

**Editorial Notes****PRIOR PROVISIONS**

A prior section 2341, Pub. L. 88-210, title I, §121, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3102, related to State administration, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2341 and prior sections 2341a to 2341c were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2341, Pub. L. 88-210, title II, §231, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 779; amended Pub. L. 103-382, title III, §391(s)(4), (5), Oct. 20, 1994, 108 Stat. 4025; Pub. L. 104-193, title I, §110(i)(1), Aug. 22, 1996, 110 Stat. 2172, related to distribution of funds to secondary school programs. See section 2351 of this title.

Another prior section 2341, Pub. L. 88-210, title II, §251, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2455; amended Pub. L. 100-418, title VI, §6132, Aug. 23, 1988, 102 Stat. 1511, related to the uses of the portion of a State's allotment available for vocational education program improvement, innovation, and expansion, prior to the general amendment of former subchapter II of this chapter by Pub. L. 101-392.

Section 2341a, Pub. L. 88-210, title II, §232, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 781; amended Pub. L. 103-208, §4, Dec. 20, 1993, 107 Stat. 2487; Pub. L. 103-382, title III, §351(a)(1), Oct. 20, 1994, 108 Stat. 3966; Pub. L. 104-193, title I, §110(i)(2), Aug. 22, 1996, 110 Stat. 2172, related to distribution of funds to postsecondary and adult programs. See section 2352 of this title.

Section 2341b, Pub. L. 88-210, title II, §233, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 782, related to special rule for minimal allocations. See section 2353 of this title.

Section 2341c, Pub. L. 88-210, title II, §234, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 783, related to reallocations. See section 2353 of this title.

**AMENDMENTS**

2018—Subsec. (a)(2). Pub. L. 115-224 substituted “teachers, faculty, specialized instructional support personnel, paraprofessionals, school leaders, authorized public chartering agencies and charter school leaders (consistent with State law), employers, representatives of business (including small businesses), labor organizations, eligible recipients, local program administrators, State and local officials, Indian Tribes or Tribal organizations present in the State, parents, students, and community organizations;” for “parents, students, teachers, teacher and faculty preparation programs, representatives of businesses (including small businesses), labor organizations, eligible recipients, State and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under this subchapter;”.

2014—Subsec. (a)(4)(A). Pub. L. 113-128, §512(e)(2)(A), substituted “activities undertaken by the State boards under section 3111 of title 29” for “activities undertaken by the State boards under section 2821 of title 29”.

Subsec. (a)(4)(B). Pub. L. 113-128, §512(e)(2)(B), substituted “the one-stop delivery system under section 3151 of title 29” for “the service delivery system under section 2841 of title 29”.

**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.

**EFFECTIVE DATE OF 2014 AMENDMENT**

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014

(July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of Title 29, Labor.

**§ 2342. State plan****(a) State plan****(1) In general**

Each eligible agency desiring assistance under this subchapter for any fiscal year shall prepare and submit to the Secretary a State plan for a 4-year period, consistent with subsection (b) and paragraph (5), together with such annual revisions as the eligible agency determines to be necessary, except that, during the period described in section 2303 of this title, each eligible agency may submit a transition plan that shall fulfill the eligible agency's obligation to submit a State plan under this section for the first fiscal year following July 31, 2018.

**(2) Revisions**

Each eligible agency—

(A) may submit such annual revisions of the State plan to the Secretary as the eligible agency determines to be necessary; and

(B) shall, after the second year of the 4-year period, conduct a review of activities assisted under this subchapter and submit any revisions of the State plan that the eligible agency determines necessary to the Secretary.

**(3) Hearing process**

The eligible agency shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups (including teachers, faculty, specialized instructional support personnel, paraprofessionals, school leaders, authorized public chartering agencies and charter school leaders (consistent with State law), employers, labor organizations, parents, students, Indian Tribes and Tribal organizations that may be present in the State, and community organizations), an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the eligible agency's response to such recommendations shall be included in the State plan.

**(4) Public comment**

Each eligible agency shall make the State plan publicly available for public comment for a period of not less than 30 days, by electronic means and in an easily accessible format, prior to submission to the Secretary for approval under this subsection. In the plan the eligible agency files under this subsection, the eligible agency shall provide an assurance that public comments were taken into account in the development of the State plan.

**(5) Optional submission of subsequent plans**

An eligible agency may, after the first 4-year State plan is submitted under this section, submit subsequent 4-year plans not later than 120 days prior to the end of the 4-year period covered by the preceding State plan or, if an eligible agency chooses not to submit a

State plan for a subsequent 4-year period, the eligible agency shall submit, and the Secretary shall approve, annual revisions to the State determined levels of performance in the same manner as revisions submitted and approved under section 2323(b)(3)(A)(ii) of this title.

**(b) Options for submission of State plan**

**(1) Combined plan**

The eligible agency may submit a combined plan that meets the requirements of this section and the requirements of section 3113 of title 29.

**(2) Notice to Secretary**

The eligible agency shall inform the Secretary of whether the eligible agency intends to submit a combined plan described in paragraph (1) or a single plan.

**(c) Plan development**

**(1) In general**

The eligible agency shall—

(A) develop the State plan in consultation with—

(i) representatives of secondary and post-secondary career and technical education programs, including eligible recipients and representatives of 2-year minority-serving institutions and historically Black colleges and universities and tribally controlled colleges or universities in States where such institutions are in existence, adult career and technical education providers, and charter school representatives in States where such schools are in existence, which shall include teachers, faculty, school leaders, specialized instructional support personnel, career and academic guidance counselors, and paraprofessionals;

(ii) interested community representatives, including parents, students, and community organizations;

(iii) representatives of the State workforce development board established under section 3111 of title 29 (referred to in this section as the “State board”);

(iv) members and representatives of special populations;

(v) representatives of business and industry (including representatives of small business), which shall include representatives of industry and sector partnerships in the State, as appropriate, and representatives of labor organizations in the State;

(vi) representatives of agencies serving out-of-school youth, homeless children and youth, and at-risk youth, including the State Coordinator for Education of Homeless Children and Youths established or designated under section 11432(d)(3) of title 42;

(vii) representatives of Indian Tribes and Tribal organizations located in, or providing services in, the State; and

(viii) individuals with disabilities; and

(B) consult the Governor of the State, and the heads of other State agencies with authority for career and technical education

programs that are not the eligible agency, with respect to the development of the State plan.

**(2) Activities and procedures**

The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals and entities described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.

**(3) Consultation with the Governor**

The consultation described in paragraph (1)(B) shall include meetings of officials from the eligible agency and the Governor’s office and shall occur—

(A) during the development of such plan; and

(B) prior to submission of the plan to the Secretary.

**(d) Plan contents**

The State plan shall include—

(1) a summary of State-supported workforce development activities (including education and training) in the State, including the degree to which the State’s career and technical education programs and programs of study are aligned with and address the education and skill needs of the employers in the State identified by the State board;

(2) the State’s strategic vision and set of goals for preparing an educated and skilled workforce (including special populations) and for meeting the skilled workforce needs of employers, including in existing and emerging in-demand industry sectors and occupations as identified by the State, and how the State’s career and technical education programs will help to meet these goals;

(3) a strategy for any joint planning, alignment, coordination, and leveraging of funds—

(A) between the State’s career and technical education programs and programs of study with the State’s workforce development system, to achieve the strategic vision and goals described in paragraph (2), including the core programs defined in section 3102 of title 29 and the elements related to system alignment under section 3112(b)(2)(B) of title 29; and

(B) for programs carried out under this subchapter with other Federal programs, which may include programs funded under the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.] and the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.];

(4) a description of the career and technical education programs or programs of study that will be supported, developed, or improved at the State level, including descriptions of—

(A) the programs of study to be developed at the State level and made available for adoption by eligible recipients;

(B) the process and criteria to be used for approving locally developed programs of study or career pathways, including how such programs address State workforce development and education needs and the cri-

teria to assess the extent to which the local application under section 2352 of this title will—

(i) promote continuous improvement in academic achievement and technical skill attainment;

(ii) expand access to career and technical education for special populations; and

(iii) support the inclusion of employability skills in programs of study and career pathways;

(C) how the eligible agency will—

(i) make information on approved programs of study and career pathways (including career exploration, work-based learning opportunities, early college high schools, and dual or concurrent enrollment program opportunities) and guidance and advisement resources, available to students (and parents, as appropriate), representatives of secondary and postsecondary education, and special populations, and to the extent practicable, provide that information and those resources in a language students, parents, and educators can understand;

(ii) facilitate collaboration among eligible recipients in the development and coordination of career and technical education programs and programs of study and career pathways that include multiple entry and exit points;

(iii) use State, regional, or local labor market data to determine alignment of eligible recipients' programs of study to the needs of the State, regional, or local economy, including in-demand industry sectors and occupations identified by the State board, and to align career and technical education with such needs, as appropriate;

(iv) ensure equal access to approved career and technical education programs of study and activities assisted under this chapter for special populations;

(v) coordinate with the State board to support the local development of career pathways and articulate processes by which career pathways will be developed by local workforce development boards, as appropriate;

(vi) support effective and meaningful collaboration between secondary schools, postsecondary institutions, and employers to provide students with experience in, and understanding of, all aspects of an industry, which may include work-based learning such as internships, mentorships, simulated work environments, and other hands-on or inquiry-based learning activities; and

(vii) improve outcomes and reduce performance gaps for CTE concentrators, including those who are members of special populations; and

(D) how the eligible agency may include the opportunity for secondary school students to participate in dual or concurrent enrollment programs, early college high school, or competency-based education;

(5) a description of the criteria and process for how the eligible agency will approve eligi-

ble recipients for funds under this chapter, including how—

(A) each eligible recipient will promote academic achievement;

(B) each eligible recipient will promote skill attainment, including skill attainment that leads to a recognized postsecondary credential; and

(C) each eligible recipient will ensure the comprehensive needs assessment under section 2354(c) of this title takes into consideration local economic and education needs, including, where appropriate, in-demand industry sectors and occupations;

(6) a description of how the eligible agency will support the recruitment and preparation of teachers, including special education teachers, faculty, school principals, administrators, specialized instructional support personnel, and paraprofessionals to provide career and technical education instruction, leadership, and support, including professional development that provides the knowledge and skills needed to work with and improve instruction for special populations;

(7) a description of how the eligible agency will use State leadership funds under section 2344 of this title;

(8) a description of how funds received by the eligible agency through the allotment made under section 2321 of this title will be distributed—

(A) among career and technical education at the secondary level, or career and technical education at the postsecondary and adult level, or both, including how such distribution will most effectively provide students with the skills needed to succeed in the workplace; and

(B) among any consortia that may be formed among secondary schools and eligible institutions, and how funds will be distributed among the members of the consortia, including the rationale for such distribution and how it will most effectively provide students with the skills needed to succeed in the workplace;

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

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

(B) will not be discriminated against on the basis of status as a member of a special population;

(C) will be provided with programs designed to enable individuals who are members of special populations to meet or exceed State determined levels of performance described in section 2323 of this title, and prepare special populations for further learning and for high-skill, high-wage, or in-demand industry sectors or occupations;

(D) will be provided with appropriate accommodations; and

(E) will be provided instruction and work-based learning opportunities in integrated settings that support competitive, integrated employment;

(10) a description of the procedure the eligible agency will adopt for determining State determined levels of performance described in section 2323 of this title, which, at a minimum, shall include—

(A) a description of the process for public comment under section 2323(b)(3)(B) of this title as part of the development of the State determined levels of performance under section 2323(b) of this title;

(B) an explanation of the State determined levels of performance; and

(C) a description of how the State determined levels of performance set by the eligible agency align with the levels, goals, and objectives of other Federal and State laws;

(11) a description of how the eligible agency will address disparities or gaps in performance, as described in section 2323(b)(3)(C)(ii)(II) of this title, in each of the plan years, and if no meaningful progress has been achieved prior to the third program year, a description of the additional actions the eligible agency will take to eliminate these disparities or gaps;

(12) describes<sup>1</sup> how the eligible agency will involve parents, academic and career and technical education teachers, administrators, faculty, career guidance and academic counselors, local business (including small businesses), labor organizations, and representatives of Indian Tribes and Tribal organizations, as appropriate, in the planning, development, implementation, and evaluation of such career and technical education programs; and<sup>2</sup>

(13) assurances that—

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

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

(C) the eligible agency will use the funds to promote preparation for high-skill, high-wage, or in-demand industry sectors or occupations and non-traditional fields, as identified by the eligible agency;

(D) the eligible agency will use the funds provided under this chapter to implement career and technical education programs and programs of study for individuals in State correctional institutions, including juvenile justice facilities; and

(E) the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance, including technical assistance on how to close gaps in student participation and per-

formance in career and technical education programs; and

(14) a description of the opportunities for the public to comment in person and in writing on the State plan under this subsection.

**(e) Consultation**

**(1) In general**

The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult career and technical education, postsecondary career and technical education, and secondary career and technical education after consultation with—

(A) the State agency responsible for supervision of community colleges, technical institutes, other 2-year postsecondary institutions primarily engaged in providing postsecondary career and technical education, or, where applicable, institutions of higher education that are engaged in providing postsecondary career and technical education as part of their mission;

(B) the State agency responsible for secondary education; and

(C) the State agency responsible for adult education.

**(2) Objections of State agencies**

If a State agency other than the eligible agency finds that a portion of the final State plan is objectionable, that objection shall be filed together with the State plan. The eligible agency shall respond to any objections of such State agency in the State plan submitted to the Secretary.

**(3) Joint signature authority**

A Governor shall have 30 days prior to the eligible agency submitting the State plan to the Secretary to sign such plan. If the Governor has not signed the plan within 30 days of delivery by the eligible agency to the Governor, the eligible agency shall submit the plan to the Secretary without such signature.

**(f) Plan approval**

**(1) In general**

Not later than 120 days after the eligible agency submits its State plan, the Secretary shall approve such State plan, or a revision of the plan under subsection (a)(2) (including a revision of State determined levels of performance in accordance with section 2323(b)(3)(A)(iii) of this title), if the Secretary determines that the State has submitted in its State plan State determined levels of performance that meet the criteria established in section 2323(b)(3) of this title, including the minimum requirements described in section 2323(b)(3)(A)(i)(III) of this title, unless the Secretary—

(A) determines that the State plan does not meet the requirements of this chapter, including the minimum requirements as described in section 2323(b)(3)(A)(i)(III) of this title; and

(B) meets the requirements of paragraph (2) with respect to such plan.

**(2) Disapproval**

The Secretary—

<sup>1</sup> So in original. Probably should be "a description of".

<sup>2</sup> So in original. The word "and" probably should not appear.

(A) shall have the authority to disapprove a State plan only if the Secretary—

- (i) determines how the State plan fails to meet the requirements of this chapter; and
- (ii) provides to the eligible agency, in writing, notice of such determination and the supporting information and rationale to substantiate such determination; and

(B) shall not finally disapprove a State plan, except after making the determination and providing the information described in subparagraph (A), and giving the eligible agency notice and an opportunity for a hearing.

(Pub. L. 88-210, title I, §122, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 715; amended Pub. L. 113-128, title V, §512(e)(3), July 22, 2014, 128 Stat. 1706; Pub. L. 114-95, title IX, §9215(n)(6), Dec. 10, 2015, 129 Stat. 2169; Pub. L. 115-224, title I, §122, July 31, 2018, 132 Stat. 1600.)

### Editorial Notes

#### REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (d)(3)(B), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27. Title II of the Act is classified generally to subchapter II (§6601 et seq.) of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

The Higher Education Act of 1965, referred to in subsec. (d)(3)(B), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Title II of the Act is classified generally to subchapter II (§1021 et seq.) of chapter 28 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

#### PRIOR PROVISIONS

A prior section 2342, Pub. L. 88-210, title I, §122, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3102, related to State plan, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2342, Pub. L. 88-210, title II, §235, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 783, related to uses of funds, prior to the general amendment of this chapter by Pub. L. 105-332.

Another prior section 2342, Pub. L. 88-210, title II, §252, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2457, related to criteria for program improvement, innovation, and expansion, prior to the general amendment of former subchapter II of this chapter by Pub. L. 101-392.

#### AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-224, §122(1)(A), substituted “4-year period, consistent with subsection (b) and paragraph (5),” for “6-year period,” and “July 31, 2018” for “August 12, 2006”.

Subsec. (a)(2)(B). Pub. L. 115-224, §122(1)(B), substituted “4-year period” for “6-year period”.

Subsec. (a)(3). Pub. L. 115-224, §122(1)(C), substituted “(including teachers, faculty, specialized instructional support personnel, paraprofessionals, school leaders, authorized public chartering agencies and charter school leaders (consistent with State law), employers, labor organizations, parents, students, Indian Tribes and Tribal organizations that may be present in the State, and community organizations)” for “(including charter school authorizers and organizers consistent with State law, employers, labor organizations, parents, students, and community organizations)”.

Subsec. (a)(4), (5). Pub. L. 115-224, §122(1)(D), added pars. (4) and (5).

Subsecs. (b) to (f). Pub. L. 115-224, §122(2), added subsecs. (b) to (f) and struck out former subsecs. (b) to (e)

which related to development, contents, options, and approval of State plans.

2015—Subsec. (c)(1)(D)(i). Pub. L. 114-95, §9215(n)(6)(A), substituted “aligned with challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965” for “aligned with rigorous and challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965”.

Subsec. (c)(7)(A)(i). Pub. L. 114-95, §9215(n)(6)(B), substituted “a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)” for “the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)”.

2014—Subsec. (b)(1)(A)(viii). Pub. L. 113-128, §512(e)(3)(A), substituted “entities participating in activities described in section 3111 of title 29” for “entities participating in activities described in section 2821 of title 29”.

Subsec. (c)(20). Pub. L. 113-128, §512(e)(3)(B), substituted “the description and information specified in subparagraphs (B) and (C)(iii) of section 3112(b)(2), and, as appropriate, section 3113(b)(3)(A), and section 3151(c), of title 29 concerning the provision of services only for postsecondary students and school dropouts” for “the description and information specified in sections 2822(b)(8) and 2841(c) of title 29 concerning the provision of services only for postsecondary students and school dropouts”.

Subsec. (d)(2). Pub. L. 113-128, §512(e)(3)(C), substituted “combined plan” for “501 plan” in heading and “as part of the plan submitted under section 3113 of title 29” for “as part of the plan submitted under section 501 of Public Law 105-220” in text.

### 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.

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

#### EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of Title 29, Labor.

## § 2343. Improvement plans

### (a) State program improvement

#### (1) Plan

If a State fails to meet at least 90 percent of the State determined level of performance for any of the core indicators of performance described in 2323(b)(2)<sup>1</sup> of this title for all CTE concentrators, the eligible agency shall develop and implement a program improvement plan (that includes an analysis of the performance disparities or gaps identified under section 2323(b)(3)(C)(ii)(II) of this title, and actions that will be taken to address such gaps) in consultation with the appropriate agencies,

<sup>1</sup> So in original. Probably should be preceded by “section”.