

113TH CONGRESS  
1ST SESSION

# S. 439

To amend the Elementary and Secondary Education Act of 1965 by establishing a program to support the modernization, renovation, or repair of career and technical education facilities, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 4, 2013

Mr. REID (for Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 by establishing a program to support the modernization, renovation, or repair of career and technical education facilities, and for other purposes.

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 “Career and Technical  
5 Education Facilities Modernization Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Career and technical education teaches aca-  
2           demic subject matter in ways that are relevant and  
3           consistent to the real world.

4           (2) Vocational education can reflect develop-  
5           mental needs by helping students recognize their in-  
6           terests, aptitudes, and abilities in age- and stage-ap-  
7           propriate ways.

8           (3) In order for students to be high-performing,  
9           the education facilities used by the students must  
10          also be high-performing.

11          (4) Many school facilities that offer vocational  
12          or career and technical education are inefficient and  
13          outdated.

14 **SEC. 3. CAREER AND TECHNICAL EDUCATION FACILITIES.**

15          (a) CAREER AND TECHNICAL EDUCATION FACILI-  
16          TIES.—Part D of title V of the Elementary and Secondary  
17          Education Act of 1965 (20 U.S.C. 7241 et seq.) is amend-  
18          ed by adding at the end the following:

19           **“Subpart 22—Career and Technical Education**  
20   **Facilities**

21 **“SEC. 5621. DEFINITIONS.**

22           “In this subpart:

23                   “(1) CAREER AND TECHNICAL EDUCATION.—  
24           The term ‘career and technical education’ has the  
25           meaning given the term in section 3 of the Carl D.

1 Perkins Career and Technical Education Act of  
2 2006 (20 U.S.C. 2302).

3 “(2) COMMUNITY COLLEGE.—The term ‘com-  
4 munity college’ means—

5 “(A) a junior or community college, as  
6 that term is defined in section 312(f) of the  
7 Higher Education Act of 1965 (20 U.S.C.  
8 1058(f)); or

9 “(B) an institution of higher education (as  
10 defined in section 101 of such Act (20 U.S.C.  
11 1001)) that awards a significant number of de-  
12 grees and certificates, as determined by the  
13 Secretary, that are not—

14 “(i) baccalaureate degrees (or an  
15 equivalent); or

16 “(ii) master’s, professional, or other  
17 advanced degrees.

18 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-  
19 tity’ means a local educational agency, community  
20 college, or other entity determined appropriate by  
21 the Secretary.

22 “(4) QUALIFIED PROJECT.—The term ‘qualified  
23 project’—

24 “(A) means the modernization, renovation,  
25 or repair of a facility that will be used to im-

1           prove the quality and availability of science,  
2           technology, engineering, mathematics, or career  
3           and technical education instruction to public el-  
4           ementary school or secondary school, or com-  
5           munity college students, and that may in-  
6           clude—

7                   “(i) improving the energy efficiency of  
8                   the facility;

9                   “(ii) improving the cost-effectiveness  
10                  of the facility in delivering quality edu-  
11                  cation;

12                  “(iii) improving student, faculty, and  
13                  staff health and safety at the facility;

14                  “(iv) improving, installing, or upgrad-  
15                  ing educational technology infrastructure;

16                  “(v) retrofitting an existing building  
17                  for career and technical education pur-  
18                  poses; and

19                  “(vi) a one-time repair of serviceable  
20                  equipment at the facility, or replacement of  
21                  equipment at the facility that is at the end  
22                  of its serviceable lifespan, that will be used  
23                  to further educational outcomes; and

24                  “(B) does not include new construction or  
25                  the payment of routine maintenance costs.

1 **“SEC. 5622. CAREER AND TECHNICAL EDUCATION FACILI-**  
2 **TIES IMPROVEMENT.**

3 “(a) PROGRAM AUTHORIZED.—From amounts ap-  
4 propriated under section 5401(b), the Secretary shall  
5 carry out a program to improve career and technical edu-  
6 cation facilities by—

7 “(1) awarding grants to eligible entities to en-  
8 able the eligible entities to carry out qualified  
9 projects;

10 “(2) guaranteeing loans made to eligible entities  
11 for qualified projects; or

12 “(3) making payments of interest on bonds,  
13 loans, or other financial instruments (other than a  
14 refinancing) that are issued to eligible entities for  
15 qualified projects.

16 “(b) APPLICATION.—An eligible entity that desires to  
17 receive a grant, loan guarantee, or payment of interest  
18 under this subpart shall submit an application to the Sec-  
19 retary at such a time, in such a manner, and containing  
20 such information as the Secretary may require. The appli-  
21 cation shall include—

22 “(1) a detailed description of the qualified  
23 project;

24 “(2) in the case of a qualified project described  
25 in section 5621(4)(A)(vi), a description of the edu-  
26 cational outcomes to be furthered by the one-time

1 repair of serviceable equipment or replacement of  
2 equipment;

3 “(3) an indication as to whether the eligible en-  
4 tity prefers to receive a grant, loan guarantee, or  
5 payment of interest;

6 “(4) a description of the need for the qualified  
7 project;

8 “(5) a description of how the eligible entity will  
9 ensure that the qualified project will be adequately  
10 maintained;

11 “(6) an identification of any public elementary  
12 school or secondary school or community college that  
13 will benefit from the qualified project;

14 “(7) a description of how the qualified project  
15 will improve instruction and educational outcomes at  
16 the facility;

17 “(8) a description of how the facility supported  
18 by the qualified project will be used for providing  
19 educational services in science, technology, engineer-  
20 ing, mathematics, or career and technical education;

21 “(9) a description of how the eligible entity will  
22 ensure that the modernization, renovation, or repair  
23 supported by the qualified project meets Leadership  
24 in Energy and Environmental Design (LEED)  
25 building rating standards, Energy Star standards,

1 Collaborative for High Performance Schools (CHPS)  
2 criteria, Green Building Initiative environmental de-  
3 sign and rating standards (Green Globes), or equiva-  
4 lent standards adopted by entities with jurisdiction  
5 over or related to the eligible entity;

6 “(10) a description of the fiscal capacity of the  
7 eligible entity;

8 “(11) the percentage of students enrolled in the  
9 public elementary school or secondary school or com-  
10 munity college to be served by the qualified project  
11 who are from low-income families;

12 “(12) in the case of a qualified project at a fa-  
13 cility that is used by students in a secondary school,  
14 the secondary school graduation rates; and

15 “(13) such additional information and assur-  
16 ances as the Secretary may require.

17 “(c) PRIORITY.—In making awards under this sub-  
18 part, the Secretary shall use not less than a total of 25  
19 percent of the funds appropriated under section 5401(b)  
20 to eligible entities for qualified projects to benefit—

21 “(1) public elementary schools or secondary  
22 schools served by local educational agencies that are  
23 eligible to receive assistance under part B of title VI;  
24 or

1           “(2) community colleges serving a substantial  
2           number of rural students, as determined by the Sec-  
3           retary.

4           “(d) SUPPLEMENT NOT SUPPLANT.—Funds made  
5           available under this subpart shall be used to supplement,  
6           and not supplant, other Federal and State funds available  
7           to carry out the activities supported under this subpart.

8           “(e) TECHNICAL ASSISTANCE AND ADMINISTRATIVE  
9           COSTS.—The Secretary may reserve not more than 3 per-  
10          cent of funds appropriated under section 5401(b) for the  
11          administrative costs of this subpart and to provide tech-  
12          nical assistance to community colleges and local edu-  
13          cational agencies concerning best practices in school facil-  
14          ity renovation, repair, and modernization.

15          “(f) REPORTING REQUIREMENTS.—Not later than 1  
16          year after funds are appropriated to carry out this sub-  
17          part, and every 2 years thereafter, the Secretary shall pre-  
18          pare and submit to the appropriate committees of Con-  
19          gress a report on the effect of the qualified projects sup-  
20          ported under this subpart on improving academic achieve-  
21          ment.”.

22          (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
23          5401 of the Elementary and Secondary Education Act of  
24          1965 (20 U.S.C. 7241) is amended—

1           (1) by striking the matter preceding paragraph  
2           (1) and inserting the following:

3           “(a) IN GENERAL.—There are authorized to be ap-  
4           propriated to carry out this part (except for subpart 22)  
5           the following amounts.”; and

6           (2) by adding at the end the following:

7           “(b) AUTHORIZATION FOR SUBPART 22.—There are  
8           authorized to be appropriated to carry out subpart 22  
9           \$75,000,000 for fiscal year 2014 and each succeeding fis-  
10          cal year.”.

11          (c) CONFORMING AMENDMENTS.—The table of con-  
12          tents in section 2 of the Elementary and Secondary Edu-  
13          cation Act of 1965 is amended by inserting after the item  
14          relating to section 5619 the following:

          “SUBPART 22—CAREER AND TECHNICAL EDUCATION FACILITIES

          “Sec. 5621. Definitions.

          “Sec. 5622. Career and technical facilities improvement.”.

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