

(5) Funds resulting from reduced allotments

The eligible agency shall use funds withheld under paragraph (4) from an eligible recipient to provide (through alternative arrangements) services and activities to students within the area served by such recipient to meet the purposes of this chapter.

(6) Adjustments prohibited

An eligible recipient shall not be eligible to adjust performance levels while executing an improvement plan under this section.

(Pub. L. 88-210, title I, §123, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 721; amended Pub. L. 115-224, title I, §123, July 31, 2018, 132 Stat. 1606.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 2343, Pub. L. 88-210, title I, §123, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3106, related to improvement plans, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2343, Pub. L. 88-210, title II, §240, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 784, related to local applications, prior to the general amendment of this chapter by Pub. L. 105-332.

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-224, §123(1)(A), substituted “percent of the” for “percent of an agreed upon”, “State determined level of performance” for “State adjusted level of performance” in two places, “2323(b)(2) of this title for all CTE concentrators” for “section 2323(b)(3) of this title”, and “(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)” for “(with special consideration to performance gaps identified under section 2323(c)(2) of this title)”.

Subsec. (a)(2). Pub. L. 115-224, §123(1)(B), substituted “purposes of this section, including after implementation of the improvement plan described in paragraph (1),” for “purposes of this chapter” and “State determined levels of performance” for “State’s adjusted levels of performance”.

Subsec. (a)(3)(A)(ii), (iii). Pub. L. 115-224, §123(1)(C), added cl. (ii) and struck out former cls. (ii) and (iii) which read as follows:

“(ii) fails to make any improvement in meeting any of the State adjusted levels of performance for the core indicators of performance identified under paragraph (1) within the first program year of implementation of its improvement plan described in paragraph (1); or

“(iii) fails to meet at least 90 percent of an agreed upon State adjusted level of performance for the same core indicator of performance for 3 consecutive years.”

Subsec. (a)(5). Pub. L. 115-224, §123(1)(D), added par. (5).

Subsec. (b). Pub. L. 115-224, §123(2)(A), substituted “local level” for “local adjusted level” and “local levels” for “local adjusted levels” wherever appearing.

Subsec. (b)(2). Pub. L. 115-224, §123(2)(B)(ii), which directed substitution of “(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 local stakeholders described in section 2354(d)(1) of this title, the eligible agency, and” for “(with special consideration to performance gaps identified under section 2323(b)(4)(C)(ii)(II) of this title in consultation with the eligible agency,”, was executed by making the substitution for text containing another closing parenthesis after “of this title”, to reflect the probable intent of Congress.

Pub. L. 115-224, §123(2)(B)(i), inserted “for all CTE concentrators” after “section 2323(b)(4) of this title”.

Subsec. (b)(4)(A)(ii), (iii). Pub. L. 115-224, §123(2)(C)(i), added cl. (ii) and struck out former cls. (ii) and (iii) which read as follows:

“(ii) fails to make any improvement in meeting any of the local adjusted levels of performance for the core indicators of performance identified under paragraph (2) within the first program year of implementation of its improvement plan described in paragraph (2); or

“(iii) fails to meet at least 90 percent of an agreed upon local adjusted level of performance for the same core indicator of performance for 3 consecutive years.”

Subsec. (b)(4)(B)(iii). Pub. L. 115-224, §123(2)(C)(ii), added cl. (iii).

Subsec. (b)(6). Pub. L. 115-224, §123(2)(D), added par. (6).

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.

§ 2344. State leadership activities**(a) General authority**

From amounts reserved under section 2322(a)(2) of this title, each eligible agency shall—

(1) conduct State leadership activities to improve career and technical education, which shall include support for—

(A) preparation for non-traditional fields in current and emerging professions, programs for special populations, and other activities that expose students, including special populations, to high-skill, high-wage, and in-demand occupations;

(B) individuals in State institutions, such as State correctional institutions, including juvenile justice facilities, and educational institutions that serve individuals with disabilities;

(C) recruiting, preparing, or retaining career and technical education teachers, faculty, specialized instructional support personnel, or paraprofessionals, such as preservice, professional development, or leadership development programs; and

(D) technical assistance for eligible recipients; and

(2) report on the effectiveness of such use of funds in achieving the goals described in section 2342(d)(2) of this title and the State determined levels of performance described in section 2323(b)(3)(A) of this title, and reducing disparities or performance gaps as described in section 2323(b)(3)(C)(ii)(II) of this title.

(b) Permissible uses of funds

The State leadership activities described in subsection (a) may include—

(1) developing statewide programs of study, which may include standards, curriculum, and course development, and career exploration, guidance, and advisement activities and resources;

(2) approving locally developed programs of study that meet the requirements established in section 2342(d)(4)(B) of this title;

(3) establishing statewide articulation agreements aligned to approved programs of study;

(4) establishing statewide industry or sector partnerships among local educational agencies, institutions of higher education, adult education providers, Indian Tribes and Tribal organizations that may be present in the State, employers, including small businesses, and parents, as appropriate to—

(A) develop and implement programs of study aligned to State and local economic and education needs, including, as appropriate, in-demand industry sectors and occupations;

(B) facilitate the establishment, expansion, and integration of opportunities for students at the secondary level to—

(i) successfully complete coursework that integrates rigorous and challenging technical and academic instruction aligned with the challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6311(b)(1)]; and

(ii) earn a recognized postsecondary credential or credit toward a recognized postsecondary credential, which may be earned through a dual or concurrent enrollment program or early college high school, at no cost to the student or the student's family; and

(C) facilitate work-based learning opportunities (including internships, externships, and simulated work environments) into programs of study;

(5) for teachers, faculty, specialized instructional support personnel, and paraprofessionals providing career and technical education instruction, support services, and specialized instructional support services, high-quality comprehensive professional development that is, to the extent practicable, grounded in evidence-based research (to the extent a State determines that such evidence is reasonably available) that identifies the most effective educator professional development process and is coordinated and aligned with other professional development activities carried out by the State (including under title II of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6601 et seq.] and title II of the Higher Education Act of 1965 [20 U.S.C. 1021 et seq.]), including programming that—

(A) promotes the integration of the challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6311(b)(1)] and relevant technical knowledge and skills, including programming jointly delivered to academic and career and technical education teachers;

(B) prepares career and technical education teachers, faculty, specialized instructional support personnel, and paraprofessionals to provide appropriate accommodations for students who are members of special populations, including through the use of principles of universal design for learning, multi-tier systems of supports, and positive behavioral interventions and support; and

(C) increases the ability of teachers, faculty, specialized instructional support per-

sonnel, and paraprofessionals providing career and technical education instruction to stay current with industry standards and earn an industry-recognized credential or license, as appropriate, including by assisting those with relevant industry experience in obtaining State teacher licensure or credential requirements;

(6) supporting eligible recipients in eliminating inequities in student access to—

(A) high-quality programs of study that provide skill development; and

(B) effective teachers, faculty, specialized instructional support personnel, and paraprofessionals;

(7) awarding incentive grants to eligible recipients—

(A) for exemplary performance in carrying out programs under this chapter, which awards shall be based on—

(i) eligible recipients exceeding the local level of performance on a core indicator of performance established under section 2323(b)(4)(A) of this title in a manner that reflects sustained or significant improvement;

(ii) eligible recipients effectively developing connections between secondary education and postsecondary education and training;

(iii) the integration of academic and technical standards;

(iv) eligible recipients' progress in closing achievement gaps among subpopulations who participate in programs of study; or

(v) other factors relating to the performance of eligible recipients under this chapter as the eligible agency determines are appropriate; or

(B) if an eligible recipient elects to use funds as permitted under section 2355(c) of this title;

(8) providing support for—

(A) the adoption and integration of recognized postsecondary credentials and work-based learning into programs of study, and for increasing data collection associated with recognized postsecondary credentials and employment outcomes; or

(B) consultation and coordination with other State agencies for the identification and examination of licenses or certifications that—

(i) pose an unwarranted barrier to entry into the workforce for career and technical education students; and

(ii) do not protect the health, safety, or welfare of consumers;

(9) the creation, implementation, and support of pay for success initiatives leading to a recognized postsecondary credential;

(10) support for career and technical education programs for adults and out-of-school youth concurrent with their completion of their secondary school education in a school or other educational setting;

(11) the creation, evaluation, and support of competency-based curricula;

(12) support for the development, implementation, and expansion of programs of study or career pathways in areas declared to be in a state of emergency under section 5191 of title 42;

(13) partnering with qualified intermediaries to improve training, the development of public-private partnerships, systems development, capacity-building, and scalability of the delivery of high-quality career and technical education;

(14) improvement of career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including academic and financial aid counseling;

(15) support for the integration of employability skills into career and technical education programs and programs of study;

(16) support for programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science, coding, and architecture), support for the integration of arts and design skills, and support for hands-on learning, particularly for students who are members of groups underrepresented in such subject fields, such as female students, minority students, and students who are members of special populations;

(17) support for career and technical student organizations, especially with respect to efforts to increase the participation of students in nontraditional fields and students who are members of special populations;

(18) support for establishing and expanding work-based learning opportunities that are aligned to career and technical education programs and programs of study;

(19) integrating and aligning programs of study and career pathways;

(20) supporting the use of career and technical education programs and programs of study aligned with State, regional, or local high-skill, high-wage, or in-demand industry sectors or occupations identified by the State workforce development board described in section 3111 of title 29 or local workforce development boards;

(21) making all forms of instructional content widely available, which may include use of open educational resources;

(22) developing valid and reliable assessments of competencies and technical skills and enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes;

(23) support for accelerated learning programs, as described in section 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7114(b)(3)(A)(i)(IV)], in the case of any such program that is part of a career and technical education program of study;

(24) support for career academies to implement a postsecondary education and workforce-ready curriculum at the secondary education level that integrates rigorous academic, technical, and employability contents through career and technical education programs and programs of study that address

needs described in the comprehensive needs assessment under section 2354(c) of this title; and

(25) other State leadership activities that improve career and technical education.

(c) Restriction on uses of funds

An eligible agency that receives funds under section 2322(a)(2) of this title may not use any of such funds for administrative costs, unless expressly authorized under subsection (a).

(Pub. L. 88-210, title I, §124, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 723; amended Pub. L. 113-128, title V, §512(e)(4), July 22, 2014, 128 Stat. 1707; Pub. L. 114-95, title IX, §9215(n)(7), Dec. 10, 2015, 129 Stat. 2170; Pub. L. 115-224, title I, §124, July 31, 2018, 132 Stat. 1608.)

Editorial Notes

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (b)(5), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended. 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. (b)(5), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. 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 2344, Pub. L. 88-210, title I, §124, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3107, related to State leadership activities, prior to the general amendment of this chapter by Pub. L. 109-270.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-224, §124(1), substituted “shall—” for “shall conduct State leadership activities.” and added pars. (1) and (2).

Subsec. (b). Pub. L. 115-224, §124(2), substituted “Permissible” for “Required” in heading and “may” for “shall” in introductory provisions, added pars. (1) to (25), and struck out former pars. (1) to (9) which set out activities required to be included in State leadership activities.

Subsecs. (c), (d). Pub. L. 115-224, §124(3)–(5), redesignated subsec. (d) as (c), inserted “, unless expressly authorized under subsection (a)” before period at end, and struck out former subsec. (c) which set out permissible uses of funds for State leadership activities.

2015—Subsec. (b)(4)(A). Pub. L. 114-95 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. (c)(13). Pub. L. 113-128 substituted “such as through referral to the system established under section 3151 of title 29” for “such as through referral to the system established 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 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive pro-

grams 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.

PART C—LOCAL PROVISIONS

§ 2351. Distribution of funds to secondary education programs

(a) Distribution rules

Except as provided in section 2353 of this title and as otherwise provided in this section, each eligible agency shall distribute the portion of funds made available under section 2322(a)(1) of this title to carry out this section to local educational agencies within the State as follows:

(1) Thirty percent

Thirty percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 5 through 17, inclusive, who reside in the school district served by such local educational agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding fiscal year, as determined on the basis of the most recent satisfactory—

(A) data provided to the Secretary by the Bureau of the Census for the purpose of determining eligibility under title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.]; or

(B) student membership data collected by the National Center for Education Statistics through the Common Core of Data survey system.

(2) Seventy percent

Seventy percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 5 through 17, inclusive, who reside in the school district served by such local educational agency and are from families below the poverty level for the preceding fiscal year, as determined on the basis of the most recent satisfactory data used under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6333(c)(1)(A)], compared to the total number of such individuals who reside in the school districts served by all the local educational agencies in the State for such preceding fiscal year.

(3) Adjustments

Each eligible agency, in making the allocations under paragraphs (1) and (2), shall adjust the data used to make the allocations to—

(A) reflect any change in school district boundaries that may have occurred since the data were collected; and

(B) include local educational agencies without geographical boundaries, such as charter schools and secondary schools funded by the Bureau of Indian Education.

(b) Waiver for more equitable distribution

The Secretary may waive the application of subsection (a) in the case of any eligible agency that submits to the Secretary an application for such a waiver that—

(1) demonstrates that a proposed alternative formula more effectively targets funds on the basis of poverty (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42) to local educational agencies within the State than the formula described in subsection (a); and

(2) includes a proposal for such an alternative formula.

(c) Minimum allocation

(1) In general

Except as provided in paragraph (2), a local educational agency shall not receive an allocation under subsection (a) unless the amount allocated to such agency under subsection (a) is greater than \$15,000. A local educational agency may enter into a consortium with other local educational agencies for purposes of meeting the minimum allocation requirement of this paragraph.

(2) Waiver

The eligible agency shall waive the application of paragraph (1) in any case in which the local educational agency—

(A)(i) is located in a rural, sparsely populated area; or

(ii) is a public charter school operating secondary school career and technical education programs or programs of study; and

(B) demonstrates that the local educational agency is unable to enter into a consortium for purposes of providing activities under this part.

(3) Redistribution

Any amounts that are not allocated by reason of paragraph (1) or paragraph (2) shall be redistributed to local educational agencies that meet the requirements of paragraph (1) or (2) in accordance with the provisions of this section.

(d) Limited jurisdiction agencies

(1) In general

In applying the provisions of subsection (a), no eligible agency receiving assistance under this subchapter shall allocate funds to a local educational agency that serves only elementary schools, but shall distribute such funds to the local educational agency or regional educational agency that provides secondary school services to secondary school students in the same attendance area.

(2) Special rule

The amount to be allocated under paragraph (1) to a local educational agency that has jurisdiction only over secondary schools shall be determined based on the number of students that entered such secondary schools in the previous year from the elementary schools involved.