

Calendar No. 155

109TH CONGRESS
1ST SESSION**H. R. 366**

IN THE SENATE OF THE UNITED STATES

MAY 10, 2005

Received

JULY 1, 2005

Read twice and placed on the calendar

AN ACT

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. REFERENCES.**

7 Wherever in this Act an amendment is expressed in
8 terms of an amendment to or repeal of a section or other
9 provision, the amendment or repeal shall be considered to

1 be made to a section or other provision of the Carl D.
2 Perkins Vocational and Technical Education Act of 1998
3 (20 U.S.C. 2301 et seq.).

4 **SEC. 3. PURPOSES AND DEFINITIONS.**

5 (a) **PURPOSES.**—Section 2(2) (20 U.S.C. 2301(2)) is
6 amended by inserting “rigorous and challenging” after
7 “integrate”.

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

10 (1) by striking paragraph (26) and redesignig-
11 nating paragraphs (21) through (25) as paragraphs
12 (23) through (27), and paragraphs (27) through
13 (30) as paragraphs (29) through (32), respectively;

14 (2) by redesignating paragraphs (4) through
15 (20) as paragraphs (5) through (21), respectively,
16 and inserting after paragraph (3) the following:

17 “(4) **ARTICULATION AGREEMENT.**—The term
18 ‘articulation agreement’ means a written commit-
19 ment, agreed upon at the State level or approved an-
20 nually and facilitated by the lead administrators of
21 the secondary and postsecondary consortia members
22 as described in section 135(b)(3)(A), to provide a
23 program designed to provide students with a non-
24 duplicative sequence of progressive achievements
25 leading to degrees, certificates, or credentials in a

1 tech-prep education program linked through credit
2 transfer agreements.”;

3 (3) in paragraph (5) (as so redesignated), by
4 inserting “to students (and parents, as appro-
5 priate)” after “providing access”;

6 (4) in paragraph (6) (as so redesignated), by
7 striking “section 5206” and inserting “section
8 5210”;

9 (5) in paragraph (7) (as so redesignated)—

10 (A) by striking “method of instruction”
11 and inserting “method”; and

12 (B) by inserting “rigorous and chal-
13 lenging” after “required”;

14 (6) in paragraph (11)(A) (as so redesignated),
15 by striking “an” and inserting “a public or non-
16 profit private”;

17 (7) in paragraph (18) (as so redesignated)—

18 (A) in the paragraph heading, by striking
19 “TRAINING AND EMPLOYMENT” and inserting
20 “FIELDS”;

21 (B) by striking “training and employment”
22 and inserting “fields”; and

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

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

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

6 “(22) SCIENTIFICALLY BASED RESEARCH.—
7 The term ‘scientifically based research’ has the
8 meaning given that term in section 9101(37) of the
9 Elementary and Secondary Education Act of 1965
10 (20 U.S.C. 7801(37)).”;

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

12 (A) in subparagraph (C), by striking
13 “training and employment” and inserting
14 “fields”;

15 (B) in subparagraph (E), by striking
16 “and”;

17 (C) in subparagraph (F)—

18 (i) by striking “individuals with other
19 barriers to educational achievement, in-
20 cluding”; and

21 (ii) by striking the period and insert-
22 ing “; and”; and

23 (D) by inserting after subparagraph (F)
24 the following:

1 “(G) individuals with other barriers to edu-
2 cational achievement, as determined by the
3 State.”;

4 (11) by inserting after paragraph (27) (as so
5 redesignated) the following:

6 “(28) SUPPORTIVE SERVICES.—The term ‘sup-
7 portive services’ means services such as transpor-
8 tation, child care, dependent care, and needs-based
9 payments, that are necessary to enable an individual
10 to participate in activities authorized under this
11 Act.”;

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

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

15 (A) by inserting “of subsection (a)” after
16 “paragraph (2)”; and

17 (B) by striking “paragraph (5)(A) of such
18 section” and inserting “paragraph (5)(A) of
19 such subsection”; and

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

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

23 “(i) provides individuals with the rig-
24 orous and challenging academic and tech-
25 nical knowledge and skills the individuals

1 need to prepare for further education and
2 for careers (other than careers requiring a
3 master's or doctoral degree) in current or
4 emerging employment sectors;

5 “(ii) may include the provision of
6 skills or courses necessary to enroll in a se-
7 quence of courses that meet the require-
8 ments of this subparagraph; and

9 “(iii) provides, at the postsecondary
10 level, for a 1-year certificate, an associate
11 degree, or industry-recognized credential;
12 and”.

13 **SEC. 4. TRANSITION PROVISIONS.**

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

15 (1) by striking “the Carl D. Perkins Vocational
16 and Applied Technology Education Act” and insert-
17 ing “the ‘Carl D. Perkins Vocational and Technical
18 Education Act of 1998’ ”; and

19 (2) by striking “the Carl D. Perkins Vocational
20 and Applied Technology Education Amendments of
21 1998” and inserting “the Vocational and Technical
22 Education for the Future Act. Each eligible agency
23 shall be assured 1 full fiscal year for transition, to
24 plan for and implement the requirements of this
25 Act”.

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 8 (20 U.S.C. 2307) is amended to read as
3 follows:

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

5 “There is authorized to be appropriated to carry out
6 this Act (other than subsection (a), (b), and (c) of section
7 114, and sections 117 and 118) \$1,307,000,000 for fiscal
8 year 2006 and such sums as may be necessary for each
9 of fiscal years 2007 through 2011.”.

10 **SEC. 6. PROHIBITIONS.**

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

15 **“SEC. 9. PROHIBITIONS.**

16 “(a) LOCAL CONTROL.—Nothing in this Act shall be
17 construed to authorize an officer or employee of the Fed-
18 eral government to mandate, direct, or control a State,
19 local educational agency, or school’s curriculum, program
20 of instruction, or allocation of State or local resources, or
21 mandate a State or any subdivision thereof to spend any
22 funds or incur any costs not paid for under this Act.

23 “(b) NO PRECLUSION OF OTHER ASSISTANCE.—Any
24 State that declines to submit an application to the Sec-
25 retary for assistance under this Act shall not be precluded

1 from applying for assistance under any other program ad-
2 ministered by the Secretary.

3 “(c) PROHIBITION ON REQUIRING FEDERAL AP-
4 PROVAL OR CERTIFICATION OF STANDARDS.—Notwith-
5 standing any other provision of Federal law, no State shall
6 be required to have academic and vocational and technical
7 content or student academic and vocational and technical
8 achievement standards approved or certified by the Fed-
9 eral government, in order to receive assistance under this
10 Act.

11 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed to affect the requirements under
13 section 113.”.

14 (b) TABLE OF CONTENTS AMENDMENT.—The table
15 of contents in section 1(b) is amended by inserting after
16 the item relating to section 8 the following:

“Sec. 9. Prohibitions.”.

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

18 (a) ALLOTMENT FOR NATIONAL ACTIVITIES FOR
19 2006.—Section 111(a)(1) (20 U.S.C. 2321(a)(1)) is
20 amended to read as follows:

21 “(1) RESERVATIONS.—From the sum appro-
22 priated under section 8 for each fiscal year, the Sec-
23 retary shall reserve—

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

1 “(B) 1.50 percent to carry out section 116,
2 of which—

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

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

7 “(C) 0.54 percent to carry out section
8 114(d).”.

9 (b) MINIMUM ALLOTMENTS.—Section 111(a) (20
10 U.S.C. 2321(a)) is further amended—

11 (1) in paragraph (3), by striking “(or in the
12 case of fiscal year 1999” and all that follows
13 through “Amendments of 1998)” each place it ap-
14 pears and inserting “(or in the case of fiscal year
15 2006 only, under this section and under title II of
16 this Act, as such section and title were in effect on
17 the day before the date of enactment of the Voca-
18 tional and Technical Education for the Future
19 Act)”;

20 (2) by amending paragraph (4)(A) to read as
21 follows:

22 “(A) IN GENERAL.—No State shall receive
23 an allotment under this section for a fiscal year
24 that is less than the allotment the State re-
25 ceived for fiscal year 2005 under this section

1 and under title II of this Act (as such section
2 and title were in effect on the day before the
3 date of enactment of the Vocational and Tech-
4 nical Education for the Future Act).”.

5 (c) WITHIN STATE ALLOCATION.—Section 112 (20
6 U.S.C. 2322) is amended—

7 (1) by amending subsection (a) to read as fol-
8 lows:

9 “(a) ALLOCATION FORMULA.—From the amount al-
10 lotted to each State under section 111 for a fiscal year,
11 the State board (hereinafter referred to as the ‘eligible
12 agency’) shall allocate such amount as follows:

13 “(1) Subject to paragraph (4), not less than 88
14 percent shall be made available for distribution
15 under section 131 or 132, of which the eligible agen-
16 cy shall first make available for the activities de-
17 scribed in section 135(b)(3) an amount equal to the
18 amount allotted in fiscal year 2005 to such eligible
19 agency under title II of this Act (as such title was
20 in effect on the day before the date of enactment of
21 the Vocational and Technical Education for the Fu-
22 ture Act), reduced by the percentage by which the
23 amount allotted to the State under section 111 for
24 the fiscal year is less than the amount allotted under
25 such section to such State for fiscal year 2005. Of

1 the remainder of the 88 percent, not more than 10
2 percent may be used in accordance with subsection
3 (c).

4 “(2) Subject to paragraph (4), not more than
5 10 percent shall be made available to carry out State
6 leadership activities described in section 124, of
7 which—

8 “(A) an amount equal to not more than 1
9 percent of the amount allotted to the State
10 under section 111 for the fiscal year shall be
11 made available to serve individuals in State in-
12 stitutions, such as State correctional institu-
13 tions and institutions that serve individuals
14 with disabilities; and

15 “(B) not less than \$60,000 and not more
16 than \$150,000 shall be available for services
17 that prepare individuals for nontraditional
18 fields.

19 “(3) An amount equal to not more than 2 per-
20 cent, or \$250,000, whichever is greater, shall be
21 made available for administration of the State plan,
22 which may be used for the costs of—

23 “(A) developing the State plan;

24 “(B) reviewing the local plan;

1 “(C) monitoring and evaluating program
2 effectiveness;

3 “(D) assuring compliance with all applica-
4 ble Federal laws; and

5 “(E) providing technical assistance.

6 “(4) If the amount allocated for any fiscal year
7 under paragraph (2) shall be less than the amount
8 allocated under such paragraph for fiscal year 2005,
9 additional amounts may be made available from the
10 amount allocated under paragraph (1) for the pur-
11 poses described in paragraph (2). If such additional
12 amounts are made available under this paragraph,
13 the percentage of the total amount allotted under
14 section 111 that is allocated for the purposes de-
15 scribed in paragraph (2) shall not exceed the per-
16 centage of the total amount allotted under section
17 111 for fiscal year 2005 that was allocated under
18 paragraph (2) for fiscal year 2005.”; and

19 (2) in subsection (c)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (B), by striking
22 the semicolon and inserting “; and”;

23 (ii) in subparagraph (C), by striking
24 “; and” and inserting a period; and

1 (iii) by striking subparagraph (D);
2 and
3 (B) in paragraph (2), by striking “through
4 (D)” and inserting “through (C)”.

5 **SEC. 8. ACCOUNTABILITY.**

6 (a) PURPOSE.—Section 113(a) (20 U.S.C. 2323(a))
7 is amended—

8 (1) by striking “establish a State” and insert-
9 ing “support a State and local”; and

10 (2) by inserting “and its eligible recipients”
11 after “effectiveness of the State”.

12 (b) STATE PERFORMANCE MEASURES.—Section
13 113(b) (20 U.S.C. 2323(b)) is amended—

14 (1) in paragraph (2)—

15 (A) by redesignating subparagraphs (B)
16 through (D) as subparagraphs (C) through (E),
17 respectively;

18 (B) in subparagraph (A)—

19 (i) in the subparagraph heading, by
20 inserting “FOR SECONDARY STUDENTS”
21 after “PERFORMANCE”;

22 (ii) by inserting “of secondary stu-
23 dents that are, to the extent practicable,
24 valid and reliable and” after “indicators of
25 performance”;

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

8 (iv) in clause (ii)—

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

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

18 (v) by amending clause (iii) to read as
19 follows:

20 “(iii) Student graduation rates (as de-
21 scribed in section 1111(b)(2)(C)(vi) of the
22 Elementary and Secondary Education Act
23 of 1965 (20 U.S.C. 6311(b)(2)(C)(vi))).”;

1 (vi) by redesignating clause (iv) as
2 clause (v) and inserting after clause (iii)
3 the following:

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

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

11 (C) by inserting after subparagraph (A)
12 the following:

13 “(B) CORE INDICATORS OF PERFORMANCE
14 FOR POSTSECONDARY STUDENTS.—Each eligi-
15 ble agency shall identify in the State plan core
16 indicators of performance of postsecondary stu-
17 dents that are, to the extent practicable, valid
18 and reliable, and that include, at a minimum,
19 measures of each of the following:

20 “(i) Student attainment of challenging
21 academic and vocational and technical skill
22 proficiencies.

23 “(ii) Student retention in postsec-
24 ondary education, attainment of an asso-
25 ciate degree or postsecondary credential, or

1 transfer to a baccalaureate degree pro-
2 gram.

3 “(iii) Placement in military service or
4 placement or retention in employment.

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

8 (D) in subparagraph (C) (as so redesign-
9 dated), by striking “under the title” and insert-
10 ing “under this title”; and

11 (E) in subparagraph (D) (as so redesign-
12 dated), by inserting “vocational and technical
13 education” after “has developed State”; and

14 (2) in paragraph (3)—

15 (A) by amending the paragraph heading to
16 read as follows:

17 “(3) STATE LEVELS OF PERFORMANCE.—”;

18 and

19 (B) in subparagraph (A)—

20 (i) in clause (i)—

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

24 (II) in subclause (II), by striking
25 “to continually” and all that follows

1 through “performance”, and inserting
2 “to make continuous and substantial
3 improvement in the academic and vo-
4 cational and technical achievement”;

5 (ii) by amending clause (v) to read as
6 follows:

7 “(v) AGREEMENT ON STATE AD-
8 JUSTED LEVELS OF PERFORMANCE FOR
9 SUBSEQUENT YEARS.—

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

21 “(II) 5TH AND 6TH PROGRAM
22 YEARS.—Prior to the fifth program
23 year covered by the State plan, the
24 Secretary and each eligible agency
25 shall reach agreement on the State

1 adjusted levels of performance for
2 each of the core indicators of perform-
3 ance for the fifth and sixth programs
4 years covered by the State plan, tak-
5 ing into account the factors described
6 in clause (vi).

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

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

18 (I) by striking “clause (vi)(II)”
19 and inserting “clause (vi)”; and

20 (II) by striking “under clause
21 (iii) or (vi)” and inserting “under
22 clause (iii) or (v)”.

23 (c) LOCAL LEVELS OF PERFORMANCE.—Section
24 113(b) is further amended by adding at the end the fol-
25 lowing:

1 “(4) LOCAL LEVELS OF PERFORMANCE.—

2 “(A) LOCAL ADJUSTED LEVELS OF PER-
3 FORMANCE FOR CORE INDICATORS OF PER-
4 FORMANCE.—

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

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

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

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

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

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

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

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

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

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

12 “(I) how the levels of perform-
13 ance involved compare with the local
14 adjusted levels of performance estab-
15 lished for other eligible recipients tak-
16 ing into account factors including the
17 characteristics of participants when
18 the participants entered the program
19 and the services or instruction to be
20 provided; and

21 “(II) the extent to which such
22 levels of performance promote contin-
23 uous and substantial improvement on
24 the indicators of performance by such
25 eligible recipient.

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

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

18 “(C) LOCAL REPORT.—

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

24 “(I) the progress of such recipi-
25 ent in achieving the local adjusted lev-

1 els of performance on the core indica-
2 tors of performance; and

3 “(II) in the case of an eligible re-
4 cipient that receives funds described
5 in section 112(a) for activities de-
6 scribed in section 135(b)(3), the
7 progress in achieving the local ad-
8 justed levels of performance on the
9 core indicators of performance with
10 respect to tech-prep program partici-
11 pants.

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

14 “(I) disaggregate data for each
15 of the indicators of performance under
16 section 113(b)(2) for the categories of
17 students enumerated under section
18 1111(b)(2)(C)(v)(II) of the Elemen-
19 tary and Secondary Education Act of
20 1965 that are served under this Act;
21 and

22 “(II) identify and quantify any
23 disparities or gaps in performance be-
24 tween any such category of students
25 and the performance of all students

1 served by the eligible recipient under
2 the Act.

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

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

16 (d) STATE REPORT.—Section 113(c) (20 U.S.C.
17 2323(c)) is amended—

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

21 “(2) DATA.—Each eligible agency under this
22 subsection shall—

23 “(A) disaggregate data for each of the in-
24 dicators of performance under section 113(b)(2)
25 for the categories of students enumerated under

1 section 1111(b)(2)(C)(v)(II) of the Elementary
2 and Secondary Education Act of 1965 that are
3 served under this Act; and

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

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

16 (2) in paragraph (4) (as so redesignated)—

17 (A) by striking “special populations” and
18 inserting “each of the populations described in
19 section 3(25) and the populations described in
20 section 1111(h)(1)(C)(i) of the Elementary and
21 Secondary Education Act of 1965 (20 U.S.C.
22 6311(h)(1)(C)(i))”; and

23 (B) by striking “have made” and inserting
24 “has made”.

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

2 (a) PROGRAM PERFORMANCE INFORMATION.—Sec-
3 tion 114(a)(3) (20 U.S.C. 2324(a)(3)) is amended by in-
4 serting “in the aggregate” after “international compari-
5 sons”.

6 (b) EVALUATION AND ASSESSMENT.—Section 114(c)
7 (20 U.S.C. 2324(c)) is amended—

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

10 “(2) INDEPENDENT ADVISORY PANEL.—The
11 Secretary shall appoint an independent advisory
12 panel, consisting of academic and vocational and
13 technical education educators, administrators, ex-
14 perts in evaluation, research, and assessment, rep-
15 resentatives of labor organizations, businesses, par-
16 ents, guidance and counseling professionals, and
17 other individuals with relevant expertise, to advise
18 the Secretary on the implementation of the assess-
19 ment described in paragraph (3), including the
20 issues to be addressed and the methodology of the
21 studies involved to ensure the assessment adheres to
22 the highest standards of quality. The advisory panel
23 shall transmit to the Secretary and to Congress an
24 independent analysis of the findings and rec-
25 ommendations resulting from such assessment. The
26 Federal Advisory Committee Act (5 U.S.C. App.)

1 shall not apply to the panel established under this
2 subsection.”;

3 (2) in paragraph (3)—

4 (A) in subparagraph (A), by inserting “the
5 implementation of the” after “and assessment
6 of”;

7 (B) in subparagraph (B)—

8 (i) by inserting “but shall not be lim-
9 ited to” after “paragraph (1) shall in-
10 clude”;

11 (ii) by striking clauses (i), (ii), (iv),
12 and (vii) and redesignating clauses (iii),
13 (v), (vi), and (viii) as clauses (i) through
14 (iv), respectively;

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

21 (iv) in clause (ii) (as so redesign-
22 ated)—

23 (I) by striking “and employment
24 outcomes” and all that follows
25 through “including analyses of” and

1 inserting “and vocational and tech-
2 nical education achievement and em-
3 ployment outcomes of vocational and
4 technical education students, includ-
5 ing analyses of”;

6 (II) in subclause (I), by striking
7 “and tech-prep students” and insert-
8 ing “and students participating in the
9 activities described in section
10 135(b)(3)”;

11 (III) in subclause (II), by strik-
12 ing “academic, and vocational and
13 technical, education” and inserting
14 “rigorous and challenging academic
15 and vocational and technical edu-
16 cation, including a review of the effect
17 of integrated rigorous and challenging
18 academic and vocational and technical
19 education on the achievement of stu-
20 dents”; and

21 (IV) in subclause (III), by insert-
22 ing “, particularly those in which
23 math and science skills are critical,”
24 after “high-skill careers”; and

25 (C) in subparagraph (C)—

1 (i) in clause (i)—

2 (I) by striking “the Committee
3 on Education and the Workforce of
4 the House of Representatives and the
5 Committee on Labor and Human Re-
6 sources of the Senate” and inserting
7 “Congress”; and

8 (II) by striking “2002” and in-
9 serting “2009” both places it appears;
10 and

11 (ii) in clause (ii), by striking “the
12 Committee on Education and the Work-
13 force of the House of Representatives, the
14 Committee on Labor and Human Re-
15 sources of the Senate,” and inserting
16 “Congress”;

17 (3) in paragraph (5)(A)—

18 (A) by striking “to carry out research”
19 each place it appears, and inserting “to carry
20 out scientifically based research”;

21 (B) in clause (i), by inserting “scientific-
22 ically based” after “programs, including”;

23 (C) in clause (ii), by inserting “that are in-
24 tegrated with rigorous and challenging aca-
25 demic education” after “implementation of vo-

1 cational and technical education programs”;
2 and

3 (D) in clause (iii)(I), by inserting “and the
4 integration of those systems with the academic
5 education system” after “technical education
6 systems”;

7 (4) in paragraph (6)—

8 (A) by striking:

9 “(6) DEMONSTRATIONS AND DISSEMINATION.—

10 “(A) DEMONSTRATION PROGRAM.—The”,

11 and inserting:

12 “(6) DEMONSTRATIONS AND DISSEMINATION.—

13 The”; and

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

15 (5) in paragraph (8), by striking “this section”

16 and all that follows and inserting “subsections (a),

17 (b), and (c) of this section, such sums as may be

18 necessary for each of fiscal years 2006 through

19 2011.”.

20 (c) INCENTIVE GRANTS FOR ELIGIBLE AGENCIES.—

21 Section 114 is further amended by adding at the end the

22 following new subsection:

23 “(d) INCENTIVE GRANTS FOR ELIGIBLE AGEN-

24 CIES.—

1 “(1) IN GENERAL.—From funds reserved under
2 section 111(a)(1)(C), the Secretary may award
3 grants to eligible agencies for exemplary perform-
4 ance in carrying out programs under this Act. Such
5 awards shall be based on an eligible agency exceed-
6 ing State adjusted levels of performance established
7 under section 113(b) and showing sustained or sig-
8 nificant improvement.

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

11 “(A) an eligible agency’s success in effec-
12 tively developing connections between secondary
13 education and postsecondary education and
14 training;

15 “(B) an eligible agency’s integration of rig-
16 orous and challenging academic and technical
17 coursework; and

18 “(C) an eligible agency’s progress in hav-
19 ing special populations participating in voca-
20 tional and technical education meet State ad-
21 justed levels of performance.

22 “(3) USE OF FUNDS.—The funds awarded to
23 an eligible agency under this subsection may be used
24 to carry out any activities authorized under section

1 124, including demonstrations of innovative pro-
2 grams.”.

3 **SEC. 10. OUTLYING AREAS, NATIVE AMERICAN PROGRAMS,**
4 **AND TRIBALLY CONTROLLED INSTITUTIONS.**

5 (a) ASSISTANCE FOR THE OUTLYING AREAS.—Sec-
6 tion 115 (20 U.S.C. 2325) is amended to read as follows:

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

8 “(a) OUTLYING AREAS.—From funds reserved pur-
9 suant to section 111(a)(1)(A), the Secretary shall—

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

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

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

17 “(b) REMAINDER.—Subject to the provisions of sub-
18 section (a), the Secretary shall make a grant of the re-
19 mainder of funds reserved pursuant to section
20 111(a)(1)(A), in equal proportion, to each of Guam,
21 American Samoa, and the Commonwealth of the Northern
22 Mariana Islands, for the purpose of providing direct voca-
23 tional and technical educational services, including—

24 “(1) teacher and counselor training and retrain-
25 ing;

1 “(2) curriculum development; and

2 “(3) the improvement of vocational and tech-
3 nical education and training programs in secondary
4 schools and institutions of higher education, or im-
5 proving cooperative education programs involving
6 both secondary schools and institutions of higher
7 education.

8 “(c) RESTRICTION.—The Republic of Palau shall
9 cease to be eligible to receive funding under this section
10 upon entering into an agreement for extension of United
11 States educational assistance under the Compact of Free
12 Association after the date of enactment of the Vocational
13 and Technical Education for the Future Act.”.

14 (b) NATIVE AMERICAN PROGRAM.—Section 116 (20
15 U.S.C. 2326) is amended—

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

18 (2) in subsection (b)—

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

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

23 (c) TRIBALLY CONTROLLED INSTITUTIONS.—Section
24 117 (20 U.S.C. 2327) is amended—

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

3 “(b) USES OF GRANTS.—Amounts made available
4 under this section shall be used for vocational and tech-
5 nical education programs for Indian students and for in-
6 stitutional support costs of the grant, including the ex-
7 penses described in subsection (e).”;

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

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

14 (3) by striking subsection (g) and redesignating
15 subsections (h) and (i) as subsections (g) and (h),
16 respectively; and

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

18 (A) by striking “\$4,000,000 for fiscal year
19 1999 and”; and

20 (B) by striking “the 4 succeeding fiscal
21 years” and inserting “fiscal years 2006 through
22 2011”.

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

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

3 “(b) STATE LEVEL ACTIVITIES.—

4 “(1) DESIGNATED ENTITY.—In order for a
5 State to receive a grant under this section, the eligi-
6 ble agency and the Governor of the State shall joint-
7 ly designate an entity in the State responsible for
8 conducting the activities in this subsection.

9 “(2) APPLICATION.—The jointly designated
10 agency shall submit an application to the Secretary
11 at the same time the State submits its state plan
12 under section 122. The application shall be in such
13 a manner and be accompanied by such information
14 as the Secretary may reasonably require. At a min-
15 imum, the application shall describe how the jointly
16 designated agency will assist the eligible agency in
17 meeting its adjusted levels of performance under sec-
18 tion 113(b).

19 “(3) ACTIVITIES.—The jointly designated agen-
20 cy shall conduct activities—

21 “(A) to provide support for career guid-
22 ance and academic counseling programs de-
23 signed to promote improved career and edu-
24 cation decision making by students (and par-
25 ents, as appropriate) regarding education and

1 training options and preparations for high skill,
2 high wage occupations;

3 “(B) to make available to students, par-
4 ents, teachers, administrators, and counselors,
5 and improve accessibility to, information and
6 planning resources that relate academic and vo-
7 cational and technical educational preparation
8 to career goals and expectations;

9 “(C) to equip teachers, administrators, and
10 counselors with the knowledge, skills, and occu-
11 pational information needed to assist students
12 and parents with educational and other postsec-
13 ondary opportunities and education financing;

14 “(D) to assist appropriate State entities in
15 tailoring resources and training for use by such
16 entities;

17 “(E) to improve coordination and commu-
18 nication among administrators and planners of
19 programs authorized by this Act and by section
20 15 of the Wagner-Peyser Act (29 U.S.C. 49l-
21 2) at the Federal, State, and local levels to en-
22 sure nonduplication of efforts and the appro-
23 priate use of shared information and data; and

24 “(F) to provide ongoing means for cus-
25 tomers, such as students and parents, to pro-

1 vide comments and feedback on products and
2 services and to update resources, as appro-
3 priate, to better meet customer requirements.”;

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

6 (3) in subsection (f), by striking “1999 through
7 2003” and inserting “2006 through 2011”.

8 **SEC. 11. STATE ADMINISTRATION.**

9 Section 121 (20 U.S.C. 2341) is amended to read as
10 follows:

11 **“SEC. 121. STATE ADMINISTRATION.**

12 “(a) ELIGIBLE AGENCY RESPONSIBILITIES.—The re-
13 sponsibilities of an eligible agency under this title shall
14 include—

15 “(1) coordination of the development, submis-
16 sion, and implementation of the State plan, and the
17 evaluation of the program, services, and activities as-
18 sisted under this title, including preparation for non-
19 traditional fields;

20 “(2) consultation with the Governor and appro-
21 priate agencies, groups, and individuals including
22 parents, students, teachers, representatives of busi-
23 nesses, labor organizations, eligible recipients, State
24 and local officials, and local program administrators,
25 involved in the planning, administration, evaluation,

1 and coordination of programs funded under this
2 title;

3 “(3) convening and meeting as an eligible agen-
4 cy (consistent with State law and procedure for the
5 conduct of such meetings) at such time as the eligi-
6 ble agency determines necessary to carry out the eli-
7 gible agency’s responsibilities under this title, but
8 not less than four times annually; and

9 “(4) the adoption of such procedures as the eli-
10 gible agency considers necessary to—

11 “(A) implement State level coordination
12 with the activities undertaken by the State
13 boards under section 111 of Public Law 105–
14 220; and

15 “(B) make available to the service delivery
16 system under section 121 of Public Law 105–
17 220 within the State a listing of all school drop-
18 out, postsecondary, and adult programs assisted
19 under this title.

20 “(b) EXCEPTION.—Except with respect to the re-
21 sponsibilities set forth in subsection (a), the eligible agen-
22 cy may delegate any of the other responsibilities of the
23 eligible agency that involve the administration, operation,
24 supervision of activities assisted under this title, in whole
25 or in part, to one or more appropriate State agencies.”.

1 **SEC. 12. STATE PLAN.**

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

3 (1) in subsection (a)—

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

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

8 and

9 (C) in paragraph (3), by striking “(includ-
10 ing employers, labor organizations, and par-
11 ents)” and inserting “(including charter school
12 authorizers and organizers, employers, labor or-
13 ganizations, parents, students, and community
14 organizations)”;

15 (2) in subsection (b)(1), by striking “teachers,
16 eligible recipients, parents, students, interested com-
17 munity members” and inserting “academic and vo-
18 cational and technical education teachers, eligible re-
19 cipients, charter school authorizers and organizers,
20 parents, students, interested community members
21 (including parent and community organizations), in-
22 stitutions of higher education”;

23 (3) in subsection (c)—

24 (A) in paragraph (1)—

25 (i) by redesignating subparagraphs

26 (A) through (D) as subparagraphs (B)

1 through (E), respectively, and inserting be-
2 fore such subparagraphs (as so redesign-
3 nated) the following:

4 “(A) the development of model sequences
5 of courses for vocational and technical content
6 areas that—

7 “(i) incorporate both secondary and
8 postsecondary education elements;

9 “(ii) include rigorous and challenging
10 academic content and vocational and tech-
11 nical content in a coordinated, nonduplica-
12 tive progression of courses that align sec-
13 ondary education with postsecondary edu-
14 cation to adequately prepare students to
15 succeed in postsecondary education;

16 “(iii) lead to a postsecondary 1-year
17 certificate, associate or baccalaureate de-
18 gree, or a proficiency credential in conjunc-
19 tion with a secondary school diploma; and

20 “(iv) may be adopted by local edu-
21 cational agencies and postsecondary insti-
22 tutions to be offered as an option to stu-
23 dents (and their parents as appropriate),
24 when choosing future coursework;”;

1 (ii) in subparagraph (B) (as so rededesignated), by inserting “and how the eligible agency will distribute information identifying eligible recipients that offer elements of the model sequences of courses” before the semicolon;

2
3
4
5
6
7 (iii) by amending subparagraph (C) (as so redesignated) to read as follows:

8 “(C) the criteria that will be used by the
9 eligible agency to evaluate and approve eligible
10 recipients for funds under this title, including
11 criteria to assess the extent to which the local
12 plan will promote continuous and substantial
13 improvement in academic achievement and technical
14 skill attainment;”;

15
16 (iv) in subparagraph (D) (as so redesignated)—

17
18 (I) by inserting “, both academically and technically,” after “students”; and

19
20
21 (II) by striking “; and” and inserting “, and how participating students will be made aware of such opportunities;”;

22
23
24

1 (v) in subparagraph (E) (as so redesi-
2 gnated), by inserting “aligned with rig-
3 orous and challenging academic content”
4 before the semicolon; and

5 (vi) by inserting after subparagraph
6 (E) (as so redesignated) the following:

7 “(F) the process through which the eligible
8 agency will develop the secondary or postsec-
9 ondary elements of the model sequences of
10 courses described in subparagraph (A);

11 “(G) the role that any eligible recipients
12 successfully implementing the activities de-
13 scribed in section 135(b)(3) will play in assist-
14 ing other eligible recipients in establishing
15 agreements and plans for coordinating the of-
16 fering of model sequences of courses to students
17 at both the secondary and postsecondary levels;

18 “(H) how funds will be used effectively to
19 link secondary and postsecondary academic and
20 vocational and technical education in a manner
21 that increases student academic and vocational
22 and technical achievement; and

23 “(I) how the eligible agency will report the
24 integration of rigorous and challenging aca-
25 demics in vocational and technical education

1 programs in order to adequately evaluate the
2 quality of such integration;”;

3 (B) by amending paragraph (2) to read as
4 follows:

5 “(2) describes how comprehensive professional
6 development (including initial teacher preparation
7 and activities that support recruitment) for voca-
8 tional and technical, academic, guidance, and admin-
9 istrative personnel will be provided, especially profes-
10 sional development that—

11 “(A) promotes the integration of rigorous
12 and challenging academic and vocational and
13 technical education curriculum development;

14 “(B) increases the percentage of teachers
15 that meet teacher certification or licensing re-
16 quirements;

17 “(C) increases the academic and industry
18 knowledge of vocational and technical education
19 teachers; and

20 “(D) encourages applied learning that con-
21 tributes to the academic and vocational and
22 technical knowledge of the student;”;

23 (C) in paragraph (3), by inserting “aca-
24 demic and vocational and technical” after “par-
25 ents,”;

1 (D) in paragraph (5)(A)—

2 (i) by inserting “(especially as per-
3 taining to math, science, and technology)”
4 after “academic and technical skills”; and

5 (ii) by striking “core academic, and
6 vocational and technical, subjects” and in-
7 serting “core academic subjects (as defined
8 in section 9101(11) of the Elementary and
9 Secondary Education Act of 1965 (20
10 U.S.C. 7801(11))), and vocational and
11 technical subjects”;

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

14 (F) by striking paragraph (19) and redesi-
15 gnating paragraphs (12) through (18) as para-
16 graphs (13) through (19), respectively;

17 (G) by inserting after paragraph (11) the
18 following:

19 “(12) describes how the eligible agency will en-
20 sure that any entity in the State that purchases
21 equipment with funds under this Act will dispose of
22 that equipment in such a manner as to ensure that
23 any personally identifiable information contained in
24 that equipment will be totally destroyed prior to, or
25 as part of, the disposition;”;

1 (H) in paragraph (18) (as so redesignig-
2 nated), by striking “training and employment”
3 and inserting “fields”; and

4 (I) by redesignating paragraphs (20) and
5 (21) as paragraphs (22) and (23), respectively,
6 and inserting after paragraph (19) (as so redesi-
7 gnated) the following:

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

13 “(21) describes how the eligible agency will
14 carry out measurable, sustainable, and coordinated
15 tech-prep activities in the State (as described in sec-
16 tion 135(b)(3)), with funds allocated under section
17 112(a), that are developed in consultation with the
18 entities described in subsection (b)(1) and that effec-
19 tively prepare students for post-secondary education
20 or employment in high-demand occupations through
21 a seamless program of study consisting of appro-
22 priate advanced academic and technical courses that
23 include a minimum of 2 years of secondary school
24 preceding graduation and a minimum of 2 years of

1 higher education or an apprenticeship program of at
2 least 2 years following secondary instruction;” and

3 (4) by striking subsections (d) and (f) and re-
4 designating subsection (e) as subsection (d).

5 **SEC. 13. IMPROVEMENT PLANS.**

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

8 **“SEC. 123. IMPROVEMENT PLANS.**

9 “(a) STATE PROGRAM IMPROVEMENT.—

10 “(1) PLAN.—If a State fails to meet the agreed
11 upon State adjusted levels of performance required
12 under section 113(b)(3), the eligible agency shall de-
13 velop and implement a program improvement plan
14 (with special consideration to performance gaps
15 identified under section 113(c)(2)) in consultation
16 with the appropriate agencies, individuals, and orga-
17 nizations for the first program year succeeding the
18 program year in which the eligible agency failed to
19 meet the State adjusted levels of performance, in
20 order to avoid a sanction under paragraph (3).

21 “(2) TECHNICAL ASSISTANCE.—If the Sec-
22 retary determines that an eligible agency is not
23 properly implementing the eligible agency’s respon-
24 sibilities under section 122, or is not making sub-
25 stantial progress in meeting the purposes of this

1 Act, based on the State’s adjusted levels of perform-
2 ance, the Secretary shall work with the eligible agen-
3 cy to implement improvement activities consistent
4 with the requirements of this Act.

5 “(3) SUBSEQUENT ACTION.—

6 “(A) IN GENERAL.—If an eligible agency
7 fails to meet the State adjusted levels of per-
8 formance and the purposes of this Act, has not
9 implemented an improvement plan as described
10 in paragraph (1), has shown no improvement
11 within 1 year after implementing an improve-
12 ment plan as described in paragraph (1), or has
13 failed to meet the State adjusted levels of per-
14 formance and the purposes of this Act for 2 or
15 more consecutive years, the Secretary may,
16 after notice and opportunity for a hearing,
17 withhold from the eligible agency all, or a por-
18 tion of, the eligible agency’s allotment under
19 this title.

20 “(B) WAIVER FOR EXCEPTIONAL CIR-
21 CUMSTANCES.—The Secretary may waive the
22 sanction in subparagraph (A) due to exceptional
23 or uncontrollable circumstances, such as a nat-
24 ural disaster or a precipitous and unforeseen
25 decline in the financial resources of the State.

1 “(4) FUNDS RESULTING FROM REDUCED AL-
2 LOTMENTS.—

3 “(A) IN GENERAL.—The Secretary shall
4 use funds withheld under paragraph (3) for a
5 State served by an eligible agency, to provide
6 (through alternative arrangements) services and
7 activities within the State to meet the purposes
8 of this Act.

9 “(B) REDISTRIBUTION.—If the Secretary
10 cannot satisfactorily use funds withheld under
11 paragraph (3), then the amount of funds re-
12 tained by the Secretary as a result of a reduc-
13 tion in an allotment made under paragraph (3)
14 shall be redistributed to other eligible agencies
15 in accordance with section 111.

16 “(b) LOCAL PROGRAM IMPROVEMENT.—

17 “(1) LOCAL EVALUATION.—Each eligible agen-
18 cy shall evaluate annually, using the local adjusted
19 levels of performance described in section 113(b)(4),
20 the vocational and technical education activities of
21 each eligible recipient receiving funds under this
22 title.

23 “(2) PLAN.—

24 “(A) IN GENERAL.—If, after reviewing the
25 evaluation, the eligible agency determines that

1 an eligible recipient is not making substantial
2 progress in achieving the local adjusted levels of
3 performance, or that an eligible recipient dem-
4 onstrates under section 113(b)(4)(C) persistent
5 or a widening of performance gaps between
6 multiple categories of students served by the eli-
7 gible recipient in comparison to all students in
8 the State served under the Act, the eligible
9 agency shall—

10 “(i) conduct an assessment of the
11 educational needs that the eligible recipient
12 shall address to overcome local perform-
13 ance deficiencies;

14 “(ii) enter into an improvement plan
15 agreement with an eligible recipient based
16 on the results of the assessment, for the
17 first program year succeeding the program
18 year in which the eligible recipient failed to
19 meet the local adjusted levels of perform-
20 ance, which plan shall demonstrate how
21 the local performance deficiencies will be
22 corrected and include strategies for profes-
23 sional development and instructional and
24 other programmatic innovations of dem-
25 onstrated effectiveness, giving special con-

1 sideration to performance gaps identified
2 under section 113(b)(4)(C); and

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

9 “(B) CONSULTATION.—The eligible agency
10 shall conduct the activities described in para-
11 graph (2) in consultation with teachers, par-
12 ents, other school staff, appropriate agencies,
13 and other appropriate individuals and organiza-
14 tions.

15 “(3) TECHNICAL ASSISTANCE.—If the eligible
16 agency determines that an eligible recipient is not
17 properly implementing the eligible recipient’s respon-
18 sibilities under section 134, or is not making sub-
19 stantial progress in meeting the purpose of this Act,
20 based on the local adjusted levels of performance,
21 the eligible agency shall provide technical assistance
22 to the eligible recipient to assist such recipient in
23 carrying out the improvement activities consistent
24 with the requirements of this Act.

25 “(4) SUBSEQUENT ACTION.—

1 “(A) IN GENERAL.—If an eligible recipient
2 fails to meet the local adjusted levels of per-
3 formance as described in section 113(b)(4) and
4 the purposes of this Act, has not implemented
5 an improvement plan as described in paragraph
6 (2), has shown no improvement within 1 year
7 after implementing an improvement plan as de-
8 scribed in paragraph (2), or has failed to meet
9 the local adjusted levels of performance and the
10 purposes of this Act for 2 or more consecutive
11 years, the eligible agency may, after notice and
12 opportunity for a hearing, withhold from the el-
13 igible recipient all, or a portion of, the eligible
14 recipient’s allotment under this title.

15 “(B) WAIVER FOR EXCEPTIONAL CIR-
16 CUMSTANCES.—The eligible agency may waive
17 the sanction under this paragraph due to excep-
18 tional or uncontrollable circumstances such as a
19 natural disaster or a precipitous and unforeseen
20 decline in the financial resources of the State.

21 “(5) FUNDS RESULTING FROM REDUCED AL-
22 LOTMENTS.—The eligible agency shall use funds
23 withheld under paragraph (4) to continue to provide
24 (through alternative arrangements) services and ac-

1 tivities in the area served by such recipient to meet
2 the purpose of this Act.”.

3 **SEC. 14. STATE LEADERSHIP ACTIVITIES.**

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

5 (1) in subsection (b)—

6 (A) in paragraph (1), by striking “learn-
7 ing” and inserting “education”;

8 (B) in paragraph (2)—

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

13 (ii) in subparagraph (B)—

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

18 (II) by striking “and tele-
19 communications field” and inserting
20 “fields, including nontraditional
21 fields”;

22 (C) in paragraph (3)—

23 (i) by inserting “at the secondary and
24 postsecondary levels” after “academic,
25 guidance, and administrative personnel”;

1 (ii) by redesignating subparagraphs
2 (A) through (D) as subparagraphs (C)
3 through (F), respectively, and inserting be-
4 fore such subparagraphs (as so redesi-
5 gnated) the following:

6 “(A) will provide inservice and preservice
7 training for vocational and technical education
8 teachers in the integration and use of rigorous
9 and challenging academics with vocational and
10 technical subjects;

11 “(B) are high quality, sustained, intensive,
12 and classroom-focused in order to have a posi-
13 tive and lasting impact on classroom instruction
14 and the teacher’s performance in the classroom,
15 and are not 1-day or short-term workshops or
16 conferences;”;

17 (iii) in subparagraph (C) (as so redesi-
18 gnated)—

19 (I) by inserting “scientifically
20 based” after “based on”; and

21 (II) by striking “; and” and in-
22 serting a semicolon;

23 (iv) in subparagraph (D) (as so redesi-
24 gnated), by striking “assist students in

1 meeting” and inserting “improve student
2 achievement in order to meet”; and

3 (v) by amending subparagraph (E)
4 (as so redesignated) to read as follows:

5 “(E) will support education programs for
6 teachers of vocational and technical education
7 in public schools and other public school per-
8 sonnel who are involved in the direct delivery of
9 educational services to vocational and technical
10 education students to ensure that teachers and
11 personnel—

12 “(i) stay current with the needs, ex-
13 pectations, and methods of industry;

14 “(ii) meet teacher certification or li-
15 censing requirements, especially in core
16 academic subjects as defined in section
17 9101(11) of the Elementary and Sec-
18 ondary Education Act of 1965 (20 U.S.C.
19 7801(11));

20 “(iii) effectively develop integrated
21 rigorous and challenging academic and vo-
22 cational and technical education cur-
23 riculum;

24 “(iv) develop a high level of academic
25 and industry knowledge and skills nec-

1 essary to provide effective instruction in
2 vocational and technical education; and

3 “(v) effectively use applied learning
4 that contributes to the academic and voca-
5 tional and technical knowledge of the stu-
6 dent; and”;

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

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

18 (F) in paragraph (6), by inserting “and
19 complete a model sequence of courses, as de-
20 scribed in section 122(c)(1)(A)” after “tech-
21 nical skills”;

22 (G) in paragraph (7), by striking “; and”
23 and inserting a semicolon;

24 (H) in paragraph (8), by striking the pe-
25 riod and inserting “; and”; and

1 (I) by inserting after paragraph (8) the
2 following:

3 “(9) technical assistance for eligible recipi-
4 ents.”; and

5 (2) in subsection (c)—

6 (A) by striking paragraph (1), and redesignig-
7 nating paragraphs (2) through (10) as para-
8 graphs (1) through (9), respectively, and para-
9 graphs (11) and paragraphs (13) and (14), re-
10 spectively;

11 (B) in paragraph (9) (as so redesignated),
12 by inserting “that prepare individuals academi-
13 cally and technically for current and emerging
14 occupations in demand” after “education
15 courses”; and

16 (C) by inserting after paragraph (9) (as so
17 redesignated) the following:

18 “(10) awarding incentive grants to eligible re-
19 cipients for exemplary performance in carrying out
20 programs under this Act, which awards shall be
21 based on—

22 “(A) eligible recipients exceeding chal-
23 lenging performance measures established
24 under section 113(b) in a manner that reflects
25 sustained or significant improvement;

1 “(B) eligible recipients effectively devel-
2 oping connections between secondary education
3 and postsecondary education and training;

4 “(C) the adoption and integration of rig-
5 orous and challenging academic and technical
6 coursework;

7 “(D) an eligible recipient’s progress in hav-
8 ing special populations participating in voca-
9 tional and technical education programs meet
10 local adjusted levels of performance; or

11 “(E) other factors relating to the perform-
12 ance of the eligible recipient under this Act as
13 the eligible agency determines are appropriate;

14 “(11) providing for activities to support entre-
15 preneurship education and training;

16 “(12) support for initiatives to facilitate the
17 transition of sub-baccalaureate career and technical
18 education students into baccalaureate degree pro-
19 grams, including—

20 “(A) statewide articulation agreements be-
21 tween sub-baccalaureate degree granting career
22 and technical postsecondary educational institu-
23 tions and baccalaureate degree granting post-
24 secondary educational institutions;

1 “(B) postsecondary dual and concurrent
2 enrollment program;

3 “(C) academic and financial aid coun-
4 seling; and

5 “(D) other initiatives to—

6 “(i) encourage the pursuit of a bacca-
7 laurate degree; and

8 “(ii) overcome barriers to participa-
9 tion in baccalaureate degree programs, in-
10 cluding geographic and other barriers af-
11 fecting rural students and special popu-
12 lations;”.

13 **SEC. 15. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL**
14 **PROGRAMS.**

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

16 (1) by striking subsection (a) and redesignating
17 subsections (b) through (i) as subsections (a)
18 through (h), respectively;

19 (2) in subsection (a) (as so redesignated)—

20 (A) in the subsection heading, by striking
21 “Special” and “for Succeeding Fiscal Years”;
22 and

23 (B) by striking “for fiscal year 2000 and
24 succeeding fiscal years”; and

25 (3) in subsection (b) (as so redesignated)—

1 (A) by striking “subsection (b)” and in-
2 serting “subsection (a)”; and

3 (B) by striking “(42 U.S.C. 9902(2))” and
4 inserting “(42 U.S.C. 9902(2))”.

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

6 Section 133 (20 U.S.C. 2353) is amended by striking
7 subsection (b) and redesignating subsections (c) and (d)
8 as subsections (b) and (c), respectively.

9 **SEC. 17. LOCAL PLAN FOR VOCATIONAL AND TECHNICAL**
10 **EDUCATION PROGRAMS.**

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

12 (1) in paragraph (2), by inserting “and local”
13 after “State”;

14 (2) in paragraph (3)—

15 (A) by redesignating subparagraphs (A)
16 through (C) as subparagraphs (B) through (D),
17 respectively, and inserting before such subpara-
18 graphs the following:

19 “(A) offer the appropriate courses of at
20 least one of the model sequences of courses de-
21 scribed in section 124(c)(1), as appropriate to
22 the eligible recipient responsible for that ele-
23 ment of the sequence;”;

24 (B) in subparagraph (B) (as so redesign-
25 nated)—

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

3 (ii) by inserting “subjects (as defined
4 by section 9101(11) of the Elementary and
5 Secondary Education Act of 1965 (20
6 U.S.C. 7801(11)))” after “core academic”;
7 and

8 (C) in subparagraph (D) (as so redesign-
9 nated), by inserting “rigorous and” after
10 “taught to the same”;

11 (3) by redesignating paragraphs (4) through
12 (10) as paragraphs (5) through (11), respectively,
13 and inserting after paragraph (3) the following:

14 “(4) describe how comprehensive professional
15 development (including initial teacher preparation)
16 for vocational and technical, academic, guidance,
17 and administrative personnel will be provided that
18 promotes the integration of rigorous and challenging
19 academic and technical education (including cur-
20 riculum development);”;

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

22 (A) by inserting “academic and vocational
23 and technical” after “students,”; and

24 (B) by inserting “(including the eligible re-
25 cipients that offer elements of the model se-

1 quence of courses)” after “such individuals and
2 entities”; and

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

4 (A) in subparagraph (A), by striking “;
5 and” and inserting a semicolon;

6 (B) in subparagraph (B), by inserting
7 “and” after the semicolon; and

8 (C) by inserting after subparagraph (B)
9 the following:

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

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

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

16 (1) in subsection (b)—

17 (A) in paragraph (1), by striking “to en-
18 sure learning in the core academic” and insert-
19 ing “as established in the State-developed
20 model sequences of courses described in section
21 122(c)(1)(A) to ensure learning in the core aca-
22 demic subjects (as defined by section 9101(11)
23 of the Elementary and Secondary Education
24 Act of 1965 (20 U.S.C. 7801(11)))”;

25 (B) by striking paragraph (8);

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

5 “(2) link secondary vocational and technical
6 education and postsecondary vocational and tech-
7 nical education, including offering model sequences
8 of courses and implementing tech-prep programs
9 consistent with the activities described in paragraph
10 (3);

11 “(3) support tech-prep programs (if the eligible
12 recipient receives the funds from the eligible agency
13 under section 112(a)(1)) that—

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

17 “(i) a local educational agency, an in-
18 termediate educational agency or area vo-
19 cational and technical education school
20 serving secondary school students, or a
21 secondary school funded by the Bureau of
22 Indian Affairs; and

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

1 “(aa) a 2- or 4-year degree
2 program, or a 2-year certificate
3 program, and is qualified as an
4 institution of higher education
5 pursuant to section 102 of the
6 Higher Education Act of 1965
7 (20 U.S.C. 1002) (except those
8 institutions described in section
9 102(a)(1)(C) of such Act), in-
10 cluding an institution receiving
11 assistance under the Tribally
12 Controlled College or University
13 Assistance Act of 1978 (25
14 U.S.C. 1801 et seq.) and a trib-
15 ally controlled postsecondary vo-
16 cational and technical institution;
17 or

18 “(bb) a 2-year apprentice-
19 ship program that follows sec-
20 ondary instruction, if such non-
21 profit institution of higher edu-
22 cation is not prohibited from re-
23 ceiving assistance under part B
24 of title IV of the Higher Edu-
25 cation Act of 1965 (20 U.S.C.

1 1071 et seq.) pursuant to the
2 provisions of section 435(a)(3) of
3 such Act (20 U.S.C. 1083(a)); or

4 “(II) a proprietary institution of high-
5 er education that offers a 2-year associate
6 degree program and is qualified as an in-
7 stitution of higher education pursuant to
8 section 102 of the Higher Education Act
9 of 1965 (20 U.S.C. 1002), if such propri-
10 etary institution of higher education is not
11 subject to a default management plan re-
12 quired by the Secretary,

13 and may include nonprofit organizations that
14 provide eligible recipients with technology and
15 programs to enhance math and science skills,
16 employers, and labor organizations;

17 “(B) consist of a minimum of 2 years of
18 secondary school preceding graduation and a
19 minimum of 2 years of higher education, or an
20 apprenticeship program of at least 2 years, fol-
21 lowing secondary instruction;

22 “(C) meet academic standards developed
23 by the State, including standards developed
24 under section 1111 of the Elementary and Sec-
25 ondary Education Act of 1965 (20 U.S.C.

1 6311) for secondary students, and support pro-
2 ficiency in mathematics, science, reading, writ-
3 ing, communications, and technologies;

4 “(D) are comprised of model sequences of
5 courses that integrate rigorous and challenging
6 academics and vocational and technical edu-
7 cation;

8 “(E) provide technical preparation in a ca-
9 reer field such as engineering technology; ap-
10 plied science; a mechanical, industrial, or prac-
11 tical art or trade; agriculture; health occupa-
12 tions; business; applied economics; advanced
13 manufacturing; or other high-skill, high-wage,
14 high-demand occupations as determined by the
15 State;

16 “(F) use, if appropriate and available,
17 work-based or worksite learning in conjunction
18 with academic and vocational and technical edu-
19 cation;

20 “(G) use educational technology and dis-
21 tance learning, as appropriate, to involve all the
22 consortium partners more fully in the develop-
23 ment and operation of programs;

24 “(H) facilitate and promote close working
25 relationships among eligible recipients to ensure

1 that programs within a geographic area are
2 closely integrated with tech-prep program ac-
3 tivities;

4 “(I) are sustainable and use performance
5 indicator data, described in section 113, to in-
6 form program quality;

7 “(J) include academic and career coun-
8 seling for participants that provides information
9 to students (and parents, as appropriate) re-
10 garding tech-prep programs and supports stu-
11 dent progress in completing tech-prep pro-
12 grams;

13 “(K) include in-service training for teach-
14 ers that—

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

17 “(ii) is designed to ensure that teach-
18 ers and administrators stay current with
19 the needs, expectations, and methods of
20 business and all aspects of an industry;
21 and

22 “(L) provide students with transferable
23 credit between the consortium members, as de-
24 scribed in subparagraph (A), and may include

1 programs that allow secondary programs to be
2 co-located on postsecondary campuses;”;

3 (D) in paragraph (5) (as so redesign-
4 nated)—

5 (i) by inserting “, and the related
6 math and science education” after “use of
7 technology in vocational and technical edu-
8 cation”;

9 (ii) in subparagraph (B)—

10 (I) by inserting “(including the
11 math and science knowledge that pro-
12 vides a strong basis for such skills)”
13 after “technical skills”; and

14 (II) by striking “and tele-
15 communications field” and inserting
16 “fields”; and

17 (iii) in subparagraph (C)—

18 (I) by striking “work” and in-
19 serting “collaborate”; and

20 (II) by inserting “that improve
21 the math and science knowledge of
22 students” after “mentoring pro-
23 grams”;

24 (E) in paragraph (6) (as so redesign-
25 nated)—

1 (i) by striking “teachers,” and insert-
2 ing “secondary and postsecondary teach-
3 ers, instructors,”; and

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

11 (F) by inserting after paragraph (9) (as so
12 redesignated) the following:

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

17 (2) in subsection (c)—

18 (A) in paragraph (2), by inserting “, re-
19 garding the range of postsecondary options
20 available, including for adult students who are
21 changing careers or updating skills” before the
22 semicolon;

23 (B) in paragraph (5), by inserting “, in-
24 cluding the establishment and operation of spe-
25 cial arrangements with industry partners that

1 allow qualified industry professionals to serve as
2 faculty in postsecondary programs” before the
3 semicolon;

4 (C) in paragraph (8), by striking “aides”
5 and inserting “aids and publications”;

6 (D) in paragraph (9), by inserting “that
7 address the integration of academic and voca-
8 tional and technical education and” after
9 “teacher preparation programs”;

10 (E) by redesignating paragraphs (10)
11 through (14) as paragraphs (12) through (16),
12 and paragraph (15) as paragraph (20), respec-
13 tively, and inserting after paragraph (9) the fol-
14 lowing:

15 “(10) to develop and expand postsecondary pro-
16 gram offerings that are accessible by students, in-
17 cluding the use of distance education;

18 “(11) to provide activities to support entrepre-
19 neurship education and training;”;

20 (F) in paragraph (12) (as so redesign-
21 ated), by inserting “, including development of
22 new proposed model sequences of courses for
23 consideration by the eligible agency and courses
24 that prepare individuals academically and tech-
25 nically for current and emerging occupations

1 that are in demand, and dual enrollment oppor-
2 tunities by which secondary vocational and
3 technical education students could obtain post-
4 secondary credit to count towards an associate
5 or baccalaureate degree” before the semicolon;

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

8 “(16) to support training in nontraditional
9 fields;”; and

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

12 “(17) to provide accurate information relating
13 to the availability of supportive services available in
14 an area served by the eligible recipient, and referral
15 to such services, as appropriate;

16 “(18) to support the activities described in sub-
17 section (b)(3);

18 “(19) for programs that assist in the training
19 of automotive technicians in diesel retrofitting, hy-
20 brid, hydrogen, and alternative fuel automotive tech-
21 nologies; and”.

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

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

24 **SEC. 20. GENERAL PROVISIONS.**

25 (a) REDESIGNATION OF TITLE III.—

1 (1) REDESIGNATION.—Title III (20 U.S.C.
2 2391 et seq.) is amended—

3 (A) by striking section 318;

4 (B) by redesignating such title as title II
5 of such Act; and

6 (C) by redesignating sections 311 through
7 317 as section 211 through 217 and sections
8 321 through 325 as sections 221 through 225,
9 respectively.

10 (2) TABLE OF CONTENTS AMENDMENT.—The
11 table of contents in section 1(b) is amended—

12 (A) by striking the items relating to title
13 III; and

14 (B) by amending the items relating to title
15 II to read as follows:

“TITLE II—GENERAL PROVISIONS

“PART A—FEDERAL ADMINISTRATIVE PROVISIONS

“Sec. 211. Fiscal requirements.

“Sec. 212. Authority to make payments.

“Sec. 213. Construction.

“Sec. 214. Voluntary selection and participation.

“Sec. 215. Limitation for certain students.

“Sec. 216. Federal laws guaranteeing civil rights.

“Sec. 217. Participation of private school children and personnel.

“PART B—STATE ADMINISTRATIVE PROVISIONS

“Sec. 221. Joint funding.

“Sec. 222. Prohibition on use of funds to induce out-of-State relocation of busi-
nesses.

“Sec. 223. State administrative costs.

“Sec. 224. Limitation on Federal regulations.

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

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

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

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

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

15 “(a) PARTICIPATION ON EQUITABLE BASIS.—

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

1 after consultation with appropriate private school of-
2 ficials—

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

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

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

1 to, or contracts with, other public or private agen-
2 cies, institutions, or organizations.

3 “(b) EQUAL EXPENDITURES.—

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

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

22 “(c) ADMINISTRATIVE REQUIREMENTS.—

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

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

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

8 “(2) PROVISION OF SERVICES.—Services pro-
9 vided under this Act shall be provided by employees
10 of a public agency or through contract by such a
11 public agency with a person, association, agency, or-
12 ganization, institution or corporation that, in the
13 provision of such services, is independent of the pri-
14 vate school and of any religious organizations, and
15 such employment or contract shall be under the con-
16 trol and supervision of such a public agency. The
17 funds utilized under this section shall not be com-
18 mingled with State or local funds.

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

1 Act. Such meetings shall include a discussion of
2 service delivery mechanisms (including third party
3 contractors) and shall continue throughout imple-
4 mentation and assessment of services under this Act.

5 “(d) WAIVER AND BYPASS PROCEDURES.—

6 “(1) STATE PROHIBITION.—If an eligible agen-
7 cy or local educational agency is prohibited, by rea-
8 son of any provision of law, from providing for the
9 participation in programs of children enrolled in pri-
10 vate elementary schools and secondary schools as re-
11 quired by subsections (a) through (c), the Secretary
12 shall waive such requirements for the agency in-
13 volved and shall arrange for the provision of services
14 to such children through arrangements that shall be
15 subject to the requirements of this section.

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

1 ments that shall be subject to the requirements of
2 this section.

3 “(3) PAYMENT FROM STATE ALLOTMENT.—
4 When the Secretary arranges for services under this
5 subsection, the Secretary shall, after consultation
6 with the appropriate public school and private school
7 officials, pay the cost of such services, including the
8 administrative costs of arranging for those services,
9 from the appropriate allotment of the eligible agency
10 under this Act.

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

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

1 retary’s designee to show cause why that action
2 should not be taken.

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

11 “(f) PRIOR DETERMINATION.—Any bypass deter-
12 mination by the Secretary under Title I or Title IX of
13 the Elementary and Secondary Education Act of 1965
14 shall, to the extent consistent with the purposes of this
15 Act, apply to programs under this Act until such deter-
16 minations terminate or expire.”.

Passed the House of Representatives May 4, 2005.

Attest:

JEFF TRANDAHL,

Clerk.

Calendar No. 155

109TH CONGRESS
1ST Session

H. R. 366

AN ACT

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

JULY 1, 2005

Read twice and placed on the calendar