

# Union Calendar No. 401

108TH CONGRESS  
2D SESSION

# H. R. 4496

[Report No. 108-659]

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2004

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

SEPTEMBER 7, 2004

Additional sponsors: Mr. McKEON, Mr. NORWOOD, Mr. UPTON, Mr. EHLERS, Mr. ISAKSON, Mr. BURNS, and Mr. VITTER

SEPTEMBER 7, 2004

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

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

[For text of introduced bill, see copy of bill as introduced on June 3, 2004]

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## A BILL

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

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

3       **SECTION 1. SHORT TITLE.**

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

6       **SEC. 2. REFERENCES.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13           “(22) *SCIENTIFICALLY BASED RESEARCH*.—The  
 14          term ‘scientifically based research’ has the meaning  
 15          given that term in section 9101(37) of the Elementary  
 16          and Secondary education Act of 1965 (20 U.S.C.  
 17          780137).”;

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

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

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

24           (C) in subparagraph (F)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13                *“There is authorized to be appropriated to carry out*  
 14        *this Act (other than subsection (a), (b), and (c) of section*  
 15        *114, and sections 117 and 118) \$1,307,000,000 for fiscal*  
 16        *year 2005 and such sums as may be necessary for each of*  
 17        *fiscal years 2006 through 2010.”.*

18        **SEC. 6. PROHIBITIONS.**

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

23        **“SEC. 9. PROHIBITIONS.**

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

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

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

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

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

21       “(b) *CONFORMING AMENDMENT.—The table of contents*  
22 *in section 1(b) is amended by inserting after the item relat-*  
23 *ing to section 8, the following new item:*

*“Sec. 9. Prohibitions.”.*



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

2 (a) *ALLOTMENT FOR NATIONAL ACTIVITIES FOR*  
 3 *2005.—Section 111(a)(1) (20 U.S.C. 2321(a)(1)) is amend-*  
 4 *ed to read as follows:*

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

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

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

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

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

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

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

19 (1) *in paragraph (3), by striking “(or in the*  
 20 *case of fiscal year 1999” and all that follows through*  
 21 *“Amendments of 1998)” each place it appears and in-*  
 22 *serting “(or in the case of fiscal year 2005 only,*  
 23 *under this section and under title II of this Act, as*  
 24 *such section and title were in effect on the day before*  
 25 *the date of enactment of the Vocational and Technical*  
 26 *Education for the Future Act)”;* and

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

3                   “(A) *IN GENERAL.—No State shall receive*  
 4           *an allotment under this section for a fiscal year*  
 5           *that is less than the allotment the State received*  
 6           *for fiscal year 2004 under this section and under*  
 7           *title II of this Act (as such section and title were*  
 8           *in effect on the day before the date of enactment*  
 9           *of the Vocational and Technical Education for*  
 10          *the Future Act).’.*”

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

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

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

19                   “(1) *Subject to paragraph (4), not less than 88*  
 20           *percent shall be made available for distribution under*  
 21           *section 131 or 132, of which the eligible agency shall*  
 22           *first make available for the activities described in sec-*  
 23           *tion 135(b)(3) not less than the amount allotted in*  
 24           *fiscal year 2004 to such eligible agency under title II*  
 25           *of this Act (as such title was in effect on the day be-*

1     *fore the date of enactment of the Vocational and Tech-*  
2     *nical Education for the Future Act), reduced by the*  
3     *percentage by which the amount allotted to the State*  
4     *under section 111 for the fiscal year is less than the*  
5     *amount allotted under such section to such State for*  
6     *fiscal year 2004. Of the remainder of the 88 percent,*  
7     *not more than 10 percent may be used in accordance*  
8     *with subsection (c).*

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

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

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

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

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

3               *“(A) developing the State plan;*

4               *“(B) reviewing the local plan;*

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

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

9               *“(E) providing technical assistance.*

10              *“(4) If the amount allocated for any fiscal year*  
11       *under paragraph (2) shall be less than the amount al-*  
12       *located under such paragraph for fiscal year 2004,*  
13       *additional amounts may be made available from the*  
14       *amount allocated under paragraph (1) for the pur-*  
15       *poses described in paragraph (2). If such additional*  
16       *amounts are made available under this paragraph,*  
17       *the percentage of the total amount allotted under sec-*  
18       *tion 111 that is allocated for the purposes described*  
19       *in paragraph (2) shall not exceed the percentage of*  
20       *the total amount allotted under section 111 for fiscal*  
21       *year 2004 that was allocated under paragraph (2) for*  
22       *fiscal year 2004.”; and*

23              *(2) in subsection (c)—*

24              *(A) in paragraph (1)—*

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

9 **SEC. 8. ACCOUNTABILITY.**

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

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

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

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

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

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

12          (iv) in clause (ii)—

13               (I) by striking “or its recognized  
14               equivalent” and inserting “or the Gen-  
15               eral Educational Development creden-  
16               tial (including recognized alternative  
17               standards for individuals with disabil-  
18               ities)”;

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

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

23               “(iii) Student graduation rates (as de-  
24               scribed in section 111(b)(2)(C)(vi) of the El-  
25               ementary and Secondary Education Act of

1           1965 (20 U.S.C. 6311(b)(2)(C)(vi))), place-  
 2           ment in postsecondary education or ad-  
 3           vanced training, placement in military  
 4           service, or placement in employment.”; and  
 5           (vi) in clause (iv), by striking “train-  
 6           ing and employment” and inserting  
 7           “fields”;

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

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

17           “(i) Student attainment of challenging  
 18           academic and vocational and technical skill  
 19           proficiencies.

20           “(ii) Student retention in postsec-  
 21           ondary education, attainment of an asso-  
 22           ciate degree or postsecondary credential, or  
 23           transfer to a baccalaureate degree program.

24           “(iii) Placement in military service or  
 25           placement or retention in employment.

1                   “(iv) *Student participation in and*  
 2                   *completion of vocational and technical edu-*  
 3                   *cation programs in nontraditional fields.”;*

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

7                   *(E) in subparagraph (D) (as so redesign-*  
 8                   *ated), by inserting “vocational and technical*  
 9                   *education” after “has developed State”; and*  
 10                  *(2) in paragraph (3)—*

11                  *(A) by amending the paragraph heading to*  
 12                  *read as follows:*

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

14                  *(B) in subparagraph (A)—*

15                  *(i) in clause (i)—*

16                         *(I) by striking “paragraph*  
 17                         *(2)(A)” and inserting “subparagraphs*  
 18                         *(A) and (B) of paragraph (2)”;* and

19                         *(II) in subclause (II), by striking*  
 20                         *“to continually” and all that follows*  
 21                         *through “performance”, and inserting*  
 22                         *“to make continuous and substantial*  
 23                         *improvement in the academic and vo-*  
 24                         *cational and technical achievement”;*



1                   (ii) by amending clause (v) to read as  
2 follows:

3                   “(v) AGREEMENT ON STATE ADJUSTED  
4 LEVELS OF PERFORMANCE FOR SUBSE-  
5 QUENT YEARS.—

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

17                   “(II) 5TH AND 6TH PROGRAM  
18 YEARS.—Prior to the fifth program  
19 year covered by the State plan, the  
20 Secretary and each eligible agency  
21 shall reach agreement on the State ad-  
22 justed levels of performance for each of  
23 the core indicators of performance for  
24 the fifth and sixth programs years cov-  
25 ered by the State plan, taking into ac-

1 count the factors described in clause  
2 (vi).

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

11 (iii) in clause (vi)(II), by inserting  
12 “and substantial” after “continuous”; and

13 (iv) in clause (vii), by striking “under  
14 clause (iii) or (iv)” and inserting “under  
15 clause (iii) or (v)”.

16 (c) LOCAL LEVELS OF PERFORMANCE.—Section  
17 113(b) is further amended by adding at the end the fol-  
18 lowing:

19 “(4) LOCAL LEVELS OF PERFORMANCE.—

20 “(A) LOCAL ADJUSTED LEVELS OF PER-  
21 FORMANCE FOR CORE INDICATORS OF PERFORM-  
22 ANCE.—

23 “(i) IN GENERAL.—Each eligible re-  
24 cipient shall establish in the local plan sub-  
25 mitted under section 134, levels of perform-

1            *ance for each of the core indicators of per-*  
2            *formance described in paragraph (2)(A)*  
3            *and (B), as appropriate for the eligible re-*  
4            *cipient, for vocational and technical edu-*  
5            *cation activities authorized under this title.*  
6            *The levels of performance established under*  
7            *this subparagraph shall, at a minimum—*

8                    *“(I) be expressed in a percentage*  
9                    *or numerical form, so as to be objec-*  
10                   *tive, quantifiable, and measurable; and*

11                   *“(II) require the eligible recipient*  
12                   *to make continuous and substantial*  
13                   *improvement in the academic and vo-*  
14                   *cational and technical achievement of*  
15                   *vocational and technical education stu-*  
16                   *dents.*

17                   *“(ii) IDENTIFICATION IN THE LOCAL*  
18                   *PLAN.—Each eligible recipient shall iden-*  
19                   *tify, in the local plan submitted under sec-*  
20                   *tion 134, levels of performance for each of*  
21                   *the core indicators of performance for the*  
22                   *first 2 program years covered by the local*  
23                   *plan.*

24                   *“(iii) AGREEMENT ON LOCAL AD-*  
25                   *JUSTED LEVELS OF PERFORMANCE FOR*

1            *FIRST 2 YEARS.—The eligible agency and*  
 2            *each eligible recipient shall reach agreement*  
 3            *on the levels of performance for each of the*  
 4            *core indicators of performance, for the first*  
 5            *2 program years covered by the local plan,*  
 6            *taking into account the levels identified in*  
 7            *the local plan under clause (ii) and the fac-*  
 8            *tors described in clause (v). The levels of*  
 9            *performance agreed to under this clause*  
 10           *shall be considered to be the local adjusted*  
 11           *level of performance for the eligible recipient*  
 12           *for such years and shall be incorporated*  
 13           *into the local plan prior to the approval of*  
 14           *such plan.*

15                    *“(iv) AGREEMENT ON LOCAL AD-*  
 16                    *JUSTED LEVELS OF PERFORMANCE FOR*  
 17                    *SUBSEQUENT YEARS.—*

18                    *“(I) 3RD AND 4TH PROGRAM*  
 19                    *YEARS.—Prior to the third program*  
 20                    *year covered by the local plan, the eli-*  
 21                    *gible agency and each eligible recipient*  
 22                    *shall reach agreement on the local ad-*  
 23                    *justed levels of performance for each of*  
 24                    *the core indicators of performance for*  
 25                    *the third and fourth program years*

covered by the local plan, taking into account the factors described in clause (v).

“(II) 5TH AND 6TH PROGRAM YEARS.—Prior to the fifth program year 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 fifth and sixth program years covered by the local plan, taking into account the factors described in clause (v).

“(III) AGREEMENTS INCORPORATED INTO LOCAL PLAN.—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—

1                   “(I) how the levels of performance  
2                   involved compare with the local ad-  
3                   justed levels of performance established  
4                   for other eligible recipients taking into  
5                   account factors including the charac-  
6                   teristics of participants when the par-  
7                   ticipants entered the program and the  
8                   services or instruction to be provided;  
9                   and

10                  “(II) the extent to which such lev-  
11                  els of performance promote continuous  
12                  and substantial improvement on the  
13                  indicators of performance by such eli-  
14                  gible recipient.

15                  “(vi) *REVISIONS.*—If unanticipated  
16                  circumstances arise with respect to an eligi-  
17                  ble recipient resulting in a significant  
18                  change in the factors described in clause  
19                  (v)(II), the eligible recipient may request  
20                  that the local adjusted levels of performance  
21                  agreed to under clause (iii) or (iv) be re-  
22                  vised. The eligible agency shall issue objec-  
23                  tive criteria and methods for making such  
24                  revisions.

1           “(B) *LEVELS OF PERFORMANCE FOR ADDI-*  
 2           *TIONAL INDICATORS.*—*Each eligible recipient*  
 3           *may identify in the local plan, local levels of*  
 4           *performance for any additional indicators of*  
 5           *performance. Such levels shall be considered to be*  
 6           *the local levels of performance for purposes of*  
 7           *this title.*

8           “(C) *LOCAL REPORT.*—

9           “(i) *CONTENT OF REPORT.*—*Each eli-*  
 10           *gible recipient that receives an allotment*  
 11           *under section 111 shall annually prepare*  
 12           *and submit to the eligible agency a report,*  
 13           *regarding—*

14           “(I) *the progress of such recipient*  
 15           *in achieving the local adjusted levels of*  
 16           *performance on the core indicators of*  
 17           *performance; and*

18           “(II) *in the case of an eligible re-*  
 19           *cipient that receives funds described in*  
 20           *section 112(a) for activities described*  
 21           *in section 135(b)(3), the progress in*  
 22           *achieving the local adjusted levels of*  
 23           *performance on the core indicators*  
 24           *with respect to tech prep program par-*  
 25           *ticipants.*

1 “(ii) *DISAGGREGATION OF DATA.*—

2 *Each eligible recipient shall—*

3 “(I) *disaggregate data for each of*  
4 *the indicators of performance under*  
5 *section 113(b)(2) for the categories of*  
6 *students enumerated under section*  
7 *1111(b)(2)(C)(v)(II) of the Elementary*  
8 *and Secondary Education Act of 1965*  
9 *that are served under this Act; and*

10 “(II) *identify and quantify any*  
11 *disparities or gaps in performance be-*  
12 *tween any such category of students*  
13 *and the performance of all students*  
14 *served by the eligible recipient under*  
15 *the Act.*

16 “(iii) *RULES FOR REPORTING OF*  
17 *DATA.*—*The disaggregation of data under*  
18 *clause (ii) shall be required except in a case*  
19 *in which the number of students in a cat-*  
20 *egory is insufficient to yield statistically re-*  
21 *liable information or in which the results*  
22 *would reveal personally identifiable infor-*  
23 *mation about an individual student.*

24 “(iv) *AVAILABILITY.*—*The report de-*  
25 *scribed in clause (i) shall be made available*



1           to the public through a variety of formats,  
2           including electronically or through the  
3           Internet.”.

4       (d) *STATE REPORT*.—Section 113(c) (20 U.S.C.  
5 2323(c)) is amended—

6           (1) by redesignating paragraphs (2) and (3) as  
7       paragraphs (4) and (5), respectively, and inserting  
8       after paragraph (1) the following:

9           “(2) *DISAGGREGATION OF DATA*.—Each eligible  
10       agency under this subsection shall—

11           “(A) disaggregate data for each of the indi-  
12       cators of performance under section 113(b)(2) for  
13       the categories of students enumerated under sec-  
14       tion 1111(b)(2)(C)(v)(II) of the Elementary and  
15       Secondary Education Act of 1965 that are served  
16       under this Act; and

17           “(B) identify and quantify any disparities  
18       or gaps in performance between any such cat-  
19       egory of students and the performance of all stu-  
20       dents served by the eligible agency under the Act.

21           “(3) *RULES FOR REPORTING OF DATA*.—The  
22       disaggregation of data under paragraph (2) shall be  
23       required except in a case in which the number of stu-  
24       dents in a category is insufficient to yield statis-  
25       tically reliable information or in which the results

1        *would reveal personally identifiable information*  
 2        *about an individual student.”; and*

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

4                        *(A) by striking “special populations” and*  
 5                        *inserting “each of the populations described in*  
 6                        *section 3(25) and the populations described in*  
 7                        *section 1111(h)(1)(C)(i) of the Elementary and*  
 8                        *Secondary Education Act of 1965 (20 U.S.C.*  
 9                        *6311(h)(1)(C)(i))”; and*

10                        *(B) by striking “have made” and inserting*  
 11                        *“has made”.*

12    **SEC. 9. NATIONAL ACTIVITIES.**

13                *(a) PROGRAM PERFORMANCE INFORMATION.—Section*  
 14    *114(a)(3) (20 U.S.C. 2324(a)(3)) is amended by inserting*  
 15    *“in the aggregate” after “international comparisons”.*

16                *(b) EVALUATION AND ASSESSMENT.—Section 114(c)*  
 17    *(20 U.S.C. 2324(c)) is amended—*

18                        *(1) by amending paragraph (2) to read as fol-*  
 19    *lows:*

20                        *“(2) INDEPENDENT ADVISORY PANEL.—The Sec-*  
 21    *retary shall appoint an independent advisory panel,*  
 22    *consisting of academic and vocational and technical*  
 23    *education educators, administrators, experts in eval-*  
 24    *uation, research, and assessment, representatives of*  
 25    *labor organizations, businesses, parents, guidance and*

1     *counseling professionals, and other individuals with*  
 2     *relevant expertise, to advise the Secretary on the im-*  
 3     *plementation of the assessment described in para-*  
 4     *graph (3), including the issues to be addressed and*  
 5     *the methodology of the studies involved to ensure the*  
 6     *assessment adheres to the highest standards of quality.*  
 7     *The advisory panel shall transmit to the Secretary*  
 8     *and to Congress an independent analysis of the find-*  
 9     *ings and recommendations resulting from such assess-*  
 10    *ment. The Federal Advisory Committee Act (5 U.S.C.*  
 11    *App.) shall not apply to the panel established under*  
 12    *this subsection.”;*

13           *(2) in paragraph (3)—*

14                 *(A) in subparagraph (A), by inserting “the*  
 15                 *implementation of the” after “and assessment*  
 16                 *of”;*

17                 *(B) in subparagraph (B)—*

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

20                         *(ii) by striking clauses (i), (ii), (iv),*  
 21                         *and (vii) and redesignating clauses (iii),*  
 22                         *(v), (vi), and (viii) as clauses (i) through*  
 23                         *(iv), respectively;*

24                         *(iii) in clause (i) (as so redesignated),*  
 25                         *by striking “, and academic, curricula in*

1           *vocational and technical education pro-*  
 2           *grams,” and inserting “education (such as*  
 3           *meeting State established teacher certifi-*  
 4           *cation or licensing requirements)”;* and

5           *(iv) in clause (ii) (as so redesign-*  
 6           *ated)—*

7                     *(I) by striking “and employment*  
 8                     *outcomes” and all that follows through*  
 9                     *“including analyses of” and inserting*  
 10                    *“and vocational and technical edu-*  
 11                    *cation achievement and employment*  
 12                    *outcomes of vocational and technical*  
 13                    *education students, including analyses*  
 14                    *of”;*

15                    *(II) in subclause (I), by striking*  
 16                    *“and tech-prep students” and inserting*  
 17                    *“and students participating in the ac-*  
 18                    *tivities described in section 135(b)(3)”*  
 19                    *;*

20                    *(III) in subclause (II), by striking*  
 21                    *“academic, and vocational and tech-*  
 22                    *nical, education” and inserting “rig-*  
 23                    *orous and challenging academic and*  
 24                    *vocational and technical education, in-*  
 25                    *cluding a review of the effect of inte-*

1 *grated rigorous and challenging aca-*  
 2 *demic and vocational and technical*  
 3 *education on the achievement of stu-*  
 4 *dents”; and*

5 *(IV) in subclause (III), by insert-*  
 6 *ing “, particularly those in which*  
 7 *math and science skills are critical,”*  
 8 *after “high-skill careers”; and*

9 *(C) in subparagraph (C)—*

10 *(i) in clause (i)—*

11 *(I) by striking “the Committee on*  
 12 *Education and the Workforce of the*  
 13 *House of Representatives and the Com-*  
 14 *mittee on Labor and Human Resources*  
 15 *of the Senate” and inserting “Con-*  
 16 *gress”; and*

17 *(II) by striking “2002” and in-*  
 18 *serting “2008” both places it appears;*  
 19 *and*

20 *(ii) in clause (ii), by striking “the*  
 21 *Committee on Education and the Workforce*  
 22 *of the House of Representatives, the Com-*  
 23 *mittee on Labor and Human Resources of*  
 24 *the Senate,” and inserting “Congress”;*

25 *(3) in paragraph (5)(A)—*

1           (A) by striking “to carry out research” each  
 2           place it appears, and inserting “to carry out sci-  
 3           entifically based research”;

4           (B) in clause (i), by inserting “scientifically  
 5           based” after “programs, including”;

6           (C) in clause (ii), by inserting “that are in-  
 7           tegrated with rigorous and challenging academic  
 8           education” after “implementation of vocational  
 9           and technical education programs”; and

10          (D) in clause (iii)(I), by inserting “and the  
 11          integration of those systems with the academic  
 12          education system” after “technical education sys-  
 13          tems”;

14          (4) in paragraph (6)—

15               (A) by striking:

16               “(6) DEMONSTRATIONS AND DISSEMINATION.—

17               “(A) DEMONSTRATION PROGRAM.—The”,  
 18               and inserting:

19               “(6) DEMONSTRATIONS AND DISSEMINATION.—  
 20               The”; and

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

22          (5) in paragraph (8), by striking “this section”  
 23          and all that follows and inserting “subsections (a),  
 24          (b), and (c) of this section, such sums as may be nec-  
 25          essary for each of fiscal years 2005 through 2010.”

1       (c) *INCENTIVE GRANTS FOR ELIGIBLE AGENCIES.*—  
 2       Section 114 is further amended by adding at the end the  
 3       following new subsection:

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

5               “(1) *IN GENERAL.*—From funds reserved under  
 6       section 111(a)(1)(C), the Secretary may award grants  
 7       to eligible agencies for exemplary performance in car-  
 8       rying out programs under this Act. Such awards  
 9       shall be based on an eligible agency exceeding State  
 10      adjusted levels of performance established under sec-  
 11      tion 113(b) and showing sustained or significant im-  
 12      provement.

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

15                      “(A) an eligible agency’s success in effec-  
 16              tively developing connections between secondary  
 17              education and postsecondary education and  
 18              training;

19                      “(B) an eligible agency’s integration of rig-  
 20              orous and challenging academic and technical  
 21              coursework; and

22                      “(C) an eligible agency’s progress in having  
 23              special populations participating in vocational  
 24              and technical education meet State adjusted lev-  
 25              els of performance.

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

5   **SEC. 10. OUTLYING AREAS, NATIVE AMERICAN PROGRAMS,**  
 6           **AND TRIBALLY CONTROLLED INSTITUTIONS.**

7           (a) *ASSISTANCE FOR THE OUTLYING AREAS.*—*Section*  
 8   115 (20 U.S.C. 2325) *is amended to read as follows:*

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

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

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

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

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

19           “(b) *REMAINDER.*—*Subject to the provisions of sub-*  
 20   *section (a), the Secretary shall make a grant of the remain-*  
 21   *der of funds reserved pursuant to section 111(a)(1)(A), in*  
 22   *equal proportion, to each of Guam, American Samoa, and*  
 23   *the Commonwealth of the Northern Mariana Islands, for the*  
 24   *purpose of providing direct vocational and technical edu-*  
 25   *cational services, including—*



1           “(1) *teacher and counselor training and retrain-*  
2           *ing;*

3           “(2) *curriculum development; and*

4           “(3) *the improvement of vocational and technical*  
5           *education and training programs in secondary*  
6           *schools and institutions of higher education, or im-*  
7           *proving cooperative education programs involving*  
8           *both secondary schools and institutions of higher edu-*  
9           *cation.*

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

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

18                 (1) *in subsection (a), by inserting a period at the*  
19                 *end of paragraph (5); and*

20                 (2) *in subsection (b)—*

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

23                         (B) *in paragraph (2), by striking “(other*  
24                         *than in subsection (i))”.*

1       (c) *TRIBALLY CONTROLLED INSTITUTIONS*.—Section  
 2   117 (20 U.S.C. 2327) is amended—

3           (1) *by amending subsection (b) to read as fol-*  
 4       *lows:*

5       “(b) *USES OF GRANTS*.—Amounts made available  
 6   under this section shall be used for vocational and technical  
 7   education programs for Indian students and for instruc-  
 8   tional support costs of the grant, including the expenses de-  
 9   scribed in subsection (e).”;

10       (2) *in subsection (c), by inserting after para-*  
 11       *graph (2) the following:*

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

16       (3) *by striking subsection (g) and redesignating*  
 17       *subsections (h) and (i) as subsections (g) and (h), re-*  
 18       *spectively; and*

19       (4) *in subsection (h) (as so redesignated)—*

20           (A) *by striking “\$4,000,000 for fiscal year*  
 21       *1999 and”; and*

22           (B) *by striking “the 4 succeeding fiscal*  
 23       *years” and inserting “fiscal years 2005 through*  
 24       *2010”.*

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

3           (1) *by amending subsection (b) to read as fol-*  
4 *lows:*

5       “(b) *STATE LEVEL ACTIVITIES.—*

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

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

20          “(3) *ACTIVITIES.—The jointly designated agency*  
21 *shall conduct activities—*

22           “(A) *to provide support for a career guid-*  
23 *ance and academic counseling programs designed*  
24 *to promote improved career and education deci-*  
25 *sion making by students (and parents, as appro-*

1        *priate) regarding education and training options*  
2        *and preparations for high skill, high wage occu-*  
3        *pations;*

4                *“(B) to make available to students, parents,*  
5        *teachers, administrators, and counselors, and to*  
6        *improve accessibility with respect to, informa-*  
7        *tion and planning resources that relate academic*  
8        *and vocational and technical educational prepa-*  
9        *ration to career goals and expectations;*

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

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

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

1           “(F) to provide ongoing means for cus-  
 2           tomers, such as students and parents, to provide  
 3           comments and feedback on products and services  
 4           and to update resources, as appropriate, to better  
 5           meet customer requirements.”;

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

8           (3) in subsection (f), by striking “1999 through  
 9           2003” and inserting “2005 through 2010”.

10 **SEC. 11. STATE ADMINISTRATION.**

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

13 **“SEC. 121. STATE ADMINISTRATION.**

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

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

22           “(2) consultation with the Governor and appro-  
 23 priate agencies, groups, and individuals including  
 24 parents, students, teachers, representatives of busi-  
 25 nesses, labor organizations, eligible recipients, State

1       *and local officials, and local program administrators,*  
 2       *involved in the planning, administration, evaluation,*  
 3       *and coordination of programs funded under this title;*

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

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

12               “(A) *implement State level coordination*  
 13       *with the activities undertaken by the State*  
 14       *boards under section 111 of Public Law 105–*  
 15       *220; and*

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

21          “(b) *EXCEPTION.—Except with respect to the respon-*  
 22       *sibilities set forth in subsection (a), the eligible agency may*  
 23       *delegate any of the other responsibilities of the eligible agen-*  
 24       *cy that involve the administration, operation, supervision*

1 *of activities assisted under this title, in whole or in part,*  
 2 *to one or more appropriate State agencies.”.*

3 **SEC. 12. STATE PLAN.**

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

5 *(1) in subsection (a)—*

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

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

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

17 *(2) in subsection (b)(1), by striking “teachers, el-*  
 18 *igible recipients, parents, students, interested commu-*  
 19 *nity members” and inserting “academic and voca-*  
 20 *tional and technical education teachers, eligible re-*  
 21 *cipients, charter school authorizers and organizers,*  
 22 *parents, students, interested community members (in-*  
 23 *cluding parent and community organizations), insti-*  
 24 *tutions of higher education”;*

25 *(3) in subsection (c)—*

1           (A) in paragraph (1)—

2                   (i) by redesignating subparagraphs (A)  
3           through (D) as subparagraphs (B) through  
4           (E), respectively, and inserting before such  
5           subparagraphs (as so redesignated) the fol-  
6           lowing:

7                   “(A) the development of model sequences of  
8           courses for vocational and technical content  
9           areas that—

10                   “(i) incorporate both secondary and  
11           postsecondary education elements;

12                   “(ii) include rigorous and challenging  
13           academic content and vocational and tech-  
14           nical content in a coordinated, nonduplica-  
15           tive progression of courses;

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

20                   “(iv) may be adopted by local edu-  
21           cational agencies and postsecondary institu-  
22           tions to be offered as an option to students  
23           (and their parents as appropriate), when  
24           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           (iii) by amending subparagraph (C) (as so redesignated) to read as follows:

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

4           (iv) in subparagraph (D) (as so redesignated)—

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

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

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

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

7                   “(F) the process by which, for vocational  
8                   and technical education programs carried out  
9                   under this Act, the eligible agency will develop  
10                  the secondary or postsecondary elements of the  
11                  model sequences of courses identified by the eligi-  
12                  ble agency, with an emphasis on rigorous and  
13                  challenging academic and technical content that,  
14                  through a progression of courses, leads to a post-  
15                  secondary 1-year certificate, associate’s or bacca-  
16                  laureate degree, or a proficiency credential in  
17                  conjunction with a secondary school diploma;

18                  “(G) the role that any eligible recipients  
19                  successfully implementing the activities described  
20                  in section 135(b)(3) will play in assisting other  
21                  eligible recipients in establishing agreements and  
22                  plans for coordinating the offering of model se-  
23                  quences of courses to students at both the sec-  
24                  ondary and postsecondary levels; and

1           “(H) how funds will be used effectively to  
2           link secondary and postsecondary academic and  
3           vocational and technical education in a manner  
4           that increases student academic and vocational  
5           and technical achievement;

6           “(I) how the eligible agency will report the  
7           integration of rigorous and challenging aca-  
8           demics in vocational and technical education  
9           programs in order to adequately evaluate the  
10          quality of such integration;”;

11          (B) by amending paragraph (2) to read as  
12          follows:

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

19               “(A) promotes the integration of rigorous  
20               and challenging academic and vocational and  
21               technical education curriculum development;

22               “(B) increases the percentage of teachers  
23               that meet teacher certification or licensing re-  
24               quirements;

1           “(C) increases the academic and industry  
2           knowledge of vocational and technical education  
3           teachers; and

4           “(D) encourages applied learning that con-  
5           tributes to the academic and vocational and tech-  
6           nical knowledge of the student;”;

7           (C) in paragraph (3), by inserting “aca-  
8           demic and vocational and technical” after “par-  
9           ents,”;

10          (D) in paragraph (5)(A)—

11           (i) by inserting “(especially as per-  
12           taining to math, science, and technology)”  
13           after “academic and technical skills”; and

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

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

23          (F) by striking paragraph (19) and redesign-  
24          ating paragraphs (12) through (18) as para-  
25          graphs (13) through (19), respectively;

1                   (G) by inserting after paragraph (11) the  
2                   *following:*

3                   “(12) provides an assurance that when disposing  
4                   of equipment acquired with funds under this Act, any  
5                   personally identifiable information contained in such  
6                   equipment will be totally destroyed prior to or as  
7                   part of the disposition;”;

8                   (H) in paragraph (18) (as so redesignated),  
9                   by striking “training and employment” and in-  
10                  serting “fields”; and

11                  (I) by redesignating paragraphs (20) and  
12                  (21) as paragraphs (22) and (23), respectively,  
13                  and inserting after paragraph (19) (as so redesi-  
14                  gnated) the following:

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

20                  “(21) describes how the eligible agency will carry  
21                  out measurable, sustainable, and coordinated tech-  
22                  prep activities in the State (as described in section  
23                  135(b)(3)), with funds allocated under section 112(a),  
24                  that are developed in consultation with the entities  
25                  described in subsection (b)(1) and that effectively pre-

1     *pare students for post-secondary education or employ-*  
 2     *ment in high demand occupations through a seamless*  
 3     *program of study consisting of appropriate advanced*  
 4     *academic and technical courses that include a min-*  
 5     *imum of 2 years of secondary school preceding grad-*  
 6     *uation and a minimum of 2 years of higher education*  
 7     *or an apprenticeship program of at least 2 years fol-*  
 8     *lowing secondary instruction;”;* and

9             *(4) by striking subsections (d) and (f) and redes-*  
 10     *ignating subsection (e) as subsection (d).*

11     **SEC. 13. IMPROVEMENT PLANS.**

12     *Section 123 (20 U.S.C. 2343) is amended to read as*  
 13     *follows:*

14     **“SEC. 123. IMPROVEMENT PLANS.**

15         **“(a) STATE PROGRAM IMPROVEMENT.—**

16             **“(1) PLAN.—***If a State fails to meet the agreed*  
 17     *upon State adjusted levels of performance required*  
 18     *under section 113(b)(3), the eligible agency shall de-*  
 19     *velop and implement a program improvement plan*  
 20     *(with special consideration to performance gaps iden-*  
 21     *tified under section 113(c)(2)) in consultation with*  
 22     *the appropriate agencies, individuals, and organiza-*  
 23     *tions for the first program year succeeding the pro-*  
 24     *gram year in which the eligible agency failed to meet*

1        *the State adjusted levels of performance, in order to*  
2        *avoid a sanction under paragraph (3).*

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

12           “(3) *SUBSEQUENT ACTION.—*

13           “(A) *IN GENERAL.—If an eligible agency*  
14        *fails to meet the State adjusted levels of perform-*  
15        *ance and the purposes of this Act, has not imple-*  
16        *mented an improvement plan as described in*  
17        *paragraph (1), has shown no improvement with-*  
18        *in 1 year after implementing an improvement*  
19        *plan as described in paragraph (1), or has failed*  
20        *to meet the State adjusted levels of performance*  
21        *for 2 or more consecutive years, the Secretary*  
22        *may, after notice and opportunity for a hearing,*  
23        *withhold from the eligible agency all, or a por-*  
24        *tion of, the eligible agency’s allotment under this*  
25        *title.*

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

7                   “(4) *FUNDS RESULTING FROM REDUCED ALLOT-*  
 8                   *MENTS.—*

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

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

21                   “(b) *LOCAL PROGRAM IMPROVEMENT.—*

22                   “(1) *LOCAL EVALUATION.—Each eligible agency*  
 23                   *shall evaluate annually, using the local adjusted levels*  
 24                   *of performance described in section 113(b)(4), the vo-*



1        *cational and technical education activities of each eli-*  
2        *gible recipient receiving funds under this title.*

3        “(2) *PLAN.*—

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

14                “(i) *conduct an assessment of the edu-*  
15        *cational needs that the eligible recipient*  
16        *shall address to overcome local performance*  
17        *deficiencies;*

18                “(ii) *enter into an improvement plan*  
19        *agreement with an eligible recipient based*  
20        *on the results of the assessment, for the first*  
21        *program year succeeding the program year*  
22        *in which the eligible recipient failed to meet*  
23        *the local adjusted levels of performance,*  
24        *which plan shall demonstrate how the local*  
25        *performance deficiencies will be corrected*

1           *and include strategies for professional devel-*  
2           *opment and instructional and other pro-*  
3           *grammatic innovations of demonstrated ef-*  
4           *fectiveness, giving special consideration to*  
5           *performance gaps identified under section*  
6           *113(b)(4)(C); and*

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

12          “(B) CONSULTATION.—*The eligible agency*  
13          *shall conduct the activities described in para-*  
14          *graph (2) in consultation with teachers, parents,*  
15          *other school staff, appropriate agencies, and*  
16          *other appropriate individuals and organizations.*

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

1     *the improvement activities consistent with the re-*  
 2     *quirements of this Act.*

3             “(4) *SUBSEQUENT ACTION.*—

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

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

23               “(5) *FUNDS RESULTING FROM REDUCED ALLOT-*  
 24    *MENTS.*—The eligible agency shall use funds withheld  
 25    *under paragraph (4) to continue to provide (through*

1       *alternative arrangements) services and activities in*  
 2       *the area served by such recipient to meet the purpose*  
 3       *of this Act.”.*

4   **SEC. 14. STATE LEADERSHIP ACTIVITIES.**

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

6           *(1) in subsection (b)—*

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

9               *(B) in paragraph (2)—*

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

14                   *(ii) in subparagraph (B)—*

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

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

23                   *(C) in paragraph (3)—*

1                   (i) by inserting “at the secondary and  
2                   postsecondary levels” after “academic, guid-  
3                   ance, and administrative personnel”;

4                   (ii) by redesignating subparagraphs  
5                   (A) through (D) as subparagraphs (C)  
6                   through (F), respectively, and inserting be-  
7                   fore such subparagraphs (as so redesign-  
8                   ated) the following:

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

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

20                  (iii) in subparagraph (C) (as so redes-  
21                  ignated)—

22                         (I) by inserting “scientifically  
23                         based” after “based on”; and

24                         (II) by striking “; and” and in-  
25                         serting a semicolon;

1                   (iv) in subparagraph (D) (as so reded-  
2                   ignated), by striking “assist students in  
3                   meeting” and inserting “improve student  
4                   achievement in order to meet”; and

5                   (v) by amending subparagraph (E) (as  
6                   so redesignated) to read as follows:

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

14                  “(i) stay current with the needs, expec-  
15                  tations, and methods of industry;

16                  “(ii) meet teacher certification or li-  
17                  censing requirements, especially in core aca-  
18                  demic subjects as defined in section  
19                  9101(11) of the Elementary and Secondary  
20                  Education Act of 1965 (20 U.S.C.  
21                  7801(11));

22                  “(iii) effectively develop integrated rig-  
23                  orous and challenging academic and voca-  
24                  tional and technical education curriculum;

1                   “(iv) develop a high level of academic  
2                   and industry knowledge and skills of voca-  
3                   tional and technical education; and

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

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

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

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

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

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

3                   (I) by inserting after paragraph (8) the fol-  
 4                   lowing:

5                   “(9) technical assistance for eligible recipients.”;  
 6                   and

7                   (2) in subsection (c)—

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

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

18                  (C) by inserting after paragraph (9) (as so  
 19                  redesignated) the following:

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

24                  “(A) eligible recipients exceeding chal-  
 25                  lenging performance measures established under



1        *section 113(b) that reflect sustained or signifi-*  
 2        *cant improvement;*

3                *“(B) eligible recipients effectively developing*  
 4        *connections between secondary education and*  
 5        *postsecondary education and training;*

6                *“(C) the adoption and integration of rig-*  
 7        *orous and challenging academic and technical*  
 8        *coursework;*

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

13                *“(E) other factors relating to the perform-*  
 14        *ance of the eligible recipient under this Act as*  
 15        *the eligible agency determines are appropriate.*

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

18    **SEC. 15. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL**  
 19                **PROGRAMS.**

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

21                *(1) by striking subsection (a) and redesignating*  
 22        *subsections (b) through (i) as subsections (a) through*  
 23        *(h), respectively;*

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

1           (A) in the subsection heading, by striking  
 2           “SPECIAL” and “FOR SUCCEEDING FISCAL  
 3           YEARS”; and

4           (B) by striking “for fiscal year 2000 and  
 5           succeeding fiscal years”; and

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

7           (A) by striking “subsection (b)” and insert-  
 8           ing “subsection (a)”; and

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

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

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

15 **SEC. 17. LOCAL PLAN FOR VOCATIONAL AND TECHNICAL**  
 16 **EDUCATION PROGRAMS.**

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

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

20          (2) in paragraph (3)—

21               (A) by redesignating subparagraphs (A)  
 22               through (C) as subparagraphs (B) through (D),  
 23               respectively, and inserting before such subpara-  
 24               graphs the following:

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

6           (B) in subparagraph (B) (as so redesign-  
 7           ated)—

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

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

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

18           (3) by redesignating paragraphs (4) through (10)  
 19           as paragraphs (5) through (11), respectively, and in-  
 20           serting after paragraph (3) the following:

21               “(4) describe how comprehensive professional de-  
 22               velopment (including initial teacher preparation) for  
 23               vocational and technical, academic, guidance, and  
 24               administrative personnel will be provided that pro-  
 25               motes the integration of rigorous and challenging aca-

1        *demic and technical education (including curriculum*  
 2        *development);”;*

3            *(4) in paragraph (5) (as so redesignated)—*

4            *(A) by inserting “academic and vocational*  
 5            *and technical” after “students,”; and*

6            *(B) by inserting “, including the eligible re-*  
 7            *cipients that offer elements of the model sequence*  
 8            *of courses” after “of this title”; and*

9            *(5) in paragraph (8) (as so redesignated)—*

10           *(A) in subparagraph (A), by striking “;*  
 11           *and” and inserting a semicolon;*

12           *(B) in subparagraph (B), by inserting*  
 13           *“and” after the semicolon; and*

14           *(C) by inserting after subparagraph (B) the*  
 15           *following:*

16           *“(C) will provide activities to prepare spe-*  
 17           *cial populations, including single parents and*  
 18           *displaced homemakers, for high skill, high wage*  
 19           *occupations that will lead to self-sufficiency;”.*

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

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

22           *(1) in subsection (b)—*

23           *(A) in paragraph (1), by striking “to ensure*  
 24           *learning in the core academic” and inserting “as*  
 25           *established in the State-developed model se-*

quences of courses described in section 122(c)(1)(A) to ensure learning in the core academic subjects (as defined by section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11)))”;

(B) by striking paragraph (8);

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

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

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

“(A) are carried out under an articulation agreement between the participants in a consortium, which shall include—

“(i) a local educational agency, an intermediate educational agency or area vocational and technical education school serving secondary school students, or a sec-

1            *ondary school funded by the Bureau of In-*  
2            *dian Affairs; and*

3            “(ii)(I) *a nonprofit institution of high-*  
4            *er education that offers—*

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

19                   “(bb) *a 2-year apprenticeship pro-*  
20                   *gram that follows secondary instruc-*  
21                   *tion, if such nonprofit institution of*  
22                   *higher education is not prohibited from*  
23                   *receiving assistance under part B of*  
24                   *title IV of the Higher Education Act of*  
25                   *1965 (20 U.S.C. 1071 et seq.) pursuant*

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

3                   “(II) a proprietary institution of  
4                   higher education that offers a 2-year  
5                   associate degree program and is quali-  
6                   fied as an institution of higher edu-  
7                   cation pursuant to section 102 of the  
8                   Higher Education Act of 1965 (20  
9                   U.S.C. 1002), if such proprietary insti-  
10                  tution of higher education is not sub-  
11                  ject to a default management plan re-  
12                  quired by the Secretary,

13                 and may include nonprofit organizations  
14                 that provide eligible recipients with tech-  
15                 nology and programs to enhance math and  
16                 science skills, employers, and labor organi-  
17                 zations;

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

23                 “(C) meet academic standards developed by  
24                 the State, including standards developed under  
25                 section 1111 of the Elementary and Secondary

1       *Education Act of 1965 (20 U.S.C. 6311) for sec-*  
2       *ondary students, and support proficiency in*  
3       *mathematics, science, reading, writing, commu-*  
4       *nications, and technologies;*

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

9               *“(E) provide technical preparation in a ca-*  
10       *reer field such as engineering technology; applied*  
11       *science; a mechanical, industrial, or practical*  
12       *art or trade; agriculture; health occupations;*  
13       *business; applied economics; advanced manufac-*  
14       *turing; or other high-demand occupations as de-*  
15       *termined by the 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 activi-*  
3        *ties;*

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 provide information*  
9        *to students (and parents, as appropriate) regard-*  
10       *ing tech-prep programs and support student*  
11       *progress in completing tech-prep programs;*

12               *“(K) include in-service training for teachers*  
13       *that—*

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

16                *“(ii) is designed to ensure that teachers*  
17       *and administrators stay current with the*  
18       *needs, expectations, and methods of business*  
19       *and all aspects of an industry; and*

20                *“(L) provide students with transferable*  
21       *credit between the consortium members, as de-*  
22       *scribed in subparagraph (A), including through*  
23       *programs that allow secondary programs to be*  
24       *co-located on postsecondary campuses;”;*

25                *(D) in paragraph (5) (as so redesignated)—*

1                   (i) by inserting “, and the related  
2                   math and science education” after “use of  
3                   technology in vocational and technical edu-  
4                   cation”;

5                   (ii) in subparagraph (B)—

6                   (I) by inserting “(including the  
7                   math and science knowledge that pro-  
8                   vides a strong basis for such skills)”  
9                   after “technical skills”; and

10                  (II) by striking “and tele-  
11                  communications field” and inserting  
12                  “fields”; and

13                  (iii) in subparagraph (C)—

14                  (I) by striking “work” and insert-  
15                  ing “collaborate”; and

16                  (II) by inserting “that improve  
17                  the math and science knowledge of stu-  
18                  dents” after “mentoring programs”;

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

20                  (i) by striking “teachers,” and insert-  
21                  ing “secondary and postsecondary teachers,  
22                  instructors,”; and

23                  (ii) in subparagraph (A), by striking  
24                  “in effective teaching skills based on re-  
25                  search” and inserting “in effective integra-

1            *tion of rigorous and challenging academic*  
2            *and vocational and technical education, in*  
3            *effective teaching skills based on scientif-*  
4            *ically based research”; and*

5            *(F) by inserting after paragraph (9) (as so*  
6            *redesignated) the following:*

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

11           *(2) in subsection (c)—*

12           *(A) in paragraph (2), by inserting “, re-*  
13           *garding the range of postsecondary options*  
14           *available, including for adult students who are*  
15           *changing careers or updating skills” before the*  
16           *semicolon;*

17           *(B) in paragraph (5), by inserting “, in-*  
18           *cluding the establishment and operation of spe-*  
19           *cial arrangements with industry partners that*  
20           *allow qualified industry professionals to serve as*  
21           *faculty in postsecondary programs” before the*  
22           *semicolon;*

23           *(C) in paragraph (8), by striking “aides”*  
24           *and inserting “aids”;*

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

5           (E) by redesignating paragraphs (10)  
6           through (14) as paragraphs (12) through (16),  
7           and paragraph (15) as paragraph (19), respec-  
8           tively, and inserting after paragraph (9) the fol-  
9           lowing:

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

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

15          (F) in paragraph (12) (as so redesignated),  
16          by inserting “, including development of new  
17          proposed model sequences of courses for consider-  
18          ation by the eligible agency and courses that pre-  
19          pare individuals academically and technically  
20          for current and emerging occupations that are in  
21          demand” before the semicolon;

22          (G) in paragraph (16) (as so redesignated),  
23          by striking “; and” and inserting a semicolon,  
24          and inserting after such paragraph the following:

1           “(17) to provide accurate information relating to  
 2           the availability of supportive services available in an  
 3           area served by the eligible recipient , and referral to  
 4           such services, as appropriate;

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

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

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

9   **SEC. 20. GENERAL PROVISIONS.**

10          *(a) REDESIGNATION OF TITLE III.—*

11               *(1) REDESIGNATION.—Title III of the Carl D.*  
 12               *Perkins Vocational and Technical Education Act of*  
 13               *1998 (20 U.S.C. 2391 et seq.) is amended by redesign-*  
 14               *ating such title as title II of such Act. Such title is*  
 15               *further amended by redesignating sections 311*  
 16               *through 318 as section 211 through 218, respectively,*  
 17               *and sections 321 through 325 as sections 221 through*  
 18               *225, respectively.*

19               *(2) TABLE OF CONTENTS AMENDMENT.—The*  
 20               *table of contents of the Carl D. Perkins Vocational*  
 21               *and Technical Education Act of 1998 is amended—*

22                       *(A) by striking the items relating to title*  
 23                       *III; and*

24                       *(B) by amending the items relating to title*  
 25                       *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.*
- “Sec. 218. *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.”.*

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

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

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

13       **“SEC. 217. PARTICIPATION OF PRIVATE SCHOOL CHILDREN.**

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

15               “(1) *IN GENERAL.*—To the extent consistent with  
16 *the number of children in the school district of a local*

1        *educational agency that is eligible to receive funds*  
2        *under this Act, or that serves the area in which a pro-*  
3        *gram assisted under this Act is located, who are en-*  
4        *rolled in private nonprofit elementary schools and*  
5        *secondary schools, or, with respect to instructional or*  
6        *personnel training programs funded by an eligible*  
7        *agency, the local educational agency, after consulta-*  
8        *tion with appropriate private school officials—*

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

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

1           “(2) *APPLICATION OF REQUIREMENTS.*—*The re-*  
2           *quirements of this section relating to the participa-*  
3           *tion of children, teachers, and other personnel serving*  
4           *such children shall apply to programs carried out*  
5           *under this Act by an eligible agency or local edu-*  
6           *cational agency, whether directly or through grants*  
7           *to, or contracts with, other public or private agencies,*  
8           *institutions, or organizations.*

9           “(b) *EQUAL EXPENDITURES.*—

10           “(1) *IN GENERAL.*—*Expenditures for programs*  
11           *under subsection (a) shall be equal (consistent with*  
12           *the number of children to be served) to expenditures*  
13           *for programs under this Act for children enrolled in*  
14           *the public schools of the local educational agency.*

15           “(2) *CONCENTRATED PROGRAMS.*—*When funds*  
16           *available to a local educational agency under this Act*  
17           *are used to concentrate programs on a particular*  
18           *group, attendance area, or grade or age level, the local*  
19           *educational agency shall, after consultation with the*  
20           *appropriate private school officials, assure the equi-*  
21           *table participation in both the purposes and benefits*  
22           *of such programs for children enrolled in private*  
23           *schools who are included within the group, attendance*  
24           *area, or grade or age level selected for such concentra-*  
25           *tion shall, taking into account the needs of the indi-*



1        *vidual children and other factors that relate to the ex-*  
 2        *penditures referred to in paragraph (1).*

3        “(c) *ADMINISTRATIVE REQUIREMENTS.—*

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

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

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

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

23                “(3) *TIMING AND CONTENT OF CONSULTATION.—*  
 24        *The consultation required under this section shall in-*  
 25        *clude meetings of agency and private school officials*

1       *and shall occur before the eligible agency and local*  
2       *educational agency makes any decision that affects*  
3       *the opportunities of eligible private school children to*  
4       *participate in programs under this Act. Such meet-*  
5       *ings shall include a discussion of service delivery*  
6       *mechanisms (including third party contractors) and*  
7       *shall continue throughout implementation and assess-*  
8       *ment of services under this Act.*

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

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

20           “(2) *FAILURE TO COMPLY.*—*If the Secretary de-*  
21       *termines that an eligible agency or a local edu-*  
22       *cational agency has substantially failed, or is unwill-*  
23       *ing, to provide for the participation on an equitable*  
24       *basis of children enrolled in private elementary*  
25       *schools and secondary schools as required by sub-*

1       sections (a) through (c), the Secretary may waive  
2       such requirements and shall arrange for the provision  
3       of services to such children through arrangements that  
4       shall be subject to the requirements of this section.

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

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

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

1        *and to appear before the Secretary or the Secretary's*  
2        *designee to show cause why that action should not be*  
3        *taken.*

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

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



Union Calendar No. 401

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 4496**

[Report No. 108-659]

**A BILL**

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

SEPTEMBER 7, 2004

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