

- (i) the allotment ratio in no case shall be more than 0.60 or less than 0.40; and
- (ii) the allotment ratio for the Commonwealth of Puerto Rico and the United States Virgin Islands shall be 0.60.

**(2) Promulgation**

The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the 3 most recent consecutive fiscal years for which satisfactory data are available.

**(3) Definition of per capita income**

For the purpose of this section, the term “per capita income” means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

**(4) Population determination**

For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department of Education.

**(d) Definition of State**

For the purpose of this section, the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(Pub. L. 88-210, title I, §111, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 691; amended Pub. L. 115-224, title I, §110, July 31, 2018, 132 Stat. 1576.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 2321, Pub. L. 88-210, title I, §111, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3083; amended Pub. L. 106-246, div. B, title II, §2403(b), July 13, 2000, 114 Stat. 555, related to reservations and State allotment, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2321, Pub. L. 88-210, title I, §111, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2441; amended Pub. L. 101-392, title I, §111, Sept. 25, 1990, 104 Stat. 763; Pub. L. 103-382, title III, §391(s)(1), Oct. 20, 1994, 108 Stat. 4024, related to State administration, prior to the general amendment of this chapter by Pub. L. 105-332.

**AMENDMENTS**

2018—Pub. L. 115-224 amended section generally. Prior to amendment, section related to reservations and State allotment, reallocation, and allotment ratios.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 2018 AMENDMENT**

Amendment by Pub. L. 115-224 effective July 1, 2019, see section 4 of Pub. L. 115-224, set out as a note under section 2301 of this title.

**§ 2322. Within State allocation**

**(a) In general**

From the amount allotted to each State under section 2321 of this title for a fiscal year, the eligible agency shall make available—

- (1) not less than 85 percent for distribution under section 2351 or 2352 of this title, of which not more than 15 percent of the 85 percent may be used in accordance with subsection (c);
- (2) not more than 10 percent to carry out State leadership activities described in section 2344 of this title, of which—

(A) an amount equal to not more than 2 percent of the amount allotted to the State under section 2321 of this title for the fiscal year shall be made available to serve individuals in State institutions, such as State correctional institutions, juvenile justice facilities, and educational institutions that serve individuals with disabilities;

(B) not less than \$60,000 and not more than \$150,000 shall be available for services that prepare individuals for non-traditional fields; and

(C) an amount shall be made available for the recruitment of special populations to enroll in career and technical education programs, which shall be not less than the lesser of—

- (i) an amount equal to 0.1 percent; or
- (ii) \$50,000; and

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

- (A) developing the State plan;
- (B) reviewing local applications;
- (C) monitoring and evaluating program effectiveness;
- (D) assuring compliance with all applicable Federal laws;
- (E) providing technical assistance; and
- (F) supporting and developing State data systems relevant to the provisions of this chapter.

**(b) Matching requirement**

Each eligible agency receiving funds made available under subsection (a)(3) shall match, from non-Federal sources and on a dollar-for-dollar basis, the funds received under subsection (a)(3).

**(c) Reserve**

From amounts made available under subsection (a)(1) to carry out this subsection, an eligible agency may award grants to eligible recipients for career and technical education activities described in section 2355 of this title—

- (1) in—
  - (A) rural areas;
  - (B) areas with high percentages of CTE concentrators or CTE participants;
  - (C) areas with high numbers of CTE concentrators or CTE participants; and
  - (D) areas with disparities or gaps in performance as described in section 2323(b)(3)(C)(ii)(II) of this title; and
- (2) in order to—

(A) foster innovation through the identification and promotion of promising and proven career and technical education programs, practices, and strategies, which may include programs, practices, and strategies that prepare individuals for nontraditional fields; or

(B) promote the development, implementation, and adoption of programs of study or career pathways aligned with State-identified high-skill, high-wage, or in-demand occupations or industries.

(Pub. L. 88-210, title I, §112, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 695; amended Pub. L. 115-224, title I, §111, July 31, 2018, 132 Stat. 1579.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 2322, Pub. L. 88-210, title I, §112, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3086, related to allocations within States, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2322, Pub. L. 88-210, title I, §112, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2443; amended Pub. L. 99-159, title VII, §703, Nov. 22, 1985, 99 Stat. 905; Pub. L. 101-392, title I, §112, Sept. 25, 1990, 104 Stat. 765; Pub. L. 102-367, title VI, §601(b)(1), Sept. 7, 1992, 106 Stat. 1102, related to State councils on vocational education, prior to the general amendment of this chapter by Pub. L. 105-332.

##### AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-224, §111(1)(A), substituted “15 percent” for “10 percent”.

Subsec. (a)(2)(A). Pub. L. 115-224, §111(1)(B)(i), substituted “2 percent” for “1 percent”, “State correctional institutions, juvenile justice facilities, and educational institutions” for “State correctional institutions and institutions”, and “disabilities;” for “disabilities; and”.

Subsec. (a)(2)(C). Pub. L. 115-224, §111(1)(B)(ii), added subpar. (C).

Subsec. (a)(3)(B). Pub. L. 115-224, §111(1)(C), substituted “local applications;” for “a local plan;”.

Subsec. (c). Pub. L. 115-224, §111(2), substituted “section 2355 of this title—” for “section 2355 of this title in—”, added pars. (1) and (2), and struck out former pars. (1) to (3) which read as follows:

- “(1) rural areas;
- “(2) areas with high percentages of career and technical education students; and
- “(3) areas with high numbers of career and technical education students.”

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-224 effective July 1, 2019, see section 4 of Pub. L. 115-224, set out as a note under section 2301 of this title.

### § 2323. Accountability

#### (a) Purpose

The purpose of this section is to establish and support State and local performance accountability systems, comprised of the activities described in this section, to assess the effectiveness of the State and the eligible recipients of the State in achieving statewide progress in career and technical education, and to optimize the return of investment of Federal funds in career and technical education activities.

#### (b) State determined performance measures

##### (1) In general

Each eligible agency, with input from eligible recipients, shall establish State determined performance measures for a State that consist of—

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

(B) a State determined level of performance described in paragraph (3)(A) for each core indicator of performance.

#### (2) Indicators of performance

##### (A) Core indicators of performance for CTE concentrators at the secondary level

Each eligible agency shall identify in the State plan core indicators of performance for CTE concentrators at the secondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

(i) The percentage of CTE concentrators who graduate high school, as measured by—

(I) the four-year adjusted cohort graduation rate (defined in section 7801 of this title); and

(II) at the State’s discretion, the extended-year adjusted cohort graduation rate defined in such section 7801.

(ii) CTE concentrator proficiency in the challenging State academic standards adopted by the State under section 6311(b)(1) of this title, as measured by the academic assessments described in section 6311(b)(2) of this title.

(iii) The percentage of CTE concentrators who, in the second quarter after exiting from secondary education, are in postsecondary education or advanced training, military service or a service program that receives assistance under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), are volunteers as described in section 2504(a) of title 22, or are employed.

(iv) Indicators of career and technical education program quality as follows:

(I) That shall include at least 1 of the following:

(aa) The percentage of CTE concentrators graduating from high school having attained a recognized postsecondary credential.

(bb) The percentage of CTE concentrators graduating from high school having attained postsecondary credits in the relevant career and technical education program or program of study earned through a dual or concurrent enrollment program or another credit transfer agreement.

(cc) The percentage of CTE concentrators graduating from high school having participated in work-based learning.

(II) That may include any other measure of student success in career and technical education that is statewide, valid, and reliable, and comparable across the State.

(v) The percentage of CTE concentrators in career and technical education programs and programs of study that lead to non-traditional fields.