that [paragraph (2)] subsection (a)(2) of such section shall not be applicable and the reference to Secretary in [paragraph (5)(A)] sub-

section (a)(5) of such section shall be deemed to refer to the Secretary of the Interior) that—

(A) * * *

* * * * *

(F) holds accreditation with or is a candidate for accreditation by a nationally recognized accrediting authority for postsecondary **[vocational]** *career* and technical education; and

* * * * *

[(29) VOCATIONAL AND TECHNICAL EDUCATION.—The term “vocational and technical education” means organized educational activities that—

[(A) offer a sequence of courses that provides individuals with the academic and technical knowledge and skills the individuals need to prepare for further education and for careers (other than careers requiring a baccalaureate, master’s, or doctoral degree) in current or emerging employment sectors; and

[(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, of an individual.]

[(30) VOCATIONAL AND TECHNICAL STUDENT ORGANIZATION.—

[(A) IN GENERAL.—The term “vocational and technical student organization” means an organization for individuals enrolled in a vocational and technical education program that engages in vocational and technical activities as an integral part of the instructional program.

[(B) STATE AND NATIONAL UNITS.—An organization described in subparagraph (A) may have State and national units that aggregate the work and purposes of instruction in vocational and technical education at the local level.]

* * * * *

SEC. 4. TRANSITION PROVISIONS.

The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of this Act from any authority under provisions of **[the Carl D. Perkins Vocational and Applied Technology Education Act, as such Act was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998.]** *this Act, as this Act was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2004. Each eligible agency shall be assured a full fiscal year for transition to plan for and implement the requirements of this Act.*

* * * * *

SEC. 6. LIMITATION.

All of the funds made available under this Act shall be used in accordance with the requirements of this Act. **[None of the funds made available under this Act may be used to provide funding under the School-to-Work Opportunities Act of 1994 (20 U.S.C.**

6101 et seq.) or to carry out, through programs funded under this Act, activities that were funded under the School-To-Work Opportunities Act of 1994, unless the programs funded under this Act serve only those participants eligible to participate in the programs under this Act.】

* * * * *

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act (other than sections 114, 117, and 118, and 【title II】 *part D of title I* such sums as may be necessary for each of the fiscal years 【1999 through 2003】 *2005 through 2010*.

【TITLE I—VOCATIONAL AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES】

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

* * * * *

PART A—ALLOTMENT AND ALLOCATION

SEC. 111. RESERVATIONS AND STATE ALLOTMENT.

(a) RESERVATIONS AND STATE ALLOTMENT.—

(1) RESERVATIONS.—From the sum appropriated under section 8 for each fiscal year, the Secretary shall reserve—

(A) * * *

(B) * * *

* * * * *

(C) in the case of each of the fiscal years 【2001 through 2003,】 *2005 through 2010, not more than 0.54 percent* to carry out section 503 of Public Law 105–220.

* * * * *

(2) STATE ALLOTMENT FORMULA.—Subject to paragraphs (3) and (4), from the remainder of the sums appropriated under section 8 and not reserved under 【paragraph (1)】 *paragraph (1), that are not allotted under paragraph (5)*, for a fiscal year, the Secretary shall allot to a State for the fiscal year—

(A) * * *

* * * * *

(3) MINIMUM ALLOTMENT.—

(A) IN GENERAL.—* * *

* * * * *

(B) REQUIREMENT.—No State, by reason of the application of subparagraph (A), shall receive for a fiscal year more than 150 percent of the amount the State received under this subsection for the preceding fiscal year 【(or in the case of fiscal year 1999 only, under section 101 of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998)】.

(C) SPECIAL RULE.—

(i) IN GENERAL.—* * *

(I) 150 percent of the amount that the State received in the preceding fiscal year [(or in the case of fiscal year 1999 only, under section 101 of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998)]; and

* * * * *

(ii) AMOUNT.—The amount calculated under this clause shall be determined by multiplying—

(I) * * *

* * * * *

(II) 150 percent of the national average per pupil payment made with funds available under this section for that year [(or in the case of fiscal year 1999, only, under section 101 of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998)].

(4) HOLD HARMLESS.—

(A) IN GENERAL.—* * *

* * * * *

(5) FORMULA FOR AMOUNTS IN EXCESS OF THE FISCAL YEAR 2004 FUNDING LEVEL.—

(A) IN GENERAL.—*For any fiscal year for which the remainder of the sums appropriated under section 8 and not reserved under paragraph (1) exceeds the remainder of the sums appropriated under section 8 and not reserved under paragraph (1) for fiscal year 2004, such excess amount shall be allotted to the States according to the formula under subparagraphs (A) through (D) of paragraph (2).*

(B) MINIMUM ALLOTMENT.—

(i) IN GENERAL.—*Notwithstanding any other provision of law and subject to clause (ii), no State shall receive for a fiscal year under this paragraph less than 1/2 of 1 percent of the excess amount described in subparagraph (A).*

(ii) REQUIREMENT.—*No State, by reason of the application of clause (i), shall be allotted under this paragraph for a fiscal year more than the amount determined by multiplying—*

(I) *the number of individuals in the State counted under paragraph (2); by*

(II) *185 percent of the national average per pupil payment made with the excess amount described in subparagraph (A) for that year.*

* * * * *

SEC. 112. WITHIN STATE ALLOCATION.**(a) IN GENERAL.—*** * *

* * * * *

(1) not less than 85 percent for distribution under section 131 or 132, of which not more than 10 percent of the 85 percent may be used in accordance with subsection (c); and

(2) *not more than 15 percent for—*

(A) *State leadership activities described in section 124, of which—*

(i) *an amount determined by the eligible agency shall be made available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and*

(ii) *not less than \$60,000 shall be available for services that prepare individuals for nontraditional fields; and*

(B) *administration of the State plan, which may be used for the costs of—*

(i) *developing the State plan;*

(ii) *reviewing the local plans;*

(iii) *monitoring and evaluating program effectiveness;*

(iv) *assuring compliance with all applicable Federal laws;*

(v) *providing technical assistance; and*

(vi) *supporting and developing State data systems relevant to the provisions of this Act.*

[(2) not more than 10 percent to carry out State leadership activities described in section 124, of which—

[(A) an amount equal to not more than 1 percent of the amount allotted to the State under section 111 for the fiscal year shall be available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

[(B) not less than \$60,000 and not more than \$150,000 shall be available for services that prepare individuals for nontraditional training and employment; and

[(3) an amount equal to not more than 5 percent, or \$250,000, whichever is greater, for administration of the State plan, which may be used for the costs of—

[(A) developing the State plan;

[(B) reviewing the local plans;

[(C) monitoring and evaluating program effectiveness;

[(D) assuring compliance with all applicable Federal laws; and

[(E) providing technical assistance.]

* * * * *

(b) **MATCHING REQUIREMENT.**—Each eligible agency receiving funds made available under [(subsection (a)(3))] *subsection (a)(2)(B)* shall match, from non-Federal sources and on a dollar-for-dollar basis, the funds received under [(subsection (a)(3))] *subsection (a)(2)(B)*.

[(c) **RESERVE.**—

【(1) IN GENERAL.—From amounts made available under subsection (a)(1) to carry out this subsection, an eligible agency may award grants to eligible recipients for vocational and technical education activities described in section 135 in—

【(A) rural areas;

【(B) areas with high percentages of vocational and technical education students;

【(C) areas with high numbers of vocational and technical students; and

【(D) communities negatively impacted by changes resulting from the amendments made by the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998 to the within State allocation under section 231 of the Carl D. Perkins Vocational and Applied Technology Education Act (as such section 231 was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998).

【(2) SPECIAL RULE.—Each eligible agency awarding a grant under this subsection shall use the grant funds to serve at least 2 of the categories described in subparagraphs (A) through (D) of paragraph (1).】

(c) *RESERVE.—From amounts made available under subsection (a)(1) to carry out this subsection, an eligible agency may—*

(1) award grants to eligible recipients, or consortia of eligible recipients, for career and technical education activities described in section 135—

(A) rural areas; or

(B) areas with high percentages or high numbers of career and technical education students;

(2) reserve funds, with the approval of participating eligible recipients, for—

(A) innovative statewide initiatives that demonstrate benefits for eligible recipients, which may include—

(i) developing and implementing technical assessments;

(ii) improving the professional development of career and technical education teachers, faculty, principals, and administrators; and

(iii) establishing, enhancing, and supporting systems for accountability data collection or reporting purposes;

or

(B) the development and implementation of career pathways or career clusters; and

(3) carry out activities described in paragraphs (1) and (2).

* * * * *

SEC. 113. ACCOUNTABILITY.

(a) *PURPOSE.—The purpose of this section is to establish [a State performance accountability system] and support State and local performance accountability systems comprised of the activities described in this section, to assess the effectiveness of the State and its eligible recipients in achieving statewide progress in [vocational] career and technical education, and to optimize the return*

of investment of Federal funds in **[vocational]** *career* and technical education activities.

(b) STATE PERFORMANCE MEASURES.—

(1) IN GENERAL.—* * *

* * * * *

(A) the core indicators of performance described in **[paragraph (2)(A)]** *subparagraphs (A) and (B) of paragraph (2)*;

(B) any additional indicators of performance (if any) identified by the eligible agency under paragraph **[(2)(B)]** (2)(C); and

* * * * *

(2) INDICATORS OF PERFORMANCE.—

[(A) CORE INDICATORS OF PERFORMANCE.—Each eligible agency shall identify in the State plan core indicators of performance that include, at a minimum, measures of each of the following:

[(i) Student attainment of challenging State established academic, and vocational and technical, skill proficiencies.

[(ii) Student attainment of a secondary school diploma or its recognized equivalent, a proficiency credential in conjunction with a secondary school diploma, or a postsecondary degree or credential.

[(iii) Placement in, retention in, and completion of, postsecondary education or advanced training, placement in military service, or placement or retention in employment.

[(iv) Student participation in and completion of vocational and technical education programs that lead to nontraditional training and employment.]

(A) *CORE INDICATORS OF PERFORMANCE FOR SECONDARY CAREER AND TECHNICAL EDUCATION STUDENTS.—*Each eligible agency shall identify in the State plan core indicators of performance for secondary career and technical education students that include, at a minimum, measures of each of the following:

(i) *Student achievement on technical assessments and attainment of career and technical skill proficiencies that are aligned with nationally recognized industry standards, if available and appropriate.*

(ii) *Student attainment of challenging academic content standards and student academic achievement standards, as adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the academic assessments described in section 1111(b)(3) of such Act, consistent with State requirements.*

(iii) *Student rates of attainment of—*

(I) a secondary school diploma;

(II) the recognized equivalent of a secondary school diploma;

(III) technical skill proficiency;

(IV) a credential;

(V) a certificate; and

(VI) a degree.

(iv) Placement in postsecondary education, military service, apprenticeship programs or employment.

(v) Student participation in, and completion of, career and technical education programs that lead to employment in nontraditional fields.

* * * * *

(B) CORE INDICATORS OF PERFORMANCE FOR POSTSECONDARY CAREER AND TECHNICAL STUDENTS.—Each eligible agency shall identify in the State plan core indicators of performance for postsecondary career and technical education students that include, at a minimum, measures of each of the following:

(i) Student achievement on technical assessments and attainment of career and technical skill proficiencies that are aligned with nationally recognized industry standards, if available and appropriate.

(ii) Student attainment of technical skill proficiency, a credential, a certificate, or a degree, or retention in postsecondary education, including transfer to a baccalaureate degree program.

(iii) Placement in military service, apprenticeship programs, or employment.

(iv) Student participation in, and completion of, career and technical education programs that lead to employment in nontraditional fields.

(v) Increase in earnings, where available.

* * * * *

[B] (C) ADDITIONAL INDICATORS OF PERFORMANCE.—An eligible agency, with input from eligible recipients, may identify in the State plan additional indicators of performance for **[vocational]** career and technical education activities authorized under **[the title]** *this title*, such as attainment of self-sufficiency.

[C] (D) EXISTING INDICATORS.—If a State previously has developed State career and technical education performance measures that meet the requirements of this section, the State may use such performance measures to measure the progress of **[vocational]** career and technical education students.

[D] (E) STATE ROLE.—Indicators of performance described in **[this paragraph]** subparagraphs (A) and (B) shall be established solely by each eligible agency with input from eligible **[recipients]** recipients, and shall meet the requirements of this section.

(F) ALIGNMENT OF PERFORMANCE INDICATORS.—In the course of identifying core indicators of performance and additional indicators of performance, States shall, to the greatest extent possible, define the indicators so that substantially similar information gathered for other State and

Federal programs, or any other purpose, is used to meet the requirements of this section.

* * * * *

(3) **LEVELS** STATE LEVELS OF PERFORMANCE.—

(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

(i) IN GENERAL.—Each eligible agency, *after taking into account the local adjusted levels of performance and* with input from eligible recipients, shall establish in the State plan submitted under section 122, levels of performance for each of the core indicators of performance described in **paragraph (2)(A)** *subparagraphs (A) and (B) of paragraph (2)* for **vocational** career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

(I) * * *

* * * * *

II require the State to continually make progress toward improving the performance of vocational and technical education students.]

II require the eligible recipients to make continuous and significant improvement in career and technical achievement of career and technical education students, including special populations.

* * * * *

(v) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR **3RD, 4TH, AND 5TH** SUBSEQUENT YEARS.—Prior to the **third program year** *third and fifth program years* covered by the State plan, the Secretary and each eligible agency shall reach agreement on the State adjusted levels of performance for each of the core indicators of performance for the **third, fourth, and fifth** *corresponding subsequent* program years covered by the State plan, taking into account the factors described in clause (vi). The State adjusted levels of performance agreed to under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.

(vi) FACTORS.—The agreement described in clause (iii) or (v) shall take into account—

(I) * * *

* * * * *

II the extent to which such levels of performance promote continuous *and significant* improvement on the indicators of performance by such State.

(vii) REVISIONS.—If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (vi)(II), the eligible agency may request that the State adjusted levels of performance agreed to under clause (iii) **or (vi)** *or (v)* be re-

vised. The Secretary shall issue objective criteria and methods for making such revisions.

(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible agency shall identify in the State plan, State levels of performance for each of the additional indicators of performance described in paragraph [(2)(B)] (2)(C). Such levels shall be considered to be the State levels of performance for purposes of this title.

* * * * *

(4) LOCAL LEVELS OF PERFORMANCE.—

(A) LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

(i) IN GENERAL.—*Each eligible recipient shall accept the State adjusted levels of performance established under paragraph (3) as local adjusted levels of performance, or negotiate with the State to reach agreement no new local adjusted levels of performance, for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—*

(I) *be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and*

(II) *require the eligible recipient to make continuous and significant improvement in career and technical achievement of career and technical education students.*

(ii) IDENTIFICATION IN THE LOCAL PLAN.—*Each eligible recipient shall identify, in the local plan submitted under section 134, levels of performance, as described in clause (i), for each of the core indicators of performance for the first 2 program years covered by the local plan.*

(iii) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—*The eligible agency and each eligible recipient shall reach agreement, as described in clause (i), on the eligible recipient's levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan, taking into account the levels identified in the local plan under clause (ii) and the factors described in clause (v). The levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan prior to the approval of such plan.*

(iv) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—*Prior to the third and fifth program years covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the*

local plan, taking into account the factors described in clause (v). The local adjusted levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan.

(v) *FACTORS.*—The agreement described in clause (iii) or (iv) shall take into account—

(I) how the levels of performance involved compare with the local adjusted levels of performance established for other eligible recipients, taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

(II) the extent to which the local adjusted levels of performance involved promote continuous and significant improvement on the core indicators of performance by the eligible recipient.

(vi) *REVISIONS.*—If unanticipated circumstances arise with respect to an eligible recipient resulting in a significant change in the factor described in clause (v)(II), the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised. The eligible agency shall issue objective criteria and methods for making such revisions.

(B) *LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.*—Each eligible recipient may identify, in the local plan, local levels of performance for any additional indicators of performance described in paragraph (2)(C). Such levels shall be considered to be the local levels of performance for purposes of this title.

(C) *REPORT.*—Each eligible recipient that receives an allocation under section 131 shall publicly report, on an annual basis, its progress in achieving the local adjusted levels of performance on the core indicators of performance.

* * * * *

(c) *REPORT.*—

(1) *IN GENERAL.*—* * *

* * * * *

(A) * * *

[(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance for special populations.]

(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance disaggregated for post-secondary institutions, by special populations, and for secondary institutions, by special populations and by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall

not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual.

* * * * *

(2) SPECIAL POPULATIONS.—The report submitted by the eligible agency in accordance with paragraph (1) shall include a quantifiable description of the progress special populations participating in [vocational] *career* and technical education programs have made in meeting the State adjusted levels of performance established by the eligible agency.

* * * * *

SEC. 114. NATIONAL ACTIVITIES.

(a) PROGRAM PERFORMANCE INFORMATION.—

(1) IN GENERAL.—The Secretary shall collect performance information about, and report on, the condition of [vocational] *career* and technical education and on the effectiveness of State and local programs, services, and activities carried out under this title in order to provide the Secretary and Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of [vocational] *career* and technical education. The Secretary annually shall report to Congress on the Secretary's aggregate analysis of performance information collected each year pursuant to this title, including an analysis of performance data regarding special populations, *including an analysis of performance data that is disaggregated for postsecondary institutions, by special populations, and for secondary institutions, by special populations and by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual.*

(2) * * *

* * * * *

(3) ASSESSMENTS.—As a regular part of its assessments, the National Center for Education Statistics shall collect and report information on [vocational] *career* and technical education for a nationally representative sample of students. Such assessment may include international comparisons.

* * * * *

(c) RESEARCH, DEVELOPMENT, DISSEMINATION, EVALUATION AND ASSESSMENT.—

(1) SINGLE PLAN.—

(A) IN GENERAL.—The Secretary may, directly or through grants, contracts, or cooperative agreements, carry out research, development, dissemination, evaluation and assessment, capacity building, and technical assistance with regard to the [vocational] *career* and technical education programs under this Act. The Secretary shall develop a single plan for such activities.

(B) PLAN.—Such plan shall—

- (i) identify the **【vocational】** *career* and technical education activities described in subparagraph (A) the Secretary will carry out under this section;
- (ii) describe how the Secretary will evaluate such **【vocational】** *career* and technical education activities in accordance with paragraph (3); and
- (iii) include such other information as the Secretary determines to be appropriate.

【(2) INDEPENDENT ADVISORY PANEL.—The Secretary shall appoint an independent advisory panel, consisting of vocational and technical education administrators, educators, researchers, and representatives of labor organizations, businesses, parents, guidance and counseling professionals, and other relevant groups, to advise the Secretary on the implementation of the assessment described in paragraph (3), including the issues to be addressed, the methodology of the studies involved, and the findings and recommendations resulting from the assessment. The panel shall submit to the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Secretary an independent analysis of the findings and recommendations resulting from the assessment described in paragraph (3). The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this subsection.**】**

(2) INDEPENDENT ADVISORY PANEL.—

(A) *IN GENERAL.—The Secretary shall appoint an independent advisory panel to advise the Secretary on the implementation of the assessment described in paragraph (3), including the issues to be addressed and the methodology of the studies involved to ensure that the assessment adheres to the highest standards of quality.*

(B) MEMBERS.—The advisory panel shall consist of—

- (i) *educators, principals, and administrators (including State directors of career and technical education), with expertise in the integration of academic and career and technical education;*
- (ii) *experts in evaluation, research, and assessment;*
- (iii) *representatives of labor organizations and businesses, including small businesses;*
- (iv) *parents;*
- (v) *career guidance and academic counseling professionals; and*
- (vi) *other individuals and intermediaries with relevant expertise.*

(C) *INDEPENDENT ANALYSIS.—The advisory panel shall transmit to the Secretary and to the relevant committees of Congress an independent analysis of the findings and recommendations resulting from the assessment described in paragraph (3).*

(D) *FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this paragraph.*

(3) EVALUATION AND ASSESSMENT.—

[(A) IN GENERAL.—From amounts made available under paragraph (8), the Secretary shall provide for the conduct of an independent evaluation and assessment of vocational and technical education programs under this Act through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis.]

(A) *IN GENERAL.*—*From amounts made available under subsection (d), the Secretary shall provide for the conduct of an independent evaluation and assessment of career and technical education programs under this Act, including the implementation of the Carl D. Perkins Career and Technical Education Improvement Act of 2004, to the extent practicable, through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis.*

(B) CONTENTS.—The assessment required under paragraph (1) shall include descriptions and evaluations of—

(i) the extent to which State, local, and tribal entities have developed, implemented, or improved State and local [vocational] *career* and technical education programs and the effect of programs assisted under this Act on that development, implementation, or improvement, including the capacity of State, tribal, and local [vocational] *career* and technical education systems to achieve the purpose of this Act;

(ii) the extent to which expenditures at the Federal, State, tribal, and local levels address program improvement in [vocational] *career* and technical education, including the impact of Federal allocation requirements (such as within-State allocation formulas) on the delivery of services;

[(iii) the preparation and qualifications of teachers of vocational and technical, and academic, curricula in vocational and technical education programs, as well as shortages of such teachers;]

(iii) the preparation and qualifications of teachers and faculty of career and technical education, as well as shortages of such teachers and faculty;

(iv) participation of students in [vocational] *career* and technical education programs;

[(v) academic and employment outcomes of vocational and technical education, including analyses of—

[(I) the number of vocational and technical education students and tech-prep students who meet State adjusted levels of performance;

[(II) the extent and success of integration of academic, and vocational and technical, education for students participating in vocational and technical education programs; and

[(III) the extent to which vocational and technical education programs prepare students for subsequent employment in high-wage, high-skill careers or participation in postsecondary education;]

(v) *academic and career and technical education achievement and employment outcomes of career and technical education students, including analyses of—*

(I) *the number of career and technical education students and tech-prep students who meet the State adjusted levels of performance established under section 113;*

(II) *the extent and success of integration of challenging academic and career and technical education for students participating in career and technical education programs;*

(III) *the extent to which career and technical education programs prepare students, including special populations, for subsequent employment in high skill, high wage occupations, or participation in postsecondary education; and*

(IV) *the number of career and technical education students receiving a high school diploma;*

(vi) *employer involvement in, and satisfaction with, [vocational] career and technical education programs, and career and technical education students' preparation for employment;*

(vii) *the use and impact of educational technology and distance learning with respect to [vocational] career and technical education and tech-prep programs; and*

(viii) *the effect of State and local adjusted levels of performance and State and local levels of performance on the delivery of [vocational] career and technical education services.*

* * * * *

(C) **REPORTS.**—

(i) **IN GENERAL.**—The Secretary shall submit to the [Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate] *relevant committees of Congress*—

(I) *an interim report regarding the assessment on or before January 1, [2002] 2008; and*

(II) *a final report, summarizing all studies and analyses that relate to the assessment and that are completed after the assessment, on or before July 1, [2002] 2008.*

(ii) **PROHIBITION.**—Notwithstanding any other provision of law, the reports required by this subsection shall not be subject to any review outside the Department of Education before their transmittal to the [Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate] *relevant committees of Congress*, and the Secretary, but the President, the Secretary, and the independent advisory panel established under paragraph (2) may make such additional recommendations to Congress with respect to

the assessment as the President, the Secretary, or the panel determine to be appropriate.

(4) COLLECTION OF STATE INFORMATION AND REPORT.—

(A) IN GENERAL.—* * *

* * * * *

(B) REPORT.—The Secretary shall gather any information collected pursuant to subparagraph (A) and submit a report to the [Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate] *relevant committees of Congress*.

(5) RESEARCH.—

(A) IN GENERAL.—The Secretary, after consulting with the States, shall award grants, contracts, or cooperative agreements on a competitive basis to an institution of [higher education, a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies to establish a national research center or centers] *higher education offering comprehensive graduate programs in career and technical education that shall be the primary recipient and shall collaborate with a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies, to establish a national research center—*

(i) to carry out research *and evaluation* for the purpose of developing, improving, and identifying the most successful methods for successfully addressing the education, employment, and training needs of participants, *including special populations*, in [vocational] *career* and technical education programs, including research and evaluation in such activities as—

(I) the integration of [vocational] *career* and technical instruction, and academic, secondary and postsecondary instruction;

(II) education technology and distance learning approaches and strategies that are effective with respect to [vocational] *career* and technical education;

(III) State adjusted levels of performance and State levels of performance that serve to improve [vocational] *career* and technical education programs and student achievement; and

(IV) academic knowledge and [vocational] *career* and technical skills required for employment or participation in postsecondary education;

(ii) *to carryout research for the purpose of developing, improving, and identifying the most successful methods for successfully addressing the needs of employers in high skill, high wage business and industry, including evaluation and scientifically based research of—*

(I) *collaboration between career and technical education programs and business and industry;*

(II) academic and technical skills required to respond to the challenge of a global economy and rapid technological changes; and

(III) technical knowledge and skills required to respond to needs of a regional or sectoral workforce, including small business;

[(ii) (iii) to carry out research to increase the effectiveness and improve the implementation of [vocational] career and technical education programs *that are integrated with challenging academic instruction, including conducting research and development, and studies, providing longitudinal information or formative evaluation with respect to [vocational] career and technical education programs and student achievement;*

[(iii) to carry out research that can be used to improve teacher training and learning in the vocational and technical education classroom, including—

[(I) effective inservice and preservice teacher education that assists vocational and technical education systems; and

[(II) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include serving as a repository for information on vocational and technical skills, State academic standards, and related materials; and]

(iv) to carry out scientifically based research, where appropriate, that can be used to improve preparation and professional development of teachers, faculty, principals, and administrators and student learning in the career and technical education classroom, including—

(I) effective in-service and preservice teacher and faculty education that assists career and technical education programs in—

(aa) integrating those programs with academic content standards and student academic achievement standards, as adopted by States under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

(bb) promoting technical education aligned with industry-based standards and certifications to meet regional industry needs;

(II) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include serving as a repository for information on career and technical education skills, State academic standards, and related materials; and

(III) the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession; and

[(iv)] (v) to carry out such other research as the Secretary determines appropriate to assist State and local recipients of funds under this Act.

(B) REPORT.—The center [or centers] conducting the activities described in subparagraph (A) shall annually prepare a report of key research findings of such center [or centers] and shall submit copies of the report to the Secretary, the [Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate] *relevant committees of Congress*, the Library of Congress, and each eligible agency.

(C) DISSEMINATION.—The center [or centers] shall conduct dissemination and training activities based upon the research described in subparagraph (A).

(D) INDEPENDENT GOVERNING BOARD.—

(i) *IN GENERAL.*—*An institution of higher education that desires a grant, contract, or cooperative agreement under this paragraph shall identify, in its application, an independent governing board for the center established pursuant to this paragraph.*

(ii) *MEMBERS.*—*The independent governing board shall consist of the following:*

(I) *Two representatives of secondary career and technical education.*

(II) *Two representatives of postsecondary career and technical education.*

(III) *Two representatives of eligible agencies.*

(IV) *Two representatives of business and industry.*

(V) *Two representatives of career and technical teacher preparation institutions.*

(VI) *Two nationally recognized researchers in the field of career and technical education.*

(iii) *COORDINATION.*—*The independent governing board shall ensure that the research and dissemination activities carried out by the center are coordinated with the research activities carried out by the Secretary.*

* * * * *

(6) DEMONSTRATIONS AND DISSEMINATION.—

(A) DEMONSTRATION PROGRAM.—The Secretary is authorized to carry out demonstration [vocational] *career* and technical education programs, to replicate model [vocational] *career* and technical education programs, to disseminate best practices information, and to provide technical assistance upon request of a State, for the purposes of developing, improving, and identifying the most successful methods and techniques for providing [vocational] *career* and technical education programs assisted under this Act.

(B) DEMONSTRATION PARTNERSHIP.—

(i) *IN GENERAL.*—* * *

* * * * *

(ii) PROGRAM.—Such program may be carried out directly or through grants, contracts, cooperative agreements, or through the national center [or centers] established under paragraph (5).

* * * * *

[(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 1999 and each of the 4 succeeding fiscal years.]

* * * * *

(d) AUTHORIZATION OF APPROPRIATIONS.—*There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2005 through 2010.*

* * * * *

SEC. 115. ASSISTANCE FOR THE OUTLYING AREAS.

(a) OUTLYING AREAS.—* * *

* * * * *

(b) REMAINDER.—Subject to the provisions of subsection (a), the Secretary shall make a grant of the remainder of funds reserved pursuant to section 111(a)(1)(A) to the Pacific Regional Educational Laboratory in Honolulu, Hawaii, to make grants for [vocational] *career* and technical education and training in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, [the Republic of the Marshall Islands, the Federated States of Micronesia] and the Republic of Palau, for the purpose of providing direct [vocational] *career* and technical educational services, including—

(1) teacher and counselor [training and retraining;] *preparation*;

(2) *professional development for teachers, faculty, principals, and administrators*;

[(2)] (3) curriculum development; and

[(3)] (4) the improvement of [vocational] *career* and technical educational and training programs in secondary schools and institutions of higher education, or improving cooperative education programs involving both secondary schools and institutions of higher education.

* * * * *

(d) RESTRICTION.—Notwithstanding any other provision of law, [the Republic of the Marshall Islands, the Federated States of Micronesia, and] the Republic of Palau shall not receive any funds under this title for any fiscal year that begins after September 30, [2001] 2007.

* * * * *

SEC. 116. NATIVE AMERICAN PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ALASKA NATIVE.—* * *

* * * * *

(5) NATIVE HAWAIIAN ORGANIZATION.—The term “Native Hawaiian organization” has the meaning given the term in section 7207 of the Native Hawaiian Education Act.

(b) PROGRAM AUTHORIZED.—

(1) AUTHORITY.—From funds reserved under section 111(a)(1)(B)(i), the Secretary shall make grants to and enter into contracts with Indian tribes, tribal organizations, and Alaska Native entities to carry out the authorized programs described in subsection [(d)] (c), except that such grants or contracts shall not be awarded to secondary school programs in Bureau funded schools.

(2) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The grants or contracts described in this section [(other than in subsection (i))] that are awarded to any Indian tribe or tribal organization shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934, which are relevant to the programs administered under this subsection.

* * * * *

(3) SPECIAL AUTHORITY RELATING TO SECONDARY SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—An Indian tribe, a tribal organization, or an Alaska Native entity, that receives funds through a grant made or contract entered into under paragraph (1) may use the funds to provide assistance to a secondary school operated or supported by the Bureau of Indian Affairs to enable such school to carry out [vocal] *career* and technical education programs.

(4) MATCHING.—If sufficient funding is available, the Bureau of Indian Affairs shall expend an amount equal to the amount made available under this subsection, relating to programs for Indians, to pay a part of the costs of programs funded under this subsection. During each fiscal year the Bureau of Indian Affairs shall expend not less than the amount expended during the prior fiscal year on [vocal] *career* and technical education programs, services, and technical activities and administered either directly by, or under contract with, the Bureau of Indian Affairs, except that in no year shall funding for such programs, services, and activities be provided from accounts and programs that support other Indian education programs. The Secretary and the Assistant Secretary for the Interior for Indians Affairs shall prepare jointly a plan for the expenditure of funds made available and for the evaluation of programs assisted under this subsection. Upon the completion of a joint plan for the expenditure of the funds and the evaluation of the programs, the Secretary shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Affairs.

* * * * *

(c) AUTHORIZED ACTIVITIES.—

(1) AUTHORIZED PROGRAMS.—Funds made available under this section shall be used to carry out [vocal] *career* and technical education programs consistent with the purpose of this Act.

(2) STIPENDS.—

(A) IN GENERAL.—Funds received pursuant to grants or contracts awarded under subsection (b) may be used to provide stipends to students who are enrolled in [vocal-
tional] *career* and technical education programs and who have acute economic needs which cannot be met through work-study programs.

* * * * *

(d) GRANT OR CONTRACT APPLICATION.—In order to receive a grant or contract under this [section an] *section*, an organization, tribe, or entity described in subsection (b) shall submit an application to the Secretary that shall include an assurance that such organization, tribe, or entity shall comply with the requirements of this section.

(e) RESTRICTIONS AND SPECIAL CONSIDERATIONS.—The Secretary may not place upon grants awarded or contracts entered into under subsection (b) any restrictions relating to programs other than restrictions that apply to grants made to or contracts entered into with States pursuant to allotments under section 111(a). The Secretary, in awarding grants and entering into contracts under this [paragraph] *section*, shall ensure that the grants and contracts will improve [vocal-
tional] *career* and technical education programs, and shall give special consideration to—

(1) programs that involve, coordinate with, or encourage tribal economic development plans; [and]

(2) * * *

* * * * *

(A) are accredited or are candidates for accreditation by a nationally recognized accreditation organization as an institution of postsecondary [vocal-
tional] *career* and technical education; or

(B) operate [vocal-
tional] *career* and technical education programs that are accredited or are candidates for accreditation by a nationally recognized accreditation organization and issue certificates for completion of [vocal-
tional] *career* and technical education programs[.]; and

(3) *programs that are targeted to recruit, train, and retain Native American women who are traditionally underrepresented to compete for high skill, high wage occupations, including women pursuing technology careers (particularly in health care and science areas) or women who reside in rural or geographically isolated areas.*

* * * * *

(h) NATIVE HAWAIIAN PROGRAMS.—From the funds reserved pursuant to section 111(a)(1)(B)(ii), the Secretary shall award grants to or enter into contracts with organizations primarily serving and representing Native Hawaiians [which are recognized by the Governor of the State of Hawaii] to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this section for the benefit of Native Hawaiians.

* * * * *

[SEC. 117. TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL AND TECHNICAL INSTITUTIONS.]

SEC. 117. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.

(a) **GRANTS AUTHORIZED.**—The Secretary shall, subject to the availability of appropriations, make grants pursuant to this section to tribally controlled postsecondary **[vocational]** *career* and technical institutions that are not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) to provide basic support for the education and training of Indian students.

(b) **USE OF GRANTS.**—Amounts made available pursuant to this section shall be used for institutional support of **[vocational]** *career* and technical education programs.

(c) **AMOUNT OF GRANTS.**—

(1) **IN GENERAL.**—* * *

* * * * *

(2) **PER CAPITAL DETERMINATION.**—For the purposes of paragraph (1), the per capital payment for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled postsecondary **[vocational]** *career* and technical institutions under this section for such program year by the sum of the Indian student counts of such institutions for such program year. The Secretary shall, on the basis of the most accurate data available from the institutions, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this section.

(d) **APPLICATIONS.**—Any tribally controlled postsecondary **[vocational]** *career* and technical institution that is not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) that desires to receive a grant under this section shall submit an application to the Secretary in such manner and form as the Secretary may require.

(e) **EXPENSES.**—

(1) **IN GENERAL.**—The Secretary shall, subject to the availability of appropriations, provide for each program year to each tribally controlled postsecondary **[vocational]** *career* and technical institution having an application approved by the Secretary, an amount necessary to pay expenses associated with—

(A) * * *

(B) * * *

(C) * * *

(D) institutional support of **[vocational]** *career* and technical education.

* * * * *

(f) **OTHER PROGRAMS.**—

(1) **IN GENERAL.**—Except as specifically provided in this Act, eligibility for assistance under this section shall not preclude any tribally controlled postsecondary **[vocational]** *career* and technical institution from receiving Federal financial assistance under any program authorized under the Higher Education Act of 1965, or any other applicable program for the

benefit of institutions of higher education or **[vocational]** *career* and technical education.

(2) PROHIBITION ON ALTERATION OF GRANT AMOUNT.—The amount of any grant for which tribally controlled postsecondary **[vocational]** *career* and technical institutions are eligible under this section shall not be altered because of funds allocated to any such institution from funds appropriated under the Act of November 2, 1921 (commonly known as the “Snyder Act”) (42 Stat. 208, chapter 115; 25 U.S.C. 13).

(3) PROHIBITION ON CONTRACT DENIAL.—No tribally controlled postsecondary **[vocational]** *career* and technical institution for which an Indian tribe has designated a portion of the funds appropriated for the tribe from funds appropriated under the Act of November 2, 1921, may be denied a contract for such portion under the Indian Self-Determination and Education Assistance Act (except as provided in that Act), or denied appropriate contract support to administer such portion of the appropriated funds.

* * * * *

(g) NEEDS ESTIMATE AND REPORT ON FACILITIES AND FACILITIES IMPROVEMENT.—

(1) NEEDS ESTIMATE.—**[The Secretary]** *On an annual basis, the Secretary* shall, based on the most accurate data available from the institutions and Indian tribes whose Indian students are served under this section, and in consideration of employment needs, economic development needs, population training needs, and facilities needs, prepare an actual budget needs estimate for each institution eligible under this section for each subsequent program year, and submit such budget needs estimate to Congress in such a timely manner as will enable the appropriate committees of Congress to consider such needs data for purposes of the uninterrupted flow of adequate appropriations to such institutions. Such data shall take into account the purposes and requirements of part A of title IV of the Social Security Act.

(2) STUDY OF TRAINING AND HOUSING NEEDS.—

(A) IN GENERAL.—* * *

* * * * *

(B) REPORT.—The Secretary shall report to Congress not later than July 1, **[2000]** 2006, on the results of the study required by subparagraph (A).

* * * * *

(3) LONG-TERM STUDY OF FACILITIES.—

(A) IN GENERAL.—* * *

* * * * *

(C) SUBMISSION.—The Secretary shall submit to Congress a detailed report on the results of such study not later than the end of the 18-month period **[beginning on the date of enactment of this Act]** *beginning on the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2004.*

* * * * *

(h) *APPEALS.*—

(1) *IN GENERAL.*—Subject to paragraph (2), the Secretary shall provide a tribally controlled postsecondary career and technical institution with a hearing on the record before an administrative law judge with respect to the following determinations:

(A) A determination that such institution is not eligible for a grant under this section.

(B) A determination regarding the calculation of the amount of a grant awarded under this section.

(2) *PROCEDURE FOR APPEAL.*—To appeal a determination described in paragraph (1), a tribally controlled postsecondary career and technical institution shall—

(A) in the case of an appeal based on a determination that such institution is not eligible for a grant under this section, file a notice of appeal with the Secretary not later than 30 days after receipt of such determination; and

(B) in the case of an appeal based on a determination regarding the calculation of the amount of a grant awarded under this section—

(i) file a notice of appeal with the Secretary not later than 30 days after receipt of the Secretary's notification of the grant amount; and

(ii) identify the amount of funding that gives rise to such appeal.

(3) *WITHHOLDING OF AMOUNT.*—If a tribally controlled postsecondary career and technical institution appeals a determination described in paragraph (1), the Secretary shall withhold the amount in dispute from the award of grant funds under this section until such time as the administrative law judge has issued a written decision on the appeal.

(i) *RESTRICTED INDIRECT COST RATE.*—Notwithstanding any other provision of law, the Secretary shall not require the use of a restricted indirect cost rate for grants issued pursuant to this section.

* * * * *

[(h)] (j) *DEFINITIONS.*—In this section:

(1) *INDIAN.*—The terms “Indian” and “Indian tribe” have the meanings given the terms in section 2 of the Tribally Controlled College or University Assistance Act of 1978.

(2) *INDIAN STUDENT COUNT.*—The term “Indian student count” means a number equal to the total number of Indian students enrolled in each tribally controlled postsecondary [vocational] career and technical institution, determined as follows:

(A) *REGISTRATIONS.*—* * *

* * * * *

(D) *DETERMINATION OF HOURS.*—Indian students earning credits in any continuing education program of a tribally controlled postsecondary [vocational] career and technical institution shall be included in determining the sum of all credit or clock hours.

* * * * *

[(i)] (k) [(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$4,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.]

(k) AUTHORIZATION OF APPROPRIATIONS.—*There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2005 and such sums as may be necessary for each of the 5 succeeding fiscal years.*

* * * * *

SEC. 118. OCCUPATIONAL AND EMPLOYMENT INFORMATION.

(a) NATIONAL ACTIVITIES.—From funds appropriated under subsection [(f)] (g), the Secretary, in consultation with appropriate Federal agencies, is authorized—

(1) to provide assistance to an entity to enable the entity—

(A) to provide technical assistance to State entities designated under subsection [(b)] (c) to enable the State entities to carry out the activities described in subsection [(b)] (c);

(B) to disseminate information that promotes the replication of high quality practices described in subsection [(b)] (c);

(C) to develop and disseminate products and services related to the activities described in subsection [(b)] (c); and

(2) to award grants to States that designate State entities in accordance with subsection [(b)] (c) to enable the State entities to carry out the State level activities described in subsection [(b)] (c).

(b) STATE APPLICATION.—

(1) IN GENERAL.—*Each State desiring assistance under this section shall submit an application to the Secretary at the same time the State submits its State plan under section 122, in such manner, and accompanied by such additional information, as the Secretary may reasonably require.*

(2) CONTENTS.—*Each application submitted under paragraph (1) shall include—*

(A) *a description of how the State entity designated in subsection (c) will provide information based on labor market trends to inform program development; and*

(B) *information about the academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965.*

* * * * *

[(b)] (c) STATE LEVEL ACTIVITIES.—In order for a State to receive a grant under this section, the eligible agency and the Governor of the State shall jointly designate an entity in the State—

(1) to provide support for a career guidance and academic counseling program designed to promote improved career and education decisionmaking by [individuals (especially in areas of career information delivery and use);] *students and parents, including postsecondary education and training, including preparation for high skill, high wage, or high demand occupations and nontraditional fields in emerging or established professions;*

(2) to make available to students, parents, teachers, administrators, and counselors, and to improve accessibility with respect to, information and planning resources that relate *academic and career and technical* educational preparation to career goals and expectations;

[(3) to equip teachers, administrators, and counselors with the knowledge and skills needed to assist students and parents with career exploration, educational opportunities, and education financing.]

(3) to equip teachers, faculty, administrators, and counselors with the knowledge, skills, and occupational information needed to assist parents and all students, especially special populations underrepresented in certain careers, with career exploration, educational opportunities, education financing, and exposure to high skill, high wage, or high demand occupations and nontraditional fields;

(4) to assist appropriate State entities in tailoring career-related educational resources and training for use by [such entities;] *such entities, with an emphasis on high skill, high wage, or high demand occupations in emerging or established professions;*

(5) to improve coordination and communication among administrators and planners of programs authorized by this Act and by section 15 of the Wagner-Peyser Act at the Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use of shared information and data; [and]

(6) to provide ongoing means for customers, such as students and parents, to provide comments and feedback on products and services and to update resources, as appropriate, to better meet customer requirements[.]; and

(7) to provide information, if available, for each occupation, on—

(A) the average earnings of an individual in the occupation at entry level and after 5 years of employment;

(B) the expected lifetime earnings; and

(C) and the expected future demand for the occupation, based on employment projections.

* * * * *

[(c)] (d) NONDUPLICATION.—

(1) WAGNER-PEYSER ACT.—The State entity designated under subsection [(b)] (c) may use funds provided under subsection [(b)] (c) to supplement activities under section 15 of the Wagner-Peyser Act to the extent such activities do not duplicate activities assisted under such section.

* * * * *

[(d)] (e) FUNDING RULE.—Of the amounts appropriated to carry out this section, the Federal entity designated under subsection (a) shall use—

(1) not less than 85 percent to carry out subsection [(b)] (c); and

(2) not more than 15 percent to carry out subsection (a).

[(e)] (f) REPORT.—The Secretary, in consultation with appropriate Federal agencies, shall prepare and submit to the appropriate committees of Congress, an annual report that includes—

(1) **[an identification]** *a description* of activities assisted under this section during the prior program year;

* * * * *

[(f)] (g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years **[1999 through 2003]** *2005 through 2010*.

* * * * *

PART B—STATE PROVISIONS

SEC. 121. STATEMENT ADMINISTRATION.

[(a) ELIGIBLE AGENCY RESPONSIBILITIES.—

[(1) IN GENERAL.—The responsibilities] (a) *ELIGIBLE AGENCY RESPONSIBILITIES.*—*The responsibilities* of an eligible agency under this title shall include—

[(A)] (1) coordination of the development, submission, and implementation of the State plan, and the valuation of the program, services, and activities assisted under this title, including preparation for nontraditional **[training and employment]** *fields*;

[(B)] (2) consultation with the Governor and appropriate agencies; groups, and individuals including parents, students, teachers, *teacher and faculty preparation programs*, representatives of *all types and sizes of* businesses, labor organizations, eligible recipients, State and local officials and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under this title;

[(C)] (3) convening and meeting as an eligible agency (consistent with State law and procedure for the conduct of such meetings) at such time as the eligible agency determines necessary to carry out the eligible agency's responsibilities under this title, but not less than four times annually; and

[(D)] (4) the adoption of such procedures as the eligible agency considers necessary to—

[(i)] (A) implement State level coordination with the activities undertaken by the State boards under section 111 of Public Law 105–220; and

[(ii)] (B) make available to the service delivery system under Section 121 of Public Law 105–220 within the State a listing of all school dropout, postsecondary, and adult programs assisted under this title.

[(2)] (b) EXCEPTION.—Except with respect to the responsibilities set forth in **[paragraph (1)] subsection (a)**, the eligible agency may delegate any of the other responsibilities of the eligible agency that involve the administration, operation, supervision of activities assisted under this title, in whole or in part, to one or more appropriate State agencies.

SEC. 122. STATE PLAN.

(a) STATE PLAN—

(1) IN GENERAL.—Each eligible agency desiring assistance under this title for any fiscal year shall prepare and submit to the Secretary a State plan for a **[5]** 6-year period, together with such annual revisions as the eligible agency determines

to be necessary. *Each eligible agency may submit a transition plan during the first full year of implementation of this Act after the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2004. The transition plan shall fulfill the eligible agency's State plan submission obligation under this section.*

(2) REVISIONS.—Each eligible agency—

(A) * * *

* * * * *

(B) shall, after the second year of the [5 year State plan] 6-year period, conduct a review of activities assisted under this title and submit any revisions of the State plan that the eligible agency determines necessary to the Secretary.

* * * * *

(b) PLAN DEVELOPMENT.—

[(1) IN GENERAL.—The eligible agency shall develop the State plan in consultation with teachers, eligible recipients, parents, students, interested community members, representatives of special populations, representatives of business and industry, and representatives of labor organizations in the State, and shall consult the Governor of the State with respect to such development.]

(1) IN GENERAL.—The eligible agency shall develop the State plan in consultation with academic and career and technical education teachers, faculty, principals, and administrators, career guidance and academic counselors, eligible recipients, parents, students, the State tech-prep coordinator and representatives of tech-prep consortia (if applicable), interested community members (including parent and community organizations), representatives of special populations, representatives of business (including small business) and industry, representatives of labor organizations in the State, and representatives of charter school authorizers and organizers (if applicable), and shall consult the Governor of the State with respect to such development.

* * * * *

[(c) PLAN CONTENTS.—The State plan shall include information that—

[(1) describes the vocational and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of—

[(A) the secondary and postsecondary vocational and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to quality, state-of-the-art technology in vocational and technical education programs;

[(B) the criteria that will be used by the eligible agency in approving applications by eligible recipients for funds under this title;

[(C) how such programs will prepare vocational and technical education students for opportunities in postsec-

ondary education or entry into high skill, high wage jobs in current and emerging occupations; and

[(D) how funds will be used to improve or develop new vocational and technical education courses;

[(2) describes how comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel will be provided;

[(3) describes how the eligible agency will actively involve parents, teachers, local businesses (including small- and medium-sized businesses), and labor organizations in the planning, development, implementation, and evaluation of such vocational and technical education programs;

[(4) describes how funds received by the eligible agency through the allotment made under section 111 will be allocated—

[(A) among secondary school vocational and technical education, or postsecondary and adult vocational and technical education, or both, including the rationale for such allocation; and

[(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

[(5) describes how the eligible agency will—

[(A) improve the academic and technical skills of students participating in vocational and technical education programs, including strengthening the academic, and vocational and technical, components of vocational and technical education programs through the integration of academics with vocational and technical education to ensure learning in the core academic, and vocational and technical, subjects, and provide students with strong experience in, and understanding of, all aspects of an industry; and

[(B) ensure that students who participate in such vocational and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students;

[(6) describes how the eligible agency will annually evaluate the effectiveness of such vocational and technical education programs, and describe, to the extent practicable, how the eligible agency is coordinating such programs to ensure nonduplication with other existing Federal programs;

[(7) describes the eligible agency's program strategies for special populations;

[(8) describes how individuals who are members of the special populations—

[(A) will be provided with equal access to activities assisted under this title;

[(B) will not be discriminated against on the basis of their status as members of the special populations; and

[(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted

levels of performance, and prepare special populations for future learning and for high skill, high wage careers;

[(9) describe what steps the eligible agency shall take to involve representatives of eligible recipients in the development of the State adjusted levels of performance;

[(10) provides assurances that the eligible agency will comply with the requirements of this title and the provisions of the State plan, including the provision of a financial audit of funds received under this title which may be included as part of an audit of other Federal or State programs;

[(11) provides assurances that none of the funds expended under this title will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity, the employees of the purchasing entity, or any affiliate of such an organization;

[(12) describes how the eligible agency will report data relating to students participating in vocational and technical education in order to adequately measure the progress of the students, including special populations;

[(13) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;

[(14) describes how the eligible agency will provide local educational agencies, area vocational and technical education schools, and eligible institutions in the State with technical assistance;

[(15) describes how vocational and technical education relates to State and regional occupational opportunities;

[(16) describes the methods proposed for the joint planning and coordination of programs carried out under this title with other Federal education programs;

[(17) describes how funds will be used to promote preparation for nontraditional training and employment;

[(18) describes how funds will be used to serve individuals in State correctional institutions;

[(19) describes how funds will be used effectively to link secondary and postsecondary education;

[(20) describes how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable; and

[(21) contains the description and information specified in sections 112(b)(8) and 121(c) of Public Law 105-220 concerning the provision of services only for postsecondary students and school dropouts.]

(c) *PLAN CONTENTS.*—*The State plan shall include information that—*

(1) *describes the career and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of—*

(A) *how the eligible agency will support eligible recipients in developing or implementing career pathways for career*

and technical education content areas that are designed to meet relevant workforce needs, including how the eligible agency will—

(i) support eligible recipients in developing articulation agreements between secondary and postsecondary institutions;

(ii) support eligible recipients in using labor market information to identify career pathways that prepare individuals for high skill, high wage, or high demand occupations;

(iii) make available information about career pathways offered by eligible recipients; and

(iv) consult with business and industry and use industry-recognized standards and assessments, if appropriate;

(B) the secondary and postsecondary career and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to quality technology in career and technical education programs;

(C) the criteria that will be used by the eligible agency to approve eligible recipients for funds under this title, including criteria to assess the extent to which the local plan will—

(i) promote higher levels of academic achievement;

(ii) promote higher levels of technical skill attainment; and

(iii) identify and address workforce needs;

(D) how programs at the secondary level will prepare career and technical education students, including special populations to graduate from high school with a diploma;

(E) how such programs will prepare career and technical education students, including special populations, both academically and technically, for opportunities in postsecondary education or entry into high skill, high wage, or high demand occupations in emerging or established occupations, and how participating students will be made aware of such opportunities; and

(F) how funds will be used to improve or develop new career and technical education courses in high skill, high wage, or high demand occupations that are aligned with business needs and industry standards, as appropriate—

(i) at the secondary level that are aligned with challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

(ii) at the postsecondary level that are relevant and challenging;

(2) describes how career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors will be provided comprehensive initial preparation and professional development, including through programs and activities that—

(A) *promote the integration of challenging academic and career and technical education curriculum development, including opportunities for teachers to jointly develop and implement curriculum and pedagogical strategies with appropriate academic teachers;*

(B) *increase the academic and career and technical education knowledge of career and technical education teachers and faculty;*

(C) *are high-quality, sustained, intensive, focused on instruction, directly related to industry standards, and includes structured induction and mentoring components for new personnel, with an emphasis on identifying and addressing the needs of local businesses, including small businesses;*

(D) *ensure an increasing number of career and technical education teachers and faculty meet teacher certification and licensing requirements reflecting the needs of their subject area or areas;*

(E) *equip them with the knowledge and skills needed to work with and improve instruction for special populations;*

(F) *assist in accessing and utilizing data, including labor market indicators, student achievement, and assessments;*

(G) *enhance the leadership capacity of principals and administrators;*

(H) *are integrated with professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965; and*

(I) *include strategies to expose all career and technical education students to comprehensive information regarding career options that lead to high skill, high wage, or high demand occupations and nontraditional fields;*

(3) *describes efforts to improve—*

(A) *the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession; and*

(B) *the transition to teaching from business and industry, including small business;*

(4) *describes efforts to improve the capacity of programs and faculty at postsecondary institutions to effectively prepare career and technical education personnel, including, as appropriate, through electronically delivered distance education, and articulation agreements between 2-year technical programs and postsecondary education programs;*

(5) *describes how the eligible agency will actively involve parents, academic and career and technical education teachers, faculty, principals, and administrators, career guidance and academic counselors, local businesses (including small- and medium-sized businesses and business intermediaries), and labor organizations in the planning, development, implementation, and evaluation of such career and technical education programs;*

(6) describes how funds received by the eligible agency through the allotment made under section 111 will be allocated—

(A) among secondary school career and technical education, or postsecondary and adult career and technical education, or both, including the rationale for such allocation; and

(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

(7) describes how the eligible agency will—

(A) use funds to improve or develop new career and technical education courses in high skill, high wage, or high demand occupations—

(i) at the secondary level that are aligned with challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

(ii) at the postsecondary level that are challenging and aligned with business needs and industry standards, as appropriate;

(B) improve the academic and technical skills of students participating in career and technical education programs, including strengthening the academic, and career and technical, components of career and technical education programs through the integration of academics with career and technical education to ensure learning in the core academic subjects and career and technical education subjects, and provide students with strong experience in, and understanding of, all aspects of an industry;

(C) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students; and

(D) encourage secondary school students who participate in such career and technical education programs to enroll in challenging courses in core academic subjects;

(8) describes how the eligible agency will annually evaluate the effectiveness of such career and technical education programs, and describes, to the extent practicable, how the eligible agency is coordinating such programs to promote relevant lifelong learning and ensure nonduplication with other existing Federal programs;

(9) describes the eligible agency's program strategies for special populations, including a description of how individuals who are members of the special populations—

(A) will be provided with equal access to activities assisted under this title;

(B) will not be discriminated against on the basis of their status as members of the special populations; and

(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for fur-

ther learning and for high skill, high wage, or high demand occupations;

(10) how the eligible agency will collaborate in developing the State plan with—

(A) the entity within the State with responsibility for elementary and secondary education;

(B) the entity within the State with responsibility for public institutions engaged in postsecondary education;

(C) State institutions such as State correctional institutions and institutions that serve individuals with disabilities; and

(D) all other relevant State agencies with responsibility for career and technical education and training and workforce development;

(11) describes the steps the eligible agency will take to involve representatives of eligible recipients in the development of the State adjusted levels of performance;

(12) provides assurances that the eligible agency will comply with the requirements of this title and the provisions of the State plan, including the provision of a financial audit of funds received under this title which may be included as part of an audit of other Federal or State programs;

(13) provides assurances that none of the funds expended under this title will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity, the employees of the purchasing entity, or any affiliate of such an organization;

(14) describes how the eligible agency will measure and report data relating to students participating in and completing career and technical education within specific career clusters in order to adequately measure the progress of the students, including special populations, at—

(A) the secondary level, disaggregated by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual; and

(B) the postsecondary level, disaggregated by special populations, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual;

(15) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;

(16) describes how the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance;

(17) describes how career and technical education relates to State and regional occupational opportunities;

(18) describes the methods proposed for the joint planning and coordination of programs carried out under this title with other Federal education programs;

(19) describes how funds will be used to promote preparation for high skill, high wage, or high demand occupations and non-traditional fields in emerging and established professions;

(20) describes how funds will be used to serve individuals in State correctional institutions;

(21) describes how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable; and

(22) contains the description and information specified in sections 112(b)(8) and 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)(8) and 2841(c)) concerning the provision of services only for postsecondary students and school dropouts.

[(d) PLAN OPTION.—The eligible agency may fulfill the requirements of subsection (a) by submitting a plan under section 501 of Public Law 105–220.]

(d) PLAN OPTIONS.—

(1) SINGLE PLAN.—The eligible agency may fulfill the plan or application submission requirements of this section, section 118(b), and section 141(c) by submitting a single State plan. In such plan, the eligible agency may allow eligible recipients to fulfill the plan or application submission requirements of section 134 and subsections (a) and (b) of section 143 by submitting a single local plan.

(2) PLAN SUBMITTED AS PART OF 501 PLAN.—The eligible agency may submit the plan required under this section as part of the plan submitted under section 501 of the Workforce Investment Act of 1998 (20 U.S.C. 9271), provided that the plan submitted pursuant to the requirement of this section meets the requirements of this Act.

* * * * *

(e) PLAN APPROVAL.—

(1) IN GENERAL.—* * *

* * * * *

(3) CONSULTATION.—The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult [vocational] career and technical education, postsecondary [vocational] career and technical education, tech-prep education, and secondary [vocational] career and technical education after consultation with the State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary [vocational] career and technical education, and the State agency responsible for secondary education. If a State agency finds that a portion of the final State plan is objectionable, the State agency shall file such objections with the eligible agency. The

eligible agency shall respond to any objections of the State agency in the State plan submitted to the Secretary.

* * * * *

[(f) TRANSITION.—This section shall be subject to section 4 for fiscal year 1999 only, with respect to activities under this section.]

* * * * *

[SEC. 123. IMPROVEMENT PLANS.]

[(a) STATE PROGRAM IMPROVEMENT PLAN.—If a State fails to meet the State adjusted levels of performance described in the report submitted under section 113(c), the eligible agency shall develop and implement a program improvement plan in consultation with appropriate agencies, individuals, and organizations for the first program year succeeding the program year in which the eligible agency failed to meet the State adjusted levels of performance, in order to avoid a sanction under subsection (d).

[(b) LOCAL EVALUATION.—Each eligible agency shall evaluate annually, using the State adjusted levels of performance, the vocational and technical education activities of each eligible recipient receiving funds under this title.

[(c) LOCAL IMPROVEMENT PLAN.—

[(1) IN GENERAL.—If, after reviewing the evaluation, the eligible agency determines that an eligible recipient is not making substantial progress in achieving the State adjusted levels of performance, the eligible agency shall—

[(A) conduct an assessment of the educational needs that the eligible recipient shall address to overcome local performance deficiencies;

[(B) enter into an improvement plan based on the results of the assessment, which plan shall include instructional and other programmatic innovations of demonstrated effectiveness, and where necessary, strategies for appropriate staffing and staff development; and

[(C) conduct regular evaluations of the progress being made toward reaching the State adjusted levels of performance.

[(2) CONSULTATION.—The eligible agency shall conduct the activities described in paragraph (1) in consultation with teachers, parents, other school staff, appropriate agencies, and other appropriate individuals and organizations.

[(d) SANCTIONS.—

[(1) TECHNICAL ASSISTANCE.—If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the purpose of this Act, based on the State adjusted levels of performance, the Secretary shall work with the eligible agency to implement improvement activities consistent with the requirements of this Act.

[(2) FAILURE.—If an eligible agency fails to meet the State adjusted levels of performance, has not implemented an improvement plan as described in paragraph (1), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (1), or has failed to meet the State adjusted levels of performance for 2 or more consecu-

tive years, the Secretary may, after notice and opportunity for a hearing, withhold from the eligible agency all, or a portion of, the eligible agency's allotment under this title. The Secretary may waive the sanction under this paragraph due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

[(3) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—

[(A) IN GENERAL.—The Secretary shall use funds withheld under paragraph (2), for a State served by an eligible agency, to provide (through alternative arrangements) services and activities within the State to meet the purpose of this Act.

[(B) REDISTRIBUTION.—If the Secretary cannot satisfactorily use funds withheld under paragraph (2), then the amount of funds retained by the Secretary as a result of a reduction in an allotment made under paragraph (2) shall be redistributed to other eligible agencies in accordance with section 111.]

SEC. 123. IMPROVEMENT PLANS.

(a) STATE PROGRAM IMPROVEMENT PLAN.—

(1) PLAN.—If a State fails to meet the State adjusted levels of performance described in the report submitted under section 113(c), the eligible agency shall develop and implement a program improvement plan in consultation with the appropriate agencies, individuals, and organizations for the first program year succeeding the program year in which the eligible agency failed to meet the State adjusted levels of performance, in order to avoid a sanction under paragraph (3).

(2) TECHNICAL ASSISTANCE.—If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the purpose of this Act, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement improvement activities consistent with the requirements of this Act.

(3) FAILURE.—

(A) IN GENERAL.—If an eligible agency fails to meet the State adjusted levels of performance, has not implemented an improvement plan as described in paragraph (1), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (1), or has failed to meet the State adjusted levels of performance for 2 or more consecutive years, the Secretary may, after notice and opportunity for hearing, withhold from the eligible agency all, or a portion of, the eligible agency's allotment under this title.

(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in financial resources of the State.

(4) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—

(A) IN GENERAL.—The Secretary shall use funds withheld under paragraph (3) for a State served by an eligible agen-

cy, to provide (through alternative arrangements) services and activities within the State to meet the purposes of this Act.

(B) *REDISTRIBUTION.*—If the Secretary cannot satisfactorily use funds withheld under paragraph (3), then the amount of funds retained by the Secretary as a result of a reduction in an allotment made under paragraph (3) shall be redistributed to other eligible agencies in accordance with section 111.

(b) *LOCAL PROGRAM IMPROVEMENT.*—

(1) *LOCAL EVALUATION.*—Each eligible agency shall evaluate annually, using the local adjusted levels of performance described in section 113(b)(4), the career and technical education activities of each eligible recipient receiving funds under this title.

(2) *PLAN.*—

(A) *IN GENERAL.*—If, after reviewing the evaluation, the eligible agency determines that an eligible recipient is not making substantial progress in achieving the local adjusted levels of performance, the eligible agency shall—

(i) conduct an assessment of the educational needs that the eligible recipient shall address to overcome local performance deficiencies, including the performance of special populations;

(ii) enter into an improvement plan with an eligible recipient based on the results of the assessment, for the first program year succeeding the program year in which the eligible recipient failed to meet the local adjusted levels of performance, which plan shall demonstrate how the local performance deficiencies will be corrected and include instructional and other programmatic innovations of demonstrated effectiveness, and where necessary, strategies for appropriate staffing and professional development; and

(iii) conduct regular evaluations of the progress being made toward reaching the local adjusted levels of performance, as described in section 113(b)(4), and progress on implementing the improvement plan.

(B) *CONSULTATION.*—The eligible agency shall conduct the activities described in subparagraph (A) in consultation with teachers, principals, administrators, faculty, parents, other school staff, appropriate agencies, and other appropriate individuals and organizations.

(3) *TECHNICAL ASSISTANCE.*—If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities under section 134, or is not making substantial progress in meeting the purpose of this Act, based on the local adjusted levels of performance, the eligible agency shall provide technical assistance to the eligible recipient to assist the eligible recipient in carrying out the improvement activities consistent with the requirements of this Act. An eligible recipient, in collaboration with the eligible agency, may request that the Secretary provide additional technical assistance.

(4) *FAILURE.*—

(A) *IN GENERAL.*—If an eligible recipient fails to meet the local adjusted levels of performance as described in section 113(b)(4) and has not implemented an improvement plan as described in paragraph (2), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (2), or has failed to meet more than 1 of the local adjusted levels of performance for 2 or more consecutive years, the eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion of, the eligible recipient's allotment under this title.

(B) *WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.*—The eligible agency may waive the sanction under this paragraph due to exceptional or uncontrollable circumstances such as organizational structure, or a natural disaster or a precipitous and unforeseen decline in financial resources of the eligible recipient.

(5) *FUNDS RESULTING FROM REDUCED ALLOTMENTS.*—The eligible agency shall use funds withheld under paragraph (4) to provide (through alternative arrangements) services and activities to students within the area served by such recipient to meet the purpose of this Act.

* * * * *

SEC. 124. STATE LEADERSHIP ACTIVITIES.

(a) *GENERAL AUTHORITY.*—From amounts reserved under section **112(a)(2)** 112(a)(2)(A), each eligible agency shall conduct State leadership activities.

(b) *REQUIRED USES OF FUNDS.*—The State leadership activities described in subsection (a) shall include—

(1) an assessment of the **112(a)(2)(A)** *career* and technical education programs carried out with funds under this title that includes an assessment of how the needs of special populations are being met and how such programs are designed to enable special populations to meet State adjusted levels of performance and prepare the special populations for **112(a)(2)(A)** *further learning* or for high skill, high wage careers; *further education, further training, or for high skill, high wage, or high demand occupations;*

(2) developing, improving, or expanding the use of technology in **112(a)(2)(A)** *career* and technical education that may include—

112(a)(2)(A) (A) training of vocational and technical education personnel to use state-of-the-art technology, that may include distance learning;

112(a)(2)(A) (B) providing vocational and technical education students with the academic, and vocational and technical skills that lead to entry into the high technology and telecommunications field; or

112(a)(2)(A) (C) encouraging schools to work with high technology industries to offer voluntary internships and mentoring programs;

112(a)(2)(A) (A) *training of career and technical education teachers, faculty, principals, career guidance and academic coun-*

selors, and administrators to use technology, including distance learning;

(B) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs; or

(C) encouraging lifelong learning, including through partnerships that may involve institutions of higher education, organizations providing career and technical education, businesses, and communications entities;

[(3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel, that—

[(A) will provide inservice and preservice training in state-of-the-art vocational and technical education programs and techniques, effective teaching skills based on research, and effective practices to improve parental and community involvement; and

[(B) will help teachers and personnel to assist students in meeting the State adjusted levels of performance established under section 113;

[(C) will support education programs for teachers of vocational and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to vocational and technical education students to ensure that such teachers stay current with the needs, expectations, and methods of industry; and

[(D) is integrated with the professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6001 et seq.) and title II of the Higher Education Act of 1965;]

(3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors at the secondary and postsecondary levels, that support activities described in section 122 and—

(A) provide in-service and pre-service training in career and technical education programs and techniques, effective teaching skills based on promising practices and, where available and appropriate, scientifically based research, and effective practices to improve parental and community involvement;

(B) improve student achievement in order to meet the State adjusted levels of performance established under section 113;

(C) support education programs for teachers and faculty of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students to ensure that such personnel—

(i) stay current with the needs, expectations, and methods of industry;

(ii) *can effectively develop challenging, integrated academic and career and technical education curriculum jointly with academic teachers, to the extent practicable; and*

(iii) *develop a higher level of academic and industry knowledge and skills in career and technical education; and*

(D) *are integrated with the teacher certification or licensing and professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965;*

(4) **[support for]** *supporting [vocational] career and technical education programs that improve the academic, and [vocational] career and technical skills of students participating in [vocational] career and technical education programs by strengthening the academic, and [vocational] career and technical components of such [vocational] career and technical education programs through the integration of academics with [vocational] career and technical education to ensure learning in the core academic, and [vocational] career and technical subjects;*

(5) *providing preparation for [nontraditional training and employment] nontraditional fields in emerging and established professions, and other activities that expose students, including special populations, to high skill, high wage occupations;*

(6) *supporting partnerships among local educational agencies, institutions of higher education, adult education providers, and, as appropriate, other entities, such as employers, labor organizations, intermediaries, parents, and local partnerships, to enable students to achieve State academic standards, and [vocational] career and technical skills, or complete career pathways, as described in section 122(c)(1)(A);*

(7) *serving individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; [and]*

(8) *support for programs for special populations that lead to high skill, high [wage careers.] wage occupations; and*

(9) *technical assistance for eligible recipients.*

[(c) PERMISSIBLE USES OF FUNDS.—The leadership activities described in subsection (a) may include—

[(1) *technical assistance for eligible recipients;*

[(2) *improvement of career guidance and academic counseling programs that assist students in making informed academic, and vocational and technical education decisions;*

[(3) *establishment of agreements between secondary and postsecondary vocational and technical education programs in order to provide postsecondary education and training opportunities for students participating in such vocational and technical education programs, such as tech-prep programs;*

[(4) *support for cooperative education;*

[(5) *support for vocational and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;*

[(6) support for public charter schools operating secondary vocational and technical education programs;

[(7) support for vocational and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;

[(8) support for family and consumer sciences programs;

[(9) support for education and business partnerships;

[(10) support to improve or develop new vocational and technical education courses;

[(11) providing vocational and technical education programs for adults and school dropouts to complete their secondary school education; and

[(12) providing assistance to students, who have participated in services and activities under this title, in finding an appropriate job and continuing their education.]

(c) *PERMISSIBLE USES OF FUNDS.—The leadership activities described in subsection (a) may include—*

(1) *improvement of career guidance and academic counseling programs that assist students in making informed academic, and career and technical education, decisions, including encouraging secondary and postsecondary students to graduate with a diploma or degree, and expose students to high skill, high wage occupations and nontraditional fields in emerging and established professions;*

(2) *establishment of agreements, including articulation agreements, between secondary and postsecondary career and technical education programs in order to provide postsecondary education and training opportunities for students participating in such career and technical education programs, such as tech-prep programs;*

(3) *support for career and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;*

(4) *support for public charter schools operating secondary career and technical education programs;*

(5) *support for career and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;*

(6) *support for family and consumer sciences programs;*

(7) *support for partnerships between education and business or business intermediaries, including cooperative education and adjunct faculty arrangements at the secondary and postsecondary levels;*

(8) *support to improve or develop new career and technical education courses and initiatives, including career clusters, career academies, and distance learning, that prepare individuals academically and technically for high skill, high wage, or high demand occupations;*

(9) *awarding incentive grants to eligible recipients for exemplary performance in carrying out programs under this Act, which awards shall be based on local performance indicators, as described in section 113, in accordance with previously, publicly disclosed priorities;*

(10) *providing career and technical education programs for adults and school dropouts to complete their secondary school education;*

(11) *providing assistance to individuals, who have participated in services and activities under this title, in finding an appropriate job and continuing their education or training through collaboration with the workforce investment system established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);*

(12) *developing valid and reliable assessments of technical skills that are integrated with industry certification assessments where available;*

(13) *developing and enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes;*

(14) *improving—*

(A) the recruitment and retention of career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

(B) the transition to teaching from business and industry, including small business; and

(15) *adopting, calculating, or commissioning a self-sufficiency standard.*

(d) **RESTRICTION ON USES OF FUNDS.**—An eligible agency that receives funds under section **112(a)(2)** *112(a)(2)(A)* may not use any of such funds for administrative costs.

* * * * *

PART C—LOCAL PROVISIONS

SEC. 131. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL PROGRAMS.

[(a) DISTRIBUTION FOR FISCAL YEAR 1999.—Except as provided in section 133 and as otherwise provided in this section, each eligible agency shall distribute the portion of the funds made available under section 112(a)(1) to carry out this section for fiscal year 1999 to local educational agencies within the State as follows:

[(1) SEVENTY PERCENT.—From 70 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 70 percent as the amount such local educational agency was allocated under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for the preceding fiscal year bears to the total amount received under such section by all local educational agencies in the State for such preceding fiscal year.

[(2) TWENTY PERCENT.—From 20 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 20 percent as the number of students with disabilities who have individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) served by such local educational agency for the preceding fiscal year

bears to the total number of such students served by all local educational agencies in the State for such preceding fiscal year.

[(3) TEN PERCENT.—From 10 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 10 percent as the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of such local educational agency for the preceding fiscal year bears to the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of all local educational agencies in the State for such preceding fiscal year.]

[(b)] (a) [SPECIAL DISTRIBUTION RULES FOR SUCCEEDING FISCAL YEARS] *DISTRIBUTION RULES*.—Except as provided in section 133 and as otherwise provided in this section, each eligible agency shall distribute the portion of funds made available under section 112(a)(1) to carry out this section [for fiscal year 2000 and succeeding fiscal years] to local educational agencies within the State as follows:

* * * * *

[(c)] (b) *WAIVER FOR MORE EQUITABLE DISTRIBUTION*.—The Secretary may waive the application of [subsection (b)] *subsection (a)* in the case of any eligible agency that submits to the Secretary an application for such a waiver that—

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

* * * * *

[(d)] (c) *MINIMUM ALLOCATION*.—

(1) *IN GENERAL*.—* * *

(2) * * *

(A)(i) * * *

(ii) is a public charter school operating secondary [vocational] *career* and technical education programs; and

* * * * *

[(e)] (d) *LIMITED JURISDICTION AGENCIES*.—

(1) *IN GENERAL*.—* * *

* * * * *

[(f)] (e) *ALLOCATIONS TO AREA [VOCATIONAL] CAREER TECHNICAL EDUCATION SCHOOLS AND EDUCATIONAL SERVICE AGENCIES*.—

(1) *IN GENERAL*.—Each eligible agency shall distribute the portion of funds made available under section 112(a)(1) for any fiscal year by such eligible agency for secondary school [vocational] *career* and technical education activities under this section to the appropriate area [vocational] *career* and technical education school or educational service agency in any case in which the area [vocational] *career* and technical education school or educational service agency, and the local educational agency concerned—

(A) * * *

(B) * * *

(2) **ALLOCATION BASIS.**—If an area **[vocational] career** and technical education school or educational service agency meets the requirements of paragraph (1), then the amount that would otherwise be distributed to the local educational agency shall be allocated to the area **[vocational] career** and technical education school, the educational service agency, and the local educational agency based on each school, agency or entity's relative share of students who are attending **[vocational] career** and technical education programs (based, if practicable, on the average enrollment for the preceding 3 years;

(3) **APPEALS PROCEDURES.**—The eligible agency shall establish an appeals procedure for resolution of any dispute arising between a local educational agency and an area **[vocational] career** and technical education school or an educational service agency with respect to the allocation procedures described in this section, including the decision of a local educational agency to leave a consortium or terminate a cooperative arrangement.

[(g)] (f) CONSORTIUM REQUIREMENTS.—

(1) **ALLIANCE.**—* * *

* * * * *

(A) form a consortium or enter into a cooperative agreement with an area **[vocational] career** and technical education school or educational service agency offering programs that meet the requirements of section 135;

(B) transfer such allocation to the area **[vocational] career** and technical education school or educational service agency; and

* * * * *

[(h)] (g) DATA.—The Secretary shall collect information from eligible agencies regarding the specific dollar allocations made available by the eligible agency for **[vocational] career** and technical education programs under **[subsections (a), (b), (c), and (d)] subsections (a), (b), and (c)** and how these allocations are distributed to local educational agencies, area **[vocational] career** and technical education schools, and educational service agencies, within the State in accordance with this section.

[(i)] (h) SPECIAL RULE.—Each eligible agency distributing funds under this section shall treat a secondary school funded by the Bureau of Indian Affairs within the State as if such school were a local educational agency within the State for the purpose of receiving a distribution under this section.

* * * * *

[SEC. 132. DISTRIBUTION OF FUNDS FOR POSTSECONDARY VOCATIONAL AND TECHNICAL EDUCATION PROGRAMS.]

SEC. 132. DISTRIBUTION OF FUNDS FOR POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAMS.

* * * * *

[SEC. 133. SPECIAL RULES FOR VOCATIONAL AND TECHNICAL EDUCATION.]

SEC. 133. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION.

(a) SPECIAL RULE FOR MINIMAL ALLOCATION.—

(1) GENERAL AUTHORITY.—* * *

* * * * *

(c) CONSTRUCTION.—Nothing in section 131 or 132 shall be construed—

(1) to prohibit a local educational agency or a consortium thereof that receives assistance under section 131, from working with an eligible institution or consortium thereof that receives assistance under section 132, to carry out secondary school **[vocational]** *career* and technical education programs in accordance with this title,

(2) to prohibit an eligible institution or consortium thereof that receives assistance under section 132, from working with a local educational agency or consortium thereof that receives assistance under section 131, to carry out postsecondary and adult **[vocational]** *career* and technical education programs in accordance with this title; or

(3) to require a charter school, that provides **[vocational]** *career* and technical education programs and is considered a local educational agency under State law, to jointly establish the charter school's eligibility for assistance under this title unless the charter school is explicitly permitted to do so under the State's charter school statute.

(d) CONSISTENT APPLICATION.—For purposes of this section, the eligible agency shall provide funds to charter schools offering **[vocational]** *career* and technical education programs in the same manner as the eligible agency provides those funds to other schools. Such **[vocational]** *career* and technical education programs within a charter school shall be of sufficient size, scope, and quality to be effective.

* * * * *

[SEC. 134. LOCAL PLAN FOR VOCATIONAL AND TECHNICAL EDUCATION PROGRAMS.]

SEC. 134. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.

(a) LOCAL PLAN REQUIRED.—* * *

* * * * *

(b) CONTENTS.—The eligible agency shall determine requirements for local plans, except that each local plan shall—

[(1) describe how the vocational and technical education programs required under section 135(b) will be carried out with funds received under this title;

[(2) describe how the vocational and technical education activities will be carried out with respect to meeting State adjusted levels of performance established under section 1113;

[(3) describe how the eligible recipient will—

[(A) improve the academic and technical skills of students participating in vocational and technical education programs by strengthening the academic and vocational and technical components of such programs through the

integration of academics with vocational and technical education programs through a coherent sequence of courses to ensure learning in the core academic, and vocational and technical subjects;

[(B) provide students with strong experience in and understanding of all aspects of an industry; and

[(C) ensure that students who participate in such vocational and technical education programs are taught to the same challenging academic proficiencies as are taught for all other students.

[(4) describe how parents, students, teachers, representatives of business and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of vocational and technical education programs assisted under this title, and how such individuals and entities are effectively informed about, and assisted in understanding, the requirements of this title;

[(5) provide assurances that the eligible recipient will provide a vocational and technical education program that is of such size, scope, and quality to bring about improvement in the quality of vocational and technical education programs;

[(6) describe the process that will be used to independently evaluate and continuously improve the performance of the eligible recipient;

[(7) describe how the eligible recipient—

[(A) will review vocational and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations; and

[(B) will provide programs that are designed to enable the special populations to meet the State adjusted levels of performance;

[(8) describe how individuals who are members of the special populations will not be discriminated against on the basis of their status as members of the special populations;

[(9) describe how funds will be used to promote preparation for nontraditional training and employment; and

[(10) describe how comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel will be provided.]

(1) describe how the career and technical education programs required under section 135(b) will be carried out with funds received under this title;

(2) describe how the career and technical education activities will be carried out with respects to meeting State and local adjusted levels of performance established under section 113;

(3) describe how the eligible recipient will—

(A) offer the appropriate courses of not less than 1 of the career pathways described in section 122(c)(1)(A);

(B) improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the inte-

gration of challenging academics with career and technical education programs through a coherent sequence of courses to ensure learning in the core academic subjects, and career and technical education subjects;

(C) provide students with strong experience in and understanding of all aspects of an industry; and

(D) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught for all other students;

(4) describe how comprehensive professional development will be provided that is consistent with section 122;

(5) describe how parents, students, academic and career and technical education teachers, faculty, principals, administrators, career guidance and academic counselors, representatives of tech-prep consortia (if applicable), representatives of business (including small business) and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of career and technical education programs assisted under this title, and how such individuals and entities are effectively informed about, and assisted in, understanding, the requirements of this title, including career pathways;

(6) provide assurances that the eligible recipient will provide a career and technical education program that is of such size, scope, and quality to bring about improvement in the quality of career and technical education programs;

(7) described the process that will be used to evaluate and continuously improve the performance of the eligible recipient;

(8) describe how the eligible recipient—

(A) will review career and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations; and

(B) will provide programs that are designed to enable the special populations to meet the local adjusted levels of performance and prepare for high skill, high wage, or high demand occupations, including those that will lead to self-sufficiency;

(9) describe how individuals who are members of special populations will not be discriminated against on the basis of their status as members of the special populations;

(10) describe how funds will be used to promote preparation for nontraditional fields;

(11) describe how career guidance and academic counseling will be provided to all career and technical education students; and

(12) describe efforts to improve the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession, and the transition to teaching from business and industry.

SEC. 135. LOCAL USES OF FUNDS.

(a) **GENERAL AUTHORITY.**—Each eligible recipient that receives funds under this part shall use such funds to improve **【vocational】** *career* and technical education programs.

(b) **REQUIREMENTS FOR USES OF FUNDS.**—Funds made available to eligible recipients under this part shall be used to support **【vocational】** *career* and technical education programs that—

【(1) strengthen the academic, and vocational and technical skills of students participating in vocational and technical education programs by strengthening the academic, and vocational and technical components of such programs through the integration of academics with vocational and technical education programs through a coherent sequence of courses to ensure learning in the core academic, and vocational and technical subjects;

【(2) provide students with strong experience in and understanding of all aspects of an industry;

【(3) develop, improve, or expand the use of technology in vocational and technical education, which may include—

【(A) training of vocational and technical education personnel to use state-of-the-art technology, which may include distance learning;

【(B) providing vocational and technical education students with the academic, and vocational and technical skills that lead to entry into the high technology and telecommunications field; or

【(C) encouraging schools to work with high technology industries to offer voluntary internships and mentoring programs;

【(4) provide professional development programs to teachers, counselors, and administrators, including—

【(A) inservice and preservice training in state-of-the-art vocational and technical education programs and techniques, in effective teaching skills based on research, and in effective practices to improve parental and community involvement;

【(B) support of education programs for teachers of vocational and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to vocational and technical education students, to ensure that such teachers and personnel stay current with all aspects of an industry;

【(C) internship programs that provide business experience to teachers; and

【(D) programs designed to train teachers specifically in the use and application of technology;

【(5) develop and implement evaluations of the vocational and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;

【(6) initiate, improve, expand, and modernize quality vocational and technical education programs;

【(7) provide services and activities that are of sufficient size, scope, and quality to be effective; and

【(8) link secondary vocational and technical education and postsecondary vocational and technical education, including implementing tech-prep programs.】

(1) strengthen the academic and career and technical education skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of academics with career and technical education programs through a coherent sequence of courses, such as career pathways described in section 122(c)(1)(A), to ensure learning in the core academic subjects and career and technical education subjects;

(2) link secondary career and technical education, including by—

(A) offering the relevant elements of not less than 1 career pathway described in section 122(c)(1)(A);

(B) developing and supporting articulation agreements between secondary and postsecondary institutions; or

(C) supporting tech-prep programs and consortia;

(3) provide students with strong experience in and understanding of all aspects of an industry;

(4) develop, improve, or expand the use of technology in career and technical education, which may include—

(A) training of career and technical education teachers, faculty, principals, and administrators to use technology, including distance learning; or

(B) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs;

(5) provide professional development programs that are consistent with section 122 to secondary and postsecondary teachers, faculty, principals, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs, including—

(A) in-service and pre-service training—

(i) in career and technical education programs and techniques;

(ii) in effective integration of challenging academic and career and technical education jointly with academic teachers, to the extent practicable;

(iii) in effective teaching skills based on research that includes promising practices; and

(iv) in effective practices to improve parental and community involvement;

(B) support of education programs that provide information on all aspects of an industry;

(C) internship programs that provide relevant business experience; and

(D) programs dedicated to the effective use of instructional technology;

(6) develop and implement evaluations of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;

(7) *initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology;*

(8) *provide services and activities that are of sufficient size, scope, and quality to be effective; and*

(9) *provide activities to prepare special populations, including single parents and displaced home-makers, for high skill, high wage, or high demand occupations, including those that will lead to self-sufficiency.*

* * * * *

(c) PERMISSIVE.—Funds made available to an eligible recipient under this title may be used—

(1) to involve parents, businesses, and labor organizations as appropriate, in the design, implementation, and evaluation of [vocalional] *career* and technical education programs authorized under this title, including establishing effective programs and procedures to enable informed and effective participation in such programs;

[(2) to provide career guidance and academic counseling for students participating in vocational and technical education programs;

[(3) to provide work-related experience, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to vocational and technical education programs;

[(4) to provide programs for special populations;

[(5) for local education and business partnerships;

[(6) to assist vocational and technical student organizations;

[(7) for mentoring and support services;

[(8) for leasing, purchasing, upgrading or adapting equipment, including instructional aides;

[(9) for teacher preparation programs that assist individuals who are interested in becoming vocational and technical education instructors, including individuals with experience in business and industry;

[(10) for improving or developing new vocational and technical education courses;

[(11) to provide support for family and consumer sciences programs;

[(12) to provide vocational and technical education programs for adults and school dropouts to complete their secondary school education;

[(13) to provide assistance to students who have participated in services and activities under this title in finding an appropriate job and continuing their education;

[(14) to support nontraditional training and employment activities; and

[(15) to support other vocational and technical education activities that are consistent with the purpose of this Act.]

(2) *to provide career guidance and academic counseling that is based on current labor market indicators, as provided pursuant to section 118, for students participating in career and technical education programs that—*

(A) *improves graduation rates and provides information on postsecondary and career options for secondary students,*

which activities may include the use of graduation and career plans; and

(B) provides assistance for postsecondary students, including for adult students who are changing careers for updating skills;

(3) for partnerships between the eligible recipient and businesses, including small businesses and business intermediaries, including for—

(A) work-related experience for students, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to career and technical education programs;

(B) adjunct faculty arrangements at the secondary and postsecondary levels; and

(C) industry experience for teachers and faculty;

(4) to provide programs for special populations;

(5) to assist career and technical student organizations;

(6) for mentoring and support services;

(7) for leasing, purchasing, upgrading, or adapting instructional equipment;

(8) for teacher preparation programs that address the integration of academic and career and technical education and that assist individuals who are interested in becoming career and technical education teachers and faculty, including individuals with experience in business and industry;

(9) to develop and expand postsecondary program offerings at times and in formats that are convenient and accessible for working students, including through the use of distance education;

(10) for improving or developing new career and technical education courses, including development of new career pathways;

(11) to develop and support small, personalized career-themed learning communities;

(12) to provide support for family and consumer sciences programs;

(13) to provide career and technical education programs for adults and school dropouts to complete their secondary school education or upgrade their technical skills;

(14) to provide assistance to individuals who have participated in services and activities under this title in finding an appropriate job and continuing their education or training through collaboration with the workforce investment system established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

(15) to support activities in nontraditional fields, such as mentoring and outreach; and

(16) to support other career and technical education activities that are consistent with the purpose of this Act.

[TITLE II—TECH-PREP EDUCATION]

PART D—TECH-PREP EDUCATION

[SEC. 201. SHORT TITLE.

 [This title may be cited as the “Tech-Prep Education Act”.

[SEC 202. DEFINITIONS.

 [(a) In this title:

 [(1) **ARTICULATION AGREEMENT.**—The term “articulation agreement” means a written commitment to a program designed to provide students with a nonduplicative sequence of progressive achievement leading to degrees or certificates in a tech-prep education program.

 [(2) **COMMUNITY COLLEGE.**—The term “community college”—

 [(A) means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, that provides not less than a 2-year program that is acceptable for full credit toward a bachelor’s degree; and

 [(B) includes tribally controlled colleges or universities.

 [(3) **TECH-PREP PROGRAM.**—The term “tech-prep program” means a program of study that—

 [(A) combines at a minimum 2 years of secondary education (as determined under State law) with a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study;

 [(B) integrates academic, and vocational and technical, instruction, and utilizes work-based and worksite learning where appropriate and available;

 [(C) provides technical preparation in a career field such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, health occupations, business, or applied economics;

 [(D) builds student competence in mathematics, science, reading, writing, communications, economics, and workplace skills through applied, contextual academics, and integrated instruction, in a coherent sequence of courses.

 [(E) leads to an associate or a baccalaureate degree or a postsecondary certificate in a specific career field; and

 [(F) leads to placement in appropriate employment or to further education.]

[SEC. 206. REPORT.

 [Each eligible agency that receives a grant under this title annually shall prepare and submit to the Secretary a report on the effectiveness of the tech-prep programs assisted under this title, including a description of how grants were awarded within the State.

[SEC. 207. DEMONSTRATION PROGRAM.

 [(a) **DEMONSTRATION PROGRAM AUTHORIZED.**—From funds appropriated under subsection (e) for a fiscal year, the Secretary shall award grants to consortia described in section 204(a) to enable the consortia to carry out tech-prep education programs.

 [(b) **PROGRAM CONTENTS.**—Each tech-prep program referred to in subsection (a)—

 [(1) shall—

[(A) involve the location of a secondary school on the site of a community college;

[(B) involve a business as a member of the consortium; and

[(C) require the voluntary participation of secondary school students in the tech-prep education program; and

[(2) may provide summer internships at a business for students or teachers.

[(c) APPLICATION.—Each consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may require.

[(d) APPLICABILITY.—The provisions of sections 203, 204, 205 and 206 shall not apply to this section, except that—

[(1) the provisions of section 204(a) shall apply for purposes of describing consortia eligible to receive assistance under this section;

[(2) each tech-prep education program assisted under this section shall meet the requirements of paragraphs (1), (2), (3)(A), (3)(B), (3)(C), (3)(D), (4), (5), (6), and (7) of section 204(c), except that such paragraph (3)(B) shall be applied by striking “, and if possible and practicable, 4-year institutions of higher education through nonduplicative sequences of courses in career fields”; and

[(3) in awarding grants under this section, the Secretary shall give special consideration to consortia submitting applications under subsection (c) that meet the requirements of paragraphs (1), (3), (4), and (5) of section 205(d), except that such paragraph (1) shall be applied by striking “or the transfer of students to baccalaureate degree programs”.

[(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 1999 and each of the 4 succeeding fiscal years.]

SEC. [203] 141. STATE ALLOTMENT AND APPLICATION.

(a) IN GENERAL.—For any fiscal year, the Secretary shall allot the amount made available under [section 206] *section 144* among the States in the same manner as funds are allotted to States under paragraph (2) of section 111(a)

(b) PAYMENTS TO ELIGIBLE AGENCIES.—The Secretary shall make a payment in the amount of a State’s allotment under subsection (a) to the eligible agency that serves the State and has an application approved under subsection (c).

[(c) STATE APPLICATION.—Each eligible agency desiring assistance under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.]

(c) STATE APPLICATION.—Each eligible agency desiring assistance under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall describe how activities under this part will be coordinated, to the extent practicable, with activities described in section 122.

SEC. [204] 142. TECH-PREP EDUCATION.

(a) GRANT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From amounts made available to each eligible agency under [section 203] *section 141*, the eligible agency, in accordance with the provisions of this [title] *part*, shall award grants, on a competitive basis or on the basis of a formula determined by the eligible agency, for tech-prep education programs described in subsection (c). The grants shall be awarded to consortia between or among—

(A) a local educational agency, an intermediate educational agency, *educational service agency*, [vocational] *career* and technical education school serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and

(B)(i) a nonprofit institution of higher education that offers—

(I) a 2-year associate degree program, or a 2-year certificate program, and is qualified as institutions of higher education pursuant to section 102 of the Higher Education Act of 1965, including an institution receiving assistance under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) and a tribally controlled postsecondary [vocational] *career* and technical institution; or

(II) a 2-year apprenticeship program that follows secondary instruction,

if such nonprofit institution of higher education is not prohibited from receiving assistance under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) pursuant to the provisions of section 435(a)(3) of such Act (20 U.S.C. 1083(a); or

(ii) a proprietary institution of higher education that offers a 2-year associate degree program and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965, if such proprietary institution of higher education is not subject to a default management plan required by the Secretary.

(2) SPECIAL RULE.—In addition, a consortium described in paragraph (1) may include 1 or more—

(A) institutions of higher education that award a baccalaureate degree; [and]

(B) employer or labor organizations[.];

(C) *employers, including small businesses, or business intermediaries; and*

(D) *labor organizations.*

* * * * *

(b) DURATION.—Each grant recipient shall use amounts provided under the grant to develop and operate a 4- or 6-year tech-prep education program described in subsection (c).

(c) CONTENTS OF TECH-PREP PROGRAM.—Each tech-prep program shall—

(1) be carried out under an articulation agreement between the participants in the consortium;

[(2) consist of at least 2 years of secondary school preceding graduation and 2 years or more of higher education, or an apprenticeship program of at least 2 years following secondary instruction, with a common core of required proficiency in mathe-

mathematics, science, reading, writing, communications, and technologies designed to lead to an associate's degree or a postsecondary certificate in a specific career field;】

(2) consist of not less than 2 years of secondary school with a common core of technical skills and core academic subjects preceding graduation and 2 years or more of higher education, or an apprenticeship program of not less than 2 years following secondary instruction, designed to lead to technical skill proficiency, a credential, a certificate, or a degree, in a specific career field;

(3) include the development of tech-prep programs for both secondary and postsecondary, including consortium, participants in the consortium that—

(A) meets academic standards developed by the State;

(B) links secondary schools and 2-year postsecondary institutions, and if possible and practicable, 4-year institutions of higher education through nonduplicative sequences of courses in career fields, *including through the use of articulation agreements*, and including the investigation of opportunities for tech-prep secondary students to enroll concurrently in secondary and postsecondary coursework;

* * * * *

【(4) include in-service training for teachers that—

【(A) is designed to train vocational and technical teachers to effectively implement tech-prep programs;

【(B) provides for joint training for teachers in the tech-prep consortium;

【(C) is designed to ensure that teachers and administrators stay current with the needs, expectations, and methods of business and all aspects of an industry;

【(D) focuses on training postsecondary education faculty in the use of contextual and applied curricula and instruction; and

【(E) provides training in the use and application of technology;】

(4) include in-service professional development for teachers, faculty, principals, and administrators that—

(A) supports effective implementation of tech-prep programs;

(B) supports joint training in the tech-prep consortium;

(C) supports the needs, expectations, and methods of business and all aspects of an industry;

(D) supports the use of contextual and applied curricula, instruction, and assessment;

(E) supports the use and application of technology; and

(F) assists in accessing and utilizing data, including labor market indicators, achievement, and assessments;

(5) include 【training】 professional development programs for counselors designed to enable counselors to more effectively—

(A) provide information to students regarding tech-prep education programs, *which may include through the use of graduation and career plans;*

(B) support student progress in completing tech-prep programs;

- (C) provide information on related employment opportunities;
 - (D) ensure that such students are placed in appropriate employment; **[and]**
 - (E) stay current with the needs, expectations, and methods of business and all aspects of an industry; *and*
 - (F) *provide comprehensive career guidance and academic counseling to participating students, including special populations;*
 - (6) provide equal access, to the full range of technical preparation programs (*including pre-apprenticeship programs*), to individuals who are members of special populations, including the development of tech-prep program services appropriate to the needs of special populations; **[and]**
 - (7) provide for preparatory services that assist participants in tech-prep programs**[.]; and**
 - (8) *coordinate with activities conducted under title I.*
- (d) **ADDITIONAL AUTHORIZED ACTIVITIES.**—Each tech-prep program may—
- (1) provide for the acquisition of tech-prep program equipment;
 - (2) acquire technical assistance from State or local entities that have designed, established, and operated tech-prep programs that have effectively used educational technology and distance learning in the delivery of curricula and services and in the articulation process; **[and]**
 - (3) establish articulation agreements with institutions of higher education, labor organizations, or businesses located inside or outside the State and served by the consortium, especially with regard to using distance learning and educational technology to provide for the delivery of services and programs**[.];**
 - (4) *improve career guidance and academic counseling for participating students through the development and implementation of graduation and career plans; and*
 - (5) *develop curriculum that supports effective transitions between secondary and postsecondary career and technical education programs.*

* * * * *

SEC. [205] 143. CONSORTIUM APPLICATIONS.

- (a) **IN GENERAL.**—Each consortium that desires to receive a grant under this **[title] part** shall submit an application to the eligible agency at such time and in such manner as the eligible agency shall prescribe.
- (b) **PLAN.**—Each application submitted under this section shall contain a **[5]** 6-year plan for the development and implementation of tech-prep programs under this **[title] part**, which plan shall be reviewed after the second year of the plan.
- (c) **APPROVAL.**—The eligible agency shall approve applications based on the potential of the activities described in the application to create an effective tech-prep program.
- (d) **SPECIAL CONSIDERATION.**—The eligible agency, as appropriate, shall give special consideration to applications that—

(1) provide for effective employment placement activities or the transfer of students to baccalaureate *or advanced* degree programs;

(2) are developed in consultation with business, industry, institutions of higher education, and labor organizations;

(3) address effectively the issues of school dropout prevention and reentry and the needs of special populations;

[(4) provide education and training in areas or skills in which there are significant workforce shortages, including the information technology industry; and]

(4) provide education and training in areas or skills, including emerging technology, in which there are significant workforce shortages based on the data provided by the entity in the State under section 118;

(5) demonstrate how tech-prep programs will help students meet high academic and employability competencies[.]; *and*

(6) demonstrate success in, or provide assurances of, coordination and integration with eligible recipients described in part C.

(e) **EQUITABLE DISTRIBUTION OF ASSISTANCE.**—In awarding grants under this [title] *part*, the eligible agency shall ensure an equitable distribution of assistance between urban and rural consortium participants.

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SEC. [208] 144. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this [title (other than section 2071)] *part* such sums as may be necessary for fiscal year [1999 and each of the 4] *2005 and each of the 5* succeeding fiscal years.

[TITLE III—GENERAL PROVISIONS]

TITLE II—GENERAL PROVISIONS

PART A—FEDERAL ADMINISTRATIVE PROVISIONS

SEC. [311] 211. FISCAL REQUIREMENTS.

(a) **SUPPLEMENT NOT SUPPLANT.**—Funds made available under this Act for [vocational] *career* and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out [vocational] *career* and technical education activities and tech-prep activities.

(b) **MAINTENANCE OF EFFORT.**—

[(1) **DETERMINATION.**—

[(A) **IN GENERAL.**—Except as provided in subparagraphs (B) and (C), no payments shall be made under this Act for any fiscal year to a State for vocational and technical education programs or tech-prep programs unless the Secretary determines that the fiscal effort per student or the aggregate expenditures of such State for vocational and technical education programs for the fiscal year preceding the fiscal year for which the determination is made,

equaled or exceeded such effort or expenditures for vocational and technical education programs, for the second fiscal year preceding the fiscal year for which the determination is made.

[(B) COMPUTATION.—In computing the fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary shall exclude capital expenditures, special one-time project costs, and the cost of pilot programs.]

[(C) DECREASE IN FEDERAL SUPPORT.—If the amount made available for vocational and technical education programs under this Act for a fiscal year is less than the amount made available for vocational and technical education programs under this Act for the preceding fiscal year, then the fiscal effort per student or the aggregate expenditures of a State required by subparagraph (B) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.]

(1) DETERMINATION.—

(A) *IN GENERAL.*—*Except as provided in subparagraphs (B) and (C), no payments shall be made under this Act for any fiscal year to a State for career and technical education programs or tech-prep programs unless the Secretary determines that the average fiscal effort per student or the aggregate expenditures of such State for career and technical education programs for the 3 fiscal years preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for career and technical education programs, for the 3 fiscal years preceding the fiscal year preceding the fiscal year for which the determination is made.*

(B) *COMPUTATION.*—*In computing the average fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary shall exclude capital expenditures, special one-time project costs, and the cost of pilot programs.*

(C) *DECREASE IN FEDERAL SUPPORT.*—*If the amount made available for career and technical education programs under this Act for a fiscal year is less than the amount made available for career and technical education programs under this Act for the preceding fiscal year, then the average fiscal effort per student or the aggregate expenditures of a State required by subparagraph (A) for the 3 preceding fiscal years shall be decreased by the same percentage as the percentage decrease in the amount so made available.*

(2) WAIVER.—The Secretary may waive the requirements of this section, with respect to not more than 5 percent of expenditures by any eligible agency for 1 fiscal year only, on making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the eligible agency to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the [fiscal effort] *average fiscal effort* or aggregate expenditures required

under this section for years subsequent to the year covered by such waiver. The **[fiscal effort]** *average fiscal effort* or aggregate expenditures for the subsequent years shall be computed on the basis of the level of funding that would, but for such waiver, have been required.

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SEC. [312] 212. AUTHORITY TO MAKE PAYMENTS.

Any authority to make payments or to enter into contracts under this Act shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. [313] 213. CONSTRUCTION.

Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of a private, religious, or home school, regardless of whether a home school is treated as a private school or home school under State law. This section shall not be construed to bar students attending private, religious, or home schools from participation in programs or services under this Act.

SEC. [314] 214. VOLUNTARY SELECTION AND PARTICIPATION.

No funds made available under this act shall be used—

- (1) to require any secondary school student to choose or pursue a specific career path or major; and
- (2) to mandate that any individual participate in a **[vocational]** *career* and technical education program, including a **[vocational]** *career* and technical education program that requires the attainment of a federally funded skill level, standard, or certificate of mastery.

SEC. [315] 215. LIMITATION FOR CERTAIN STUDENTS.

No funds received under this Act may be used to provide **[vocational]** *career* and technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under this Act may be used by such students.

SEC. [316] 216. FEDERAL LAWS GUARANTEEING CIVIL RIGHTS.

Nothing in this Act shall be construed to be inconsistent with applicable Federal law prohibiting discrimination on the basis of race, color, sex, national origin, age, or disability in the provision of Federal programs or services.

SEC. [317] 217. AUTHORIZATION OF SECRETARY.

[For the purposes of increasing and expanding the use of technology in vocational and technical education instruction, including the training of vocational and technical education personnel as provided in this Act, the Secretary is authorized to receive and use funds collected by the Federal Government from fees for the use of property, rights-of-way, and easements under the control of Federal departments and agencies for the placement of telecommunications services that are dependent, in whole or in part, upon the utilization of general spectrum rights for the transmission or reception of such services.]

SEC. [318] 218 [218] 217. PARTICIPATION OF PRIVATE SCHOOL PERSONNEL.

An eligible agency or eligible recipient that uses funds under this Act for inservice and preservice **[vocational]** *career* and technical

education professional development programs for [vocational] *career* and technical education teachers, *principals*, administrators, and other personnel may, upon request, permit the participation in such programs of [vocational] *career* and technical education teachers, *principals*, administrators, and other personnel in non-profit private schools offering [vocational] *career* and technical education programs located in the geographical area served by such agency or recipient.

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PART B—STATE ADMINISTRATIVE PROVISIONS

SEC. [321] 221. JOINT FUNDING.

(a) GENERAL AUTHORITY.—Funds made available to eligible agencies under this Act may be used to provide additional funds under an applicable program if—

- (1) such program otherwise meets the requirements of this Act and the requirements of the applicable program;
- (2) such program serves the same individuals that are served under this Act;
- (3) such program provides services in a coordinated manner with services provided under this Act; and
- (4) such funds are used to supplement, and not supplant, funds provided from non-Federal sources.

(b) APPLICABLE PROGRAM.—For the purposes of this section, the term “applicable program” means any program under any of the following provisions of law:

- (1) Chapters 4 and 5 of subtitle B of title I of Public Law 105–220.
- (2) The Wagner-Peyser act.

(c) USE OF FUNDS AS MATCHING FUNDS.—For the purposes of this section, the term “additional funds” does not include funds used as matching funds.

SEC. [322] 222. PROHIBITION ON USE OF FUNDS TO INDUCE OUT-OF-STATE RELOCATION OF BUSINESSES.

No funds provided under this Act shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another State if such relocation will result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

SEC [323] 223. STATE ADMINISTRATIVE COSTS.

(a) GENERAL RULE.—Except as provided in subsection (b), for each fiscal year for which an eligible agency receives assistance under this Act, the eligible agency shall provide, from non-Federal sources for the costs the eligible agency incurs for the administration of programs under this Act an amount that is not less than the amount provided by the eligible agency from non-Federal sources for such costs for the preceding fiscal year.

(b) EXCEPTION.—If the amount made available for administration of programs under this Act for a fiscal year is less than the amount made available for administration of programs under this Act for the preceding fiscal year, the amount the eligible agency is required to provide from non-Federal sources for costs the eligible

agency incurs for administration of programs under this Act shall be the same percentage as the amount made available for administration of programs under this Act.

SEC [324] 224. LIMITATION ON FEDERAL REGULATIONS.

The Secretary may issue regulations under this Act only to the extent necessary to administer and ensure compliance with the specific requirements of this Act.

SEC. [325] 225. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.

(a) ATTENDANCE COSTS NOT TREATED AS INCOME OR RESOURCES.—* * *

(b) * * *

(c) COSTS OF **[VOCATIONAL] CAREER** AND TECHNICAL EDUCATION SERVICES.—Funds made available under this Act may be used to pay for the costs of **[vocational] career** and technical education services required in an individualized education plan developed pursuant to section 614(d) of the Individuals with Disabilities Education Act and services necessary to meet the requirements of section 504 of the Rehabilitation Act of 1973 with respect to ensuring equal access to **[vocational] career** and technical education.

