

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) Short Title.—This Act may be cited as the ‘Strengthening Career and Technical  
3 Education for the 21st Century Act~~Carl D. Perkins Career and Technical Education Act of~~  
4 ~~2006~~’.

5 (b) Table of Contents.—The table of contents for this Act is as follows:

6 Sec.1.Short title; table of contents.

7 Sec.2.Purpose.

8 Sec.3.Definitions.

9 Sec.4.Transition provisions.

10 Sec.5.Privacy.

11 Sec.6.Limitation.

12 Sec.7.Special rule.

13 Sec.8.Prohibitions.

14 Sec.9.Authorization of appropriations.

15 TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO  
16 THE STATES

17 PART A—Allotment and Allocation

18 Sec.111.Reservations and State allotment.

19 Sec.112.Within State allocation.

20 Sec.113.Accountability.

21 Sec.114.National activities.

22 Sec.115.Assistance for the outlying areas.

23 Sec.116.Native American programs.

24 Sec.117.Tribally controlled postsecondary career and technical institutions.

25 ~~Sec.118.Occupational and employment information.~~

26 PART B—State Provisions

27 Sec.121.State administration.

28 Sec.122.State plan.

29 Sec.123.Improvement plans.

30 Sec.124.State leadership activities.

31 PART C—Local Provisions

32 Sec.131.Distribution of funds to secondary education programs.

- 1           Sec.132.Distribution of funds for postsecondary education programs.  
2           Sec.133.Special rules for career and technical education.  
3           Sec.134.Local application plan for career and technical education programs.  
4           Sec.135.Local uses of funds.

5           **~~TITLE II—TECH PREP EDUCATION~~**

6           ~~Sec.201.State allotment and application.~~

7           ~~Sec.202.Consolidation of funds.~~

8           ~~Sec.203.Tech prep program.~~

9           ~~Sec.204.Consortium applications.~~

10          ~~Sec.205.Report.~~

11          ~~Sec.206.Authorization of appropriations.~~

12          **TITLE III—GENERAL PROVISIONS**

13          **PART A—Federal Administrative Provisions**

14          Sec.~~211~~~~311~~.Fiscal requirements.

15          Sec.~~212~~~~312~~.Authority to make payments.

16          Sec.~~213~~~~313~~.Construction.

17          Sec.~~214~~~~314~~.Voluntary selection and participation.

18          Sec.~~215~~~~315~~.Limitation for certain students.

19          Sec.~~216~~~~316~~.Federal laws guaranteeing civil rights.

20          Sec.~~217~~~~317~~.Participation of private school personnel and children.

21          Sec.~~218~~~~318~~.Limitation on Federal regulations.

22          ~~Sec. 219. Study on programs of study aligned to high-skill, high-wage occupations.~~

23          **PART B—State Administrative Provisions**

24          Sec.~~221~~~~321~~.Joint funding.

25          Sec.~~222~~~~322~~.Prohibition on use of funds to induce out-of-State relocation of businesses.

26          Sec.~~223~~~~323~~.State administrative costs.

27          Sec.~~224~~~~324~~.Student assistance and other Federal programs.

28  
29          **SEC. 2. PURPOSE.**

30          The purpose of this Act is to develop more fully the academic knowledge and technical and  
31 employability~~career and technical~~ skills of secondary education students and postsecondary  
32 education students who elect to enroll in career and technical education programs and programs  
33 of study, by—

1 (1) building on the efforts of States and localities to develop challenging academic and  
2 technical standards and to assist students in meeting such standards, including preparation  
3 for high skill, high wage, or ~~high-in-~~demand occupations in current or emerging  
4 professions;

5 (2) promoting the development of services and activities that integrate rigorous and  
6 challenging academic and career and technical instruction, and that link secondary  
7 education and postsecondary education for participating career and technical education  
8 students;

9 (3) increasing State and local flexibility in providing services and activities designed to  
10 develop, implement, and improve career and technical education, ~~including tech prep~~  
11 ~~education~~;

12 (4) conducting and disseminating national research and disseminating information on best  
13 practices that improve career and technical education programs and programs of study,  
14 services, and activities;

15 (5) providing technical assistance that—

16 (A) promotes leadership, initial preparation, and professional development at the  
17 State and local levels; and

18 (B) improves the quality of career and technical education teachers, faculty,  
19 administrators, and counselors;

20 (6) supporting partnerships among secondary schools, postsecondary institutions,  
21 baccalaureate degree granting institutions, area career and technical education schools,  
22 local workforce investment boards, business and industry, and intermediaries; ~~and~~

23 (7) providing individuals with opportunities throughout their lifetimes to develop, in  
24 conjunction with other education and training programs, the knowledge and skills needed  
25 to keep the United States competitive; ~~and~~

26 (8) increasing the employment opportunities for populations who are chronically  
27 unemployed or underemployed, including individuals with disabilities, individuals from  
28 economically disadvantaged families, out-of-workforce individuals, youth who are in, or  
29 have aged out of, the foster care system, and homeless individuals.

### 31 SEC. 3. DEFINITIONS.

32 Unless otherwise specified, in this Act:

33 (1) Administration.—The term ‘administration’, when used with respect to an eligible  
34 agency or eligible recipient, means activities necessary for the proper and efficient  
35 performance of the eligible agency or eligible recipient’s duties under this Act, including  
36 the supervision of such activities. Such term does not include curriculum development  
37 activities, personnel development, or research activities.

38 (2) All aspects of an industry.—The term ‘all aspects of an industry’ means strong  
39 experience in, and comprehensive understanding of, the industry that the individual is  
40 preparing to enter, ~~including information as described in section 118.~~

1 (3) Area career and technical education school.—The term ‘area career and technical  
2 education school’ means—

3 (A) a specialized public secondary school used exclusively or principally for the  
4 provision of career and technical education to individuals who are available for study  
5 in preparation for entering the labor market;

6 (B) the department of a public secondary school exclusively or principally used for  
7 providing career and technical education in not fewer than 3 different fields that are  
8 available to all students, especially in high-skill, high-wage, or in-demand industry  
9 sectors or occupations ~~5 different occupational fields to individuals who are available~~  
10 ~~for study in preparation for entering the labor market;~~

11 (C) a public or nonprofit technical institution or career and technical education school  
12 used exclusively or principally for the provision of career and technical education to  
13 individuals who have completed or left secondary school and who are available for  
14 study in preparation for entering the labor market, if the institution or school admits,  
15 as regular students, individuals who have completed secondary school and individuals  
16 who have left secondary school; or

17 (D) the department or division of an institution of higher education, that operates  
18 under the policies of the eligible agency and that provides career and technical  
19 education in not fewer than 35 different occupational fields leading to immediate  
20 employment but not necessarily leading to a baccalaureate degree, if the department  
21 or division admits, as regular students, both individuals who have completed  
22 secondary school and individuals who have left secondary school.

23 (4) Articulation agreement.—The term ‘articulation agreement’ means a written  
24 commitment—

25 (A) that is agreed upon at the State level or approved annually by the lead  
26 administrators of—

27 (i) a secondary institution and a postsecondary educational institution; or

28 (ii) a subbaccalaureate degree granting postsecondary educational institution and  
29 a baccalaureate degree granting postsecondary educational institution; and

30 (B) to a program that is—

31 (i) designed to provide students with a nonduplicative sequence of progressive  
32 achievement leading to technical skill proficiency, a credential, a certificate, or a  
33 degree; and

34 (ii) linked through credit transfer agreements between the 2 institutions described  
35 in clause (i) or (ii) of subparagraph (A) (as the case may be).

36 (5) Career and technical education.—The term ‘career and technical education’ means  
37 organized educational activities that—

38 (A) offer a sequence of courses that—

39 (i) provides individuals with rigorous academic content and relevant technical  
40 knowledge and skills needed to prepare for further education and careers in

1 current or emerging professions, which may include high-skill, high-wage, or in-  
2 demand industry sectors or occupations, which shall be, at the secondary level,  
3 aligned with the challenging State academic standards adopted by a State under  
4 section 1111(b)(1) of the Elementary and Secondary Education Act of  
5 1965; provides individuals with coherent and rigorous content aligned with  
6 challenging academic standards and relevant technical knowledge and skills  
7 needed to prepare for further education and careers in current or emerging  
8 professions;

9 (ii) provides technical skill proficiency or a recognized postsecondary credential,  
10 which may include an industry-recognized credential, a certificate, or an associate  
11 degree, an industry-recognized credential, a certificate, or an associate degree;  
12 and

13 (iii) may include prerequisite courses (other than a remedial course) that meet the  
14 requirements of this subparagraph; ~~and~~

15 (B) include competency-based, work-based, or other applied learning that ~~contributes~~  
16 ~~to supports the development of the~~ academic knowledge, higher-order reasoning and  
17 problem-solving skills, work attitudes, ~~general~~ employability skills, technical skills,  
18 and occupation-specific skills, and knowledge of all aspects of an industry, including  
19 entrepreneurship, of an individual-;

20 (C) to the extent practicable, coordinate between secondary and postsecondary  
21 education programs through programs of study, which may include coordination  
22 through articulation agreements, early college high school programs, dual or  
23 concurrent enrollment program opportunities, or other credit transfer agreements that  
24 provide postsecondary credit or advanced standing; and

25 (D) may include career exploration at the high school level or as early as the middle  
26 grades (as such term is defined in section 8101 of the Elementary and Secondary  
27 Education Act of 1965).

28 (6) Career and technical student organization.—

29 (A) In general.—The term ‘career and technical student organization’ means an  
30 organization for individuals enrolled in a career and technical education program that  
31 engages in career and technical education activities as an integral part of the  
32 instructional program.

33 (B) State and national units.—An organization described in subparagraph (A) may  
34 have State and national units that aggregate the work and purposes of instruction in  
35 career and technical education at the local level.

36 (7) Career guidance and academic counseling.—The term ‘career guidance and academic  
37 counseling’ means guidance and counseling that—

38 (A) provides access for students (and, as appropriate, parents and out-of-school youth;  
39 as appropriate) to information regarding career awareness exploration opportunities  
40 and planning with respect to an individual’s occupational and academic future; ~~and~~

41 (B) provides information to students (and, as appropriate, parents and out-of-school  
42 youth) with respect to career options, financial aid, job training, secondary and

1 postsecondary options (including associate and baccalaureate degree programs), dual  
2 or concurrent enrollment programs, work-based learning opportunities, early college  
3 high schools, financial literacy, and support services, as appropriate; and

4 (C) may provide assistance for special populations with respect to direct support  
5 services that enable students to persist in and complete career and technical  
6 education, programs of study, or career pathways.

7 (8) Career pathways.—The term ‘career pathways’ has the meaning given the term in  
8 section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

9 (98) Charter school.—The term ‘charter school’ has the meaning given the term in  
10 section 4310 of the Elementary and Secondary Education Act of 1965.

11 (109) Cooperative education.—The term ‘cooperative education’ means a method of  
12 education for individuals who, through written cooperative arrangements between a  
13 school and employers, receive instruction, including required rigorous and challenging  
14 academic courses and related career and technical education instruction, by alternation of  
15 study in school with a job in any occupational field, which alternation—

16 (A) shall be planned and supervised by the school and employer so that each  
17 contributes to the education and employability of the individual; and

18 (B) may include an arrangement in which work periods and school attendance may be  
19 on alternate half days, full days, weeks, or other periods of time in fulfilling the  
20 cooperative program.

21 ~~(10) Displaced homemaker.—The term ‘displaced homemaker’ means an individual~~  
22 ~~who—~~

23 ~~(A)(i) has worked primarily without remuneration to care for a home and family, and~~  
24 ~~for that reason has diminished marketable skills;~~

25 ~~(ii) has been dependent on the income of another family member but is no longer~~  
26 ~~supported by that income; or~~

27 ~~(iii) is a parent whose youngest dependent child will become ineligible to receive~~  
28 ~~assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et~~  
29 ~~seq.) not later than 2 years after the date on which the parent applies for assistance~~  
30 ~~under such title; and~~

31 ~~(B) is unemployed or underemployed and is experiencing difficulty in obtaining or~~  
32 ~~upgrading employment.~~

33 (11) Credit transfer agreement.—The term ‘credit transfer agreement’ means a formal  
34 agreement, such as an articulation agreement, among and between secondary and  
35 postsecondary education institutions or systems that grant students transcribed  
36 postsecondary credit, which may include credit granted to students in dual or concurrent  
37 enrollment programs or early college high school, dual credit, articulated credit, and  
38 credit granted on the basis of performance on technical or academic assessments.

39 (12) CTE concentrator.—The term ‘CTE concentrator’ means—

40 (A) at the secondary school level, a student served by an eligible recipient who has

1 completed at least 2 courses in a single career and technical education program or  
2 program of study; and

3 (B) at the postsecondary level, a student enrolled in an eligible recipient who has—

4 (i) earned at least 12 credits within a career and technical education program or  
5 program of study; or

6 (ii) completed such a program if the program encompasses fewer than 12 credits  
7 or the equivalent in total.

8 (13) CTE participant.—The term ‘CTE participant’ means an individual who completes  
9 not less than one course in a career and technical education program or program of study  
10 of an eligible recipient.

11 (14) Director.—The term ‘Director’ means the Director of the Institute of Education  
12 Sciences.

13 (15) Dual or concurrent enrollment program.—The term ‘dual or concurrent enrollment  
14 program’ has the meaning given the term in section 8101 of the Elementary and  
15 Secondary Education Act of 1965.

16 (16) Early college high school.—The term ‘early college high school’ has the meaning  
17 given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

18 (1744) Educational service agency.—The term ‘educational service agency’ has the  
19 meaning given the term in section 8101 of the Elementary and Secondary Education Act  
20 of 1965.

21 (1842) Eligible agency.—The term ‘eligible agency’ means a State board designated or  
22 created consistent with State law as the sole State agency responsible for the  
23 administration of career and technical education in the State or for the supervision of the  
24 administration of career and technical education in the State.

25 (19) Eligible entity.—The term ‘eligible entity’ means a consortium that includes the  
26 following:

27 (A) Representatives of not less than 2 of the following categories of entities, 1 of  
28 which shall serve as the fiscal agent for the consortium:

29 (i) A local educational agency or a consortium of such agencies.

30 (ii) An educational service agency serving secondary school students.

31 (iii) An area career and technical education school or a consortium of such  
32 schools.

33 (iv) An Indian Tribe, Tribal organization, or Tribal educational agency.

34 (v) An institution of higher education whose most common degree awarded is an  
35 associate degree, or a consortium of such institutions.

36 (vi) An institution of higher education whose most common degree awarded is a  
37 bachelor's or higher degree, or a consortium of such institutions.

38 (vii) A State educational agency.

1 (B) One or more business or industry representative partners, which may include  
2 representatives of local or regional businesses or industries, including industry or  
3 sector partnerships in the local area, local workforce development boards, or labor  
4 organizations.

5 (C) One or more stakeholders, which may include —

6 (i) parents and students;

7 (ii) representatives of local agencies serving out-of-school youth, homeless  
8 children and youth, and at-risk youth (as defined in section 1432 of the  
9 Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472));

10 (iii) representatives of Indian tribes and Tribal organizations, where applicable;

11 (iv) representatives of minority-serving institutions (as described in paragraphs  
12 (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C.  
13 1067q(a)), where applicable;

14 (v) representatives of special populations;

15 (vi) representatives of adult career and technical education providers; or

16 (vii) other relevant community stakeholders.

17 **(2013) Eligible institution.—**The term ‘eligible institution’ means—

18 (A) a consortium of 2 or more of the entities described in subparagraphs (B) through  
19 (F);

20 (B) a public or nonprofit private institution of higher education that offers and will  
21 use funds provided under this title in support of career and technical education  
22 courses that lead to technical skill proficiency or a recognized postsecondary  
23 credential, including an industry-recognized credential, a certificate, or an associate  
24 degree;

25 (C) a local educational agency providing education at the postsecondary level;

26 (D) an area career and technical education school providing education at the  
27 postsecondary level;

28 (E) an Indian Tribe, Tribal organization, or Tribal education agency that operates a  
29 school or may be present in the State;

30 (F) a postsecondary educational institution controlled by the Bureau of Indian  
31 Education or operated by or on behalf of any Indian Tribe that is eligible to contract  
32 with the Secretary of the Interior for the administration of programs under the Indian  
33 Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) or the Act  
34 of April 16, 1934 (25 U.S.C. 5342 et seq.);

35 (G) a tribally controlled college or university; or

36 (H) an educational service agency.

37 ~~(A) a public or nonprofit private institution of higher education that offers career and~~  
38 ~~technical education courses that lead to technical skill proficiency, an industry-~~  
39 ~~recognized credential, a certificate, or a degree;~~

1 ~~(B) a local educational agency providing education at the postsecondary level;~~

2 ~~(C) an area career and technical education school providing education at the~~  
3 ~~postsecondary level;~~

4 ~~(D) a postsecondary educational institution controlled by the Bureau of Indian Affairs~~  
5 ~~or operated by or on behalf of any Indian tribe that is eligible to contract with the~~  
6 ~~Secretary of the Interior for the administration of programs under the Indian Self-~~  
7 ~~Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Act of~~  
8 ~~April 16, 1934 (25 U.S.C. 452 et seq.);~~

9 ~~(E) an educational service agency; or~~

10 ~~(F) a consortium of 2 or more of the entities described in subparagraphs (A) through~~  
11 ~~(E).~~

12 (2144) Eligible recipient.—The term ‘eligible recipient’ means—

13 (A) a local educational agency (including a public charter school that operates as a  
14 local educational agency), an area career and technical education school, an  
15 educational service agency, an Indian Tribe, Tribal organization, or Tribal educational  
16 agency or a consortium, eligible to receive assistance under section 131; or

17 (B) an eligible institution or consortium of eligible institutions eligible to receive  
18 assistance under section 132.

19 (22) English learner.—The term ‘English learner’ means—

20 (A) a secondary school student who is an English learner, as defined in section 8101  
21 of the Elementary and Secondary Education Act of 1965; or

22 (B) an adult or an out-of-school youth who has limited ability in speaking, reading,  
23 writing, or understanding the English language and—

24 (i) whose native language is a language other than English; or

25 (ii) who lives in a family environment or community in which a language other  
26 than English is the dominant language.

27 (23) Evidence-based.—The term ‘evidence-based’ has the meaning given the term in  
28 section 8101(21)(A) of the Elementary and Secondary Education Act of 1965.

29 (2445) Governor.—The term ‘Governor’ means the chief executive officer of a State.

30 (25) High school.—The term ‘high school’ has the meaning given the term in section  
31 8101 of the Elementary and Secondary Education Act of 1965.

32 (26) In-demand industry sector or occupation.—The term ‘in-demand industry sector or  
33 occupation’ has the meaning given the term in section 3 of the Workforce Innovation and  
34 Opportunity Act (29 U.S.C. 3102).

35 (16) Individual with limited english proficiency.—The term ‘individual with limited  
36 English proficiency’ means a secondary school student, an adult, or an out-of-school  
37 youth, who has limited ability in speaking, reading, writing, or understanding the English  
38 language, and—

39 (A) whose native language is a language other than English; or

1 (B) who lives in a family or community environment in which a language other than  
2 English is the dominant language.

3 (27) Indian; Indian Tribe.— The terms ‘Indian’ and ‘Indian Tribe’ have the meanings  
4 given the terms ‘Indian’ and ‘Indian tribe’, respectively, in section 4 of the Indian Self-  
5 Determination and Education Assistance Act (25 U.S.C. 5304).

6 (2847) Individual with a disability.—

7 (A) In general.—The term ‘individual with a disability’ means an individual with any  
8 disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42  
9 U.S.C. 12102)).

10 (B) Individuals with disabilities.—The term ‘individuals with disabilities’ means  
11 more than 1 individual with a disability.

12 (29) Industry or sector partnership.—The term ‘industry or sector partnership’ has the  
13 meaning given the term in section 3 of the Workforce Innovation and Opportunity Act  
14 (29 U.S.C. 3102).

15 (3048) Institution of higher education.—The term ‘institution of higher education’ has the  
16 meaning given the term in section 101 of the Higher Education Act of 1965.

17 (3149) Local educational agency.—The term ‘local educational agency’ has the meaning  
18 given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

19 (32) Local workforce development board.—The term ‘local workforce development  
20 board’ means a local workforce development board established under section 107 of the  
21 Workforce Innovation and Opportunity Act (29 U.S.C. 3122).

22 (3320) Non-traditional fields.—The term ‘non-traditional fields’ means occupations or  
23 fields of work, ~~such as including~~ careers in computer science, technology, and other  
24 current and emerging high skill occupations, for which individuals from one gender  
25 comprise less than 25 percent of the individuals employed in each such occupation or  
26 field of work.

27 (3424) Outlying area.—The term ‘outlying area’ means the United States Virgin Islands,  
28 Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the  
29 Republic of Palau.

30 (35) Out-of-school youth.—The term ‘out-of-school youth’ has the meaning given the  
31 term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

32 (36) Out-of-workforce individual.—The term ‘out-of-workforce individual’ means—

33 (A) an individual who is a displaced homemaker, as defined in section 3 of the  
34 Workforce Innovation and Opportunity Act (29 U.S.C. 3102); or

35 (B) an individual who—

36 (i) (I) has worked primarily without remuneration to care for a home and family,  
37 and for that reason has diminished marketable skills; or

38 (II) is a parent whose youngest dependent child will become ineligible to  
39 receive assistance under part A of title IV of the Social Security Act (42  
40 U.S.C. 601 et seq.) not later than 2 years after the date on which the parent

1 applies for assistance under such title; and

2 (ii) is unemployed or underemployed and is experiencing difficulty in obtaining  
3 or upgrading employment.

4 (37) Paraprofessional.—The term ‘paraprofessional’ has the meaning given the term in  
5 section 8101 of the Elementary and Secondary Education Act of 1965.

6 (38) Pay for success initiative.—

7 (A) In general.—Subject to subparagraph (B), the term ‘pay for success initiative’  
8 means a performance-based grant, contract, or cooperative agreement awarded by a  
9 State or local public entity (such as a local educational agency) to a public or private  
10 nonprofit entity—

11 (i) in which a commitment is made to pay for improved outcomes that result in  
12 increased public value and social benefit to students and the public sector, such as  
13 improved student outcomes as evidenced by the indicators of performance  
14 described in section 113(b)(2) and direct cost savings or cost avoidance to the  
15 public sector; and

16 (ii) that includes—

17 (I) a feasibility study on the initiative describing how the proposed  
18 intervention is based on evidence of effectiveness;

19 (II) a rigorous, third-party evaluation that uses experimental or quasi-  
20 experimental design or other research methodologies that allow for the  
21 strongest possible causal inferences to determine whether the initiative has  
22 met its proposed outcomes;

23 (III) an annual, publicly available report on the progress of the initiative; and

24 (IV) a requirement that payments are made to the recipient of a grant,  
25 contract, or cooperative agreement only when agreed upon outcomes are  
26 achieved, except that the entity may make payments to the third party  
27 conducting the evaluation described in subclause (II).

28 (B) Exclusion. —The term ‘pay for success initiative’ does not include any initiative  
29 that—

30 (i) reduces the special education or related services that a student would otherwise  
31 receive under the Individuals with Disabilities Education Act; or

32 (ii) otherwise reduces the rights of a student or the obligations of an entity under  
33 the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973  
34 (29 U.S.C. 701 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C.  
35 12101 et seq.), or any other law.

36 (3922) Postsecondary educational institution.—The term ‘postsecondary educational  
37 institution’ means—

38 (A) an institution of higher education that provides not less than a 2-year program of  
39 instruction that is acceptable for credit toward a bachelor’s degree;

40 (B) a tribally controlled college or university; or

1 (C) a nonprofit educational institution offering certificate or other skilled training  
2 apprenticeship programs at the postsecondary level.

3 (40) Professional development.—The term ‘professional development’ means activities  
4 that—

5 (A) are an integral part of eligible agency, eligible recipient, institution, or school  
6 strategies for providing educators (including teachers, principals, other school leaders,  
7 administrators, specialized instructional support personnel, career guidance and  
8 academic counselors, and paraprofessionals) with the knowledge and skills necessary  
9 to enable students to succeed in career and technical education, to meet challenging  
10 State academic standards under section 1111(b)(1) of the Elementary and Secondary  
11 Education Act, or to achieve academic skills at the postsecondary levels; and

12 (B) are sustained (not stand-alone, 1-day, or short-term workshops), intensive,  
13 collaborative, job-embedded, data-driven, and classroom-focused, to the extent  
14 practicable evidence-based, and may include activities that—

15 (i) improve and increase educators’—

16 (I) knowledge of the academic and technical subjects;

17 (II) understanding of how students learn; and

18 (III) ability to analyze student work and achievement from multiple sources,  
19 including how to adjust instructional strategies, assessments, and materials  
20 based on such analysis;

21 (ii) are an integral part of eligible recipients’ improvement plans;

22 (iii) allow personalized plans for each educator to address the educator’s specific  
23 needs identified in observation or other feedback;

24 (iv) support the recruitment, hiring, and training of effective educators, including  
25 educators who became certified through State and local alternative routes to  
26 certification;

27 (v) advance educator understanding of—

28 (I) effective instructional strategies that are evidence-based; and

29 (II) strategies for improving student academic and technical achievement or  
30 substantially increasing the knowledge and teaching skills of educators;

31 (vi) are developed with extensive participation of educators, parents, students, and  
32 representatives of Indian Tribes (as applicable), of schools and institutions served  
33 under this Act;

34 (vii) are designed to give educators of students who are English learners in career  
35 and technical education programs or programs of study the knowledge and skills  
36 to provide instruction and appropriate language and academic support services to  
37 those students, including the appropriate use of curricula and assessments;

38 (viii) as a whole, are regularly evaluated for their impact on increased educator  
39 effectiveness and improved student academic and technical achievement, with the  
40 findings of the evaluation used to improve the quality of professional

1 development;

2 (ix) are designed to give educators of individuals with disabilities in career and  
3 technical education programs or programs of study the knowledge and skills to  
4 provide instruction and academic support services to those individuals, including  
5 positive behavioral interventions and supports, multi-tier system of supports, and  
6 use of accommodations;

7 (x) include instruction in the use of data and assessments to inform and instruct  
8 classroom practice;

9 (xi) include instruction in ways that educators may work more effectively with  
10 parents and families;

11 (xii) provide follow-up training to educators who have participated in activities  
12 described in this paragraph that are designed to ensure that the knowledge and  
13 skills learned by the educators are implemented in the classroom;

14 (xiii) promote the integration of academic knowledge and skills and relevant  
15 technical knowledge and skills, including programming jointly delivered to  
16 academic and career and technical education teachers; or

17 (xiv) increase the ability of educators providing career and technical education  
18 instruction to stay current with industry standards.

19 (41) Program of study.—The term ‘program of study’ means a coordinated,  
20 nonduplicative sequence of academic and technical content at the secondary and  
21 postsecondary level that—

22 (A) incorporates challenging State academic standards, including those adopted by a  
23 State under section 1111(b)(1) of the Elementary and Secondary Education Act of  
24 1965;

25 (B) addresses both academic and technical knowledge and skills, including  
26 employability skills;

27 (C) is aligned with the needs of industries in the economy of the State, region, Tribal  
28 community, or local area;

29 (D) progresses in specificity (beginning with all aspects of an industry or career  
30 cluster and leading to more occupation-specific instruction);

31 (E) has multiple entry and exit points that incorporate credentialing; and

32 (F) culminates in the attainment of a recognized postsecondary credential.

33 (42) Qualified intermediary.—The term ‘qualified intermediary’ means a nonprofit  
34 entity, which may be part of an industry or sector partnership, that demonstrates expertise  
35 in building, connecting, sustaining, and measuring partnerships with entities such as  
36 employers, schools, community-based organizations, postsecondary institutions, social  
37 service organizations, economic development organizations, Indian tribes or Tribal  
38 organizations, and workforce systems to broker services, resources, and supports to youth  
39 and the organizations and systems that are designed to serve youth, including—

40 (A) connecting employers to classrooms;

1 (B) assisting in the design and implementation of career and technical education  
2 programs and programs of study;

3 (C) delivering professional development;

4 (D) connecting students to internships and other work-based learning opportunities;  
5 and

6 (E) developing personalized student supports.

7 (43) Recognized postsecondary credential.—The term ‘recognized postsecondary  
8 credential’ has the meaning given the term in section 3 of the Workforce Innovation and  
9 Opportunity Act (29 U.S.C. 3102).

10 ~~(23) Postsecondary education tech prep student.—The term ‘postsecondary education~~  
11 ~~tech prep student’ means a student who—~~

12 ~~(A) has completed the secondary education component of a tech prep program; and~~

13 ~~(B) has enrolled in the postsecondary education component of a tech prep program at~~  
14 ~~an institution of higher education described in clause (i) or (ii) of section~~  
15 ~~203(a)(1)(B).~~

16 ~~(24) School dropout.—The term ‘school dropout’ means an individual who is no longer~~  
17 ~~attending any school and who has not received a secondary school diploma or its~~  
18 ~~recognized equivalent.~~

19 ~~(25) Scientifically based research.—The term ‘scientifically based research’ means~~  
20 ~~research that is carried out using scientifically based research standards, as defined in~~  
21 ~~section 102 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9501).~~

22 ~~(26) Secondary education tech prep student.—The term ‘secondary education tech prep~~  
23 ~~student’ means a secondary education student who has enrolled in 2 courses in the~~  
24 ~~secondary education component of a tech prep program.~~

25 ~~(4427) Secondary school.—The term ‘secondary school’ has the meaning given the term~~  
26 ~~in section 8101 of the Elementary and Secondary Education Act of 1965.~~

27 ~~(4528) Secretary.—The term ‘Secretary’ means the Secretary of Education.~~

28 (46) Specialized instructional support personnel.—The term ‘specialized instructional  
29 support personnel’ has the meaning given the term in section 8101 of the Elementary and  
30 Secondary Education Act of 1965.

31 (47) Specialized instructional support services.—The term ‘specialized instructional  
32 support services’ has the meaning given the term in section 8101 of the Elementary and  
33 Secondary Education Act of 1965.

34 ~~(4829) Special populations.—The term ‘special populations’ means—~~

35 ~~(A) individuals with disabilities;~~

36 ~~(B) individuals from economically disadvantaged families, including low-income~~  
37 ~~youth and adults ~~foster children~~;~~

38 ~~(C) individuals preparing for non-traditional fields;~~

- (D) single parents, including single pregnant women;
- (E) ~~out-of-workforce individuals~~~~displaced homemakers~~; and
- (F) ~~English learners individuals with limited English proficiency~~;
- (G) homeless individuals described in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);
- (H) youth who are in, or have aged out of, the foster care system; and
- (I) youth with a parent who—
  - (i) is a member of the armed forces (as such term is defined in section 101(a)(4) of title 10, United States Code); and
  - (ii) is on active duty (as such term is defined in section 101(d)(1) of such title).

~~(4930)~~ State.—The term ‘State’, unless otherwise specified, means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

~~(5034)~~ Support services.—The term ‘support services’ means services related to curriculum modification, equipment modification, classroom modification, supportive personnel (including paraprofessionals and specialized instructional support personnel), and instructional aids and devices.

~~(32)~~ Tech prep program.—~~The term ‘tech prep program’ means a tech prep program described in section 203(e).~~

~~(5133)~~ Tribally controlled college or university.—The term ‘tribally controlled college or university’ has the meaning given the term in section 2(a) of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801(a)).

~~(5234)~~ Tribally controlled postsecondary career and technical institution.—The term ‘tribally controlled postsecondary career and technical institution’ means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965, except that subsection (a)(2) of such section shall not be applicable and the reference to Secretary in subsection (a)(5) of such section shall be deemed to refer to the Secretary of the Interior) that—

- (A) is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian ~~T~~ribe or Indian ~~T~~ribes;
- (B) offers a technical degree or certificate granting program;
- (C) is governed by a board of directors or trustees, a majority of whom are Indians;
- (D) demonstrates adherence to stated goals, a philosophy, or a plan of operation, that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated ~~T~~ribal goals of developing individual entrepreneurships and self-sustaining economic infrastructures on reservations or tribal lands;
- (E) has been in operation for at least 3 years;
- (F) holds accreditation with or is a candidate for accreditation by a nationally

1 recognized accrediting authority for postsecondary career and technical education;  
2 and

3 (G) enrolls the full-time equivalent of not less than 100 students, of whom a majority  
4 are Indians.

5 (53) Tribal organization.—The term ‘Tribal organization’ has the meaning given the term  
6 ‘tribal organization’ in section 4 of the Indian Self-Determination and Education  
7 Assistance Act (25 U.S.C. 5304).

8 (54) Universal design for learning.—The term ‘universal design for learning’ has the  
9 meaning given the term in section 8101 of the Elementary and Secondary Education Act  
10 of 1965.

11 (55) Work-based learning.—The term ‘work-based learning’ means sustained  
12 interactions with industry or community professionals in real workplace settings, to the  
13 extent practicable, or simulated environments at an educational institution that foster in-  
14 depth, firsthand engagement with the tasks required in a given career field, that are  
15 aligned to curriculum and instruction.

## 17 SEC. 4. TRANSITION PROVISIONS.

18 The Secretary shall take such steps as are necessary ~~the Secretary determines to be appropriate~~ to  
19 provide for the orderly transition to the authority of this Act (as amended by the Strengthening  
20 Career and Technical Education for the 21st Century Act ~~Carl D. Perkins Career and Technical~~  
21 Education Improvement Act of 2006) from any authority under the provisions of the Carl D.  
22 Perkins Vocational and Technical Education Act of ~~1998~~2006, as in effect on the day before the  
23 date of enactment of the Strengthening Career and Technical Education for the 21st Century  
24 Act ~~Carl D. Perkins Career and Technical Education Improvement Act of 2006~~. The Secretary  
25 shall give each eligible agency the opportunity to submit a transition plan for the first fiscal year  
26 following the date of enactment of the Strengthening Career and Technical Education for the  
27 21st Century Act ~~Carl D. Perkins Career and Technical Education Improvement Act of 2006~~.

## 29 SEC. 5. PRIVACY.

30 (a) GEPA.—Nothing in this Act shall be construed to supersede the privacy protections  
31 afforded parents and students under section 444 of the General Education Provisions Act (20  
32 U.S.C. 1232g).

33 (b) Prohibition on Development of National Database.—Nothing in this Act shall be  
34 construed to permit the development of a national database of personally identifiable  
35 information on individuals receiving services under this Act.

## 37 SEC. 6. LIMITATION.

38 All of the funds made available under this Act shall be used in accordance with the requirements  
39 of this Act.

1  
2 **SEC. 7. SPECIAL RULE.**

3 In the case of a local community in which no employees are represented by a labor organization,  
4 for purposes of this Act, the term ‘representatives of employees’ shall be substituted for ‘labor  
5 organization’.

6  
7 **SEC. 8. PROHIBITIONS.**

8 (a) Local Control.—Nothing in this Act shall be construed to authorize an officer or  
9 employee of the Federal Government—

10 (1) to condition or incentivize the receipt of any grant, contract, or cooperative  
11 agreement, or the receipt of any priority or preference under such grant, contract, or  
12 cooperative agreement, upon a State, local educational agency, eligible agency, eligible  
13 recipient, eligible entity, or school’s adoption or implementation of specific instructional  
14 content, academic standards and assessments, curricula, or program of instruction  
15 (including any condition, priority, or preference to adopt the Common Core State  
16 Standards developed under the Common Core State Standards Initiative, any other  
17 academic standards common to a significant number of States, or any assessment,  
18 instructional content, or curriculum aligned to such standards);

19 (2) through grants, contracts, or other cooperative agreements, to mandate, direct, or  
20 control a State, local educational agency, eligible agency, eligible recipient, eligible  
21 entity, or school’s specific instructional content, academic standards and assessments,  
22 curricula, or program of instruction (including any requirement, direction, or mandate to  
23 adopt the Common Core State Standards developed under the Common Core State  
24 Standards Initiative, any other academic standards common to a significant number of  
25 States, or any assessment, instructional content, or curriculum aligned to such standards);  
26 or

27 (3) except as required under sections 112(b), 211(b), and 223—

28 (A) to mandate, direct, or control the allocation of State or local resources; or

29 (B) to mandate that a State or a political subdivision of a State spend any funds or  
30 incur any costs not paid for under this Act.

31 ~~to mandate, direct, or control a State, local educational agency, or school’s~~  
32 ~~curriculum, program of instruction, or allocation of State or local resources, or~~  
33 ~~mandate a State or any subdivision thereof to spend any funds or incur any costs not~~  
34 ~~paid for under this Act, except as required under sections 112(b), 311(b), and 323.~~

35 (b) No Preclusion of Other Assistance.—Any State that declines to submit an application to  
36 the Secretary for assistance under this Act shall not be precluded from applying for assistance  
37 under any other program administered by the Secretary.

38 (c) Prohibition on Requiring Federal Approval or Certification of Standards.—  
39 Notwithstanding any other provision of Federal law, no State shall be required to have  
40 academic and career and technical content standards or student academic and career and

1 technical achievement standards approved or certified by the Federal Government, in order to  
2 receive assistance under this Act.

3 (d) Rule of Construction.—~~Nothing in this section affects the applicability of subchapter II of~~  
4 ~~chapter 5, and chapter 7, of title 5, United States Code, (commonly known as the~~  
5 ~~“Administrative Procedure Act”) or chapter 8 of title 5, United States Code, commonly~~  
6 ~~known as the “Congressional Review Act”).~~~~Nothing in this section shall be construed to~~  
7 ~~affect the requirements under section 113.~~

8 (e) Coherent and Rigorous Content.—For the purposes of this Act, coherent and rigorous  
9 content shall be determined by the State consistent with section 1111(b)(1) of the Elementary  
10 and Secondary Education Act of 1965.

11 (f) Congressional Notice and Comment.—

12 (1) Notice to Congress.—Not less than 15 business days prior to issuing a notice of  
13 proposed rulemaking related to this Act in the Federal Register, the Secretary shall  
14 provide to the Committee on Health, Education, Labor, and Pensions of the Senate, the  
15 Committee on Education and the Workforce of the House of Representatives, and other  
16 relevant congressional committees, notice of the Secretary’s intent to issue a notice of  
17 proposed rulemaking that shall include—

18 (A) a copy of the proposed regulation;

19 (B) the need to issue the regulation;

20 (C) a description of how the regulation is consistent with the scope of this Act;

21 (D) the anticipated burden (including the time, cost, and paperwork burden) the  
22 regulation will impose on an eligible agency, institution, or recipient that may be  
23 impacted by the regulation, including the potential impact on rural areas;

24 (E) the anticipated benefits to an eligible agency, institution, or recipient that may be  
25 impacted by the regulation, including in rural areas; and

26 (F) any regulations that will be repealed when the new regulation is issued.

27 (2) Comment period for Congress.—The Secretary shall—

28 (A) before issuing any notice of proposed rulemaking under this subsection, provide  
29 Congress with a comment period of 15 business days to make comments on the  
30 proposed regulation, beginning on the date that the Secretary provides the notice of  
31 intent to the appropriate committees of Congress under paragraph (1); and

32 (B) include and seek to address all comments submitted by members of Congress in  
33 the public rulemaking record for the regulation published in the Federal Register.

34 (3) Comment and review period; emergency situations.—The comment and review  
35 period for any proposed regulation shall be not less than 60 days unless an emergency  
36 requires a shorter period, in which case the Secretary shall—

37 (A) designate the proposed regulation as an emergency with an explanation of the  
38 emergency in the notice to Congress under paragraph (1);

39 (B) publish the length of the comment and review period in such notice and in the  
40 Federal Register; and

1 (C) conduct immediately thereafter regional meetings to review such proposed  
2 regulation before issuing any final regulation.

3  
4 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated to carry out this Act (other than sections 114 and 117)—

6 (1) \$1,229,568,538 for fiscal year 2019;

7 (2) \$1,246,782,498 for fiscal year 2020;

8 (3) \$1,264,237,452 for fiscal year 2021;

9 (4) \$1,281,936,777 for fiscal year 2022;

10 (5) \$1,299,883,892 for fiscal year 2023; and

11 (6) \$1,318,082,266 for fiscal year 2024.

12 ~~There is authorized to be appropriated to carry out this Act (other than sections 114, 117, and~~  
13 ~~118, and title II) such sums as may be necessary for each of the fiscal years 2007 through 2012.~~

14  
15 **TITLE I—CAREER AND TECHNICAL**  
16 **EDUCATION ASSISTANCE TO THE STATES**

17  
18 **PART A—ALLOTMENT AND ALLOCATION**

19  
20 **SEC. 111. RESERVATIONS AND STATE ALLOTMENT.**

21 (a) Reservations and State Allotment.—

22 (1) Reservations.—From the ~~sum~~ amount appropriated under section 9 for each fiscal  
23 year, the Secretary shall reserve—

24 (A) 0.13 percent to carry out section 115; and

25 (B) 1.50 percent to carry out section 116, of which—

26 (i) 1.25 percent of the sum shall be available to carry out section 116(b); and

27 (ii) 0.25 percent of the sum shall be available to carry out section 116(h).

28 (2) Foundational grant.—

29 (A) In general.—From the remainder of the amount appropriated under section 9 and  
30 not reserved under paragraph (1) for a fiscal year, the Secretary shall allot to a State  
31 for the fiscal year an amount equal to the amount the State received in fiscal year  
32 2018.

1 (B) Ratable reduction.—If for any fiscal year the amount appropriated for allotments  
2 under this section is insufficient to satisfy the provisions of subparagraph (A), the  
3 payments to all States under such subparagraph shall be ratably reduced.

4 ~~(2) State allotment formula.—Subject to paragraphs (3), (4), and (5), from the remainder~~  
5 ~~of the sum appropriated under section 9 and not reserved under paragraph (1) for a fiscal~~  
6 ~~year, the Secretary shall allot to a State for the fiscal year—~~

7 (3) Additional funds.—Subject to paragraph (4), from the additional funds remaining  
8 from the amount appropriated under section 9 and not expended under paragraphs (1) and  
9 (2) for a fiscal year, the Secretary shall allot to a State for the fiscal year—

10 (A) an amount that bears the same ratio to 50 percent of the sum being allotted as the  
11 product of the population aged 15 to 19, inclusive, in the State in the fiscal year  
12 preceding the fiscal year for which the determination is made and the State's  
13 allotment ratio bears to the sum of the corresponding products for all the States;

14 (B) an amount that bears the same ratio to 20 percent of the sum being allotted as the  
15 product of the population aged 20 to 24, inclusive, in the State in the fiscal year  
16 preceding the fiscal year for which the determination is made and the State's  
17 allotment ratio bears to the sum of the corresponding products for all the States;

18 (C) an amount that bears the same ratio to 15 percent of the sum being allotted as the  
19 product of the population aged 25 to 65, inclusive, in the State in the fiscal year  
20 preceding the fiscal year for which the determination is made and the State's  
21 allotment ratio bears to the sum of the corresponding products for all the States; and

22 (D) an amount that bears the same ratio to 15 percent of the sum being allotted as the  
23 amounts allotted to the State under subparagraphs (A), (B), and (C) for such years  
24 bears to the sum of the amounts allotted to all the States under subparagraphs (A),  
25 (B), and (C) for such year.

26 ~~(3) Minimum allotment for years with no additional funds.—~~

27 ~~(A) In general.—Notwithstanding any other provision of law and subject to~~  
28 ~~subparagraphs (B) and (C), and paragraph (5), for a fiscal year for which there are no~~  
29 ~~additional funds (as such term is defined in paragraph (4)(D)), no State shall receive~~  
30 ~~for such fiscal year under this subsection less than  $\frac{1}{2}$  of 1 percent of the amount~~  
31 ~~appropriated under section 9 and not reserved under paragraph (1) for such fiscal~~  
32 ~~year. Amounts necessary for increasing such payments to States to comply with the~~  
33 ~~preceding sentence shall be obtained by ratably reducing the amounts to be paid to~~  
34 ~~other States.~~

35 ~~(B) Requirement.—No State, by reason of the application of subparagraph (A), shall~~  
36 ~~receive for a fiscal year more than 150 percent of the amount the State received under~~  
37 ~~this subsection for the preceding fiscal year.~~

38 ~~(C) Special rule.—~~

39 ~~(i) In general.—Subject to paragraph (5), no State, by reason of the application of~~  
40 ~~subparagraph (A), shall be allotted for a fiscal year more than the lesser of—~~

41 ~~(I) 150 percent of the amount that the State received in the preceding fiscal~~

1                    year; and

2                    (H) the amount calculated under clause (ii).

3                    (ii) Amount.—The amount calculated under this clause shall be determined by  
4 multiplying—

5                    (I) the number of individuals in the State counted under paragraph (2) in the  
6 preceding fiscal year; by

7                    (II) 150 percent of the national average per pupil payment made with funds  
8 available under this section for that year.

9                    (4) Minimum allotment for years with additional funds.—

10                    (A) In general.—Subject to subparagraph (B) ~~and paragraph (5)~~, for a fiscal year for  
11 which there are additional funds described in paragraph (3), no State shall receive for  
12 such fiscal year under ~~this subsection paragraph (3)~~ less than 1/2 of 1 percent of the  
13 additional funds available amount appropriated under section 9 and not reserved  
14 under paragraph (1) for such fiscal year. Amounts necessary for increasing such  
15 payments to States to comply with the preceding sentence shall be obtained by ratably  
16 reducing the amounts to be paid to other States.

17                    (B) Special rule.—In the case of a qualifying State, the minimum allotment under  
18 subparagraph (A) for a fiscal year for the qualifying State shall be the lesser of—

19                    (i) 1/2 of 1 percent of the additional funds available amount appropriated under  
20 section 9 and not reserved under paragraph (1) for such fiscal year; and

21                    (ii) the sum of—

22                    (I) ~~the amount the qualifying State was allotted under paragraph (2) for fiscal~~  
23 ~~year 2006 (as such paragraph was in effect on the day before the date of~~  
24 ~~enactment of the Carl D. Perkins Career and Technical Education~~  
25 ~~Improvement Act of 2006); and~~

26                    (ii) the product of—

27                    (I) 1/3 of the additional funds; multiplied by

28                    (II) the quotient of—

29                    (a) the qualifying State's ratio described in subparagraph (C) for the  
30 fiscal year for which the determination is made; divided by

31                    (b) the sum of all such ratios for all qualifying States for the fiscal  
32 year for which the determination is made.

33                    (C) Ratio.—For purposes of subparagraph (B)(ii)(II), the ratio for a  
34 qualifying State for a fiscal year shall be 1.00 less the quotient of—

35                    (i) the amount the qualifying State ~~is was~~ allotted under paragraph (3) for the  
36 fiscal year 2006 (as such paragraph was in effect on the day before the date of  
37 enactment of the Carl D. Perkins Career and Technical Education Improvement  
38 Act of 2006); divided by

39                    (ii) 1/2 of 1 percent of the amount appropriated under section 9 paragraph (3) and

1 ~~not reserved under paragraph (1)~~ for the fiscal year for which the determination is  
2 made.

3 (D) Definitions.—In this paragraph<sub>2</sub>:

4 ~~(i) Additional funds.—The term ‘additional funds’ means the amount by which—~~

5 ~~(I) the sum appropriated under section 9 and not reserved under paragraph (1)~~  
6 ~~for a fiscal year; exceeds~~

7 ~~(II) the sum of—~~

8 ~~(aa) the amount allotted under paragraph (2) for fiscal year 2006 (as such~~  
9 ~~paragraph (2) was in effect on the day before the date of enactment of the~~  
10 ~~Carl D. Perkins Career and Technical Education Improvement Act of~~  
11 ~~2006);~~

12 ~~(bb) the amount reserved under paragraph (1)(C) for fiscal year 2006 (as~~  
13 ~~such paragraph (1)(C) was so in effect); and~~

14 ~~(cc) \$827,671.~~

15 ~~(ii) Qualifying state.—The term ‘qualifying State’ means a State (except the~~  
16 ~~United States Virgin Islands) that, for the fiscal year for which a determination~~  
17 ~~under this paragraph is made, would receive, under the allotment formula under~~  
18 ~~paragraph (32) (without the application of this paragraph and paragraphs (3) and~~  
19 ~~(5)), an amount that would be less than the amount the State would receive under~~  
20 ~~subparagraph (A) for such fiscal year.~~

21 ~~(5) Hold harmless.—~~

22 ~~(A) In general.—No State shall receive an allotment under this section for a fiscal~~  
23 ~~year that is less than the allotment the State received under part A of title I of the Carl~~  
24 ~~D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2311 et~~  
25 ~~seq.) (as such part was in effect on the day before the date of enactment of the Carl D.~~  
26 ~~Perkins Vocational and Applied Technology Education Amendments of 1998) for~~  
27 ~~fiscal year 1998.~~

28 ~~(B) Ratable reduction.—If for any fiscal year the amount appropriated for allotments~~  
29 ~~under this section is insufficient to satisfy the provisions of subparagraph (A), the~~  
30 ~~payments to all States under such subparagraph shall be ratably reduced.~~

31 (b) Reallotment.—If the Secretary determines that any amount of any State’s allotment under  
32 subsection (a) for any fiscal year will not be required for such fiscal year for carrying out the  
33 activities for which such amount has been allotted, the Secretary shall make such amount  
34 available for reallotment. Any such reallotment among other States shall occur on such dates  
35 during the same year as the Secretary shall fix, and shall be made on the basis of criteria  
36 established by regulation. No funds may be reallotted for any use other than the use for  
37 which the funds were appropriated. Any amount reallotted to a State under this subsection for  
38 any fiscal year shall remain available for obligation during the succeeding fiscal year and  
39 shall be deemed to be part of the State’s allotment for the year in which the amount is  
40 obligated.

41 (c) Allotment Ratio.—

- 1 (1) In general.—The allotment ratio for any State shall be 1.00 less the product of—  
2 (A) 0.50; and  
3 (B) the quotient obtained by dividing the per capita income for the State by the per  
4 capita income for all the States (exclusive of the Commonwealth of Puerto Rico and  
5 the United States Virgin Islands), except that—  
6 (i) the allotment ratio in no case shall be more than 0.60 or less than 0.40; and  
7 (ii) the allotment ratio for the Commonwealth of Puerto Rico and the United  
8 States Virgin Islands shall be 0.60.
- 9 (2) Promulgation.—The allotment ratios shall be promulgated by the Secretary for each  
10 fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal  
11 year for which the determination is made. Allotment ratios shall be computed on the basis  
12 of the average of the appropriate per capita incomes for the 3 most recent consecutive  
13 fiscal years for which satisfactory data are available.
- 14 (3) Definition of per capita income.—For the purpose of this section, the term ‘per capita  
15 income’ means, with respect to a fiscal year, the total personal income in the calendar  
16 year ending in such year, divided by the population of the area concerned in such year.
- 17 (4) Population determination.—For the purposes of this section, population shall be  
18 determined by the Secretary on the basis of the latest estimates available to the  
19 Department of Education.
- 20 (d) Definition of State.—For the purpose of this section, the term ‘State’ means each of the  
21 several States of the United States, the District of Columbia, the Commonwealth of Puerto  
22 Rico, and the United States Virgin Islands.

## 24 SEC. 112. WITHIN STATE ALLOCATION.

- 25 (a) In General.—From the amount allotted to each State under section 111 for a fiscal year,  
26 the eligible agency shall make available—  
27 (1) not less than 85 percent for distribution under section 131 or 132, of which not more  
28 than ~~15~~40 percent of the 85 percent may be used in accordance with subsection (c);  
29 (2) not more than 10 percent to carry out State leadership activities described in section  
30 124, of which—  
31 (A) an amount equal to not more than ~~2~~4 percent of the amount allotted to the State  
32 under section 111 for the fiscal year shall be made available to serve individuals in  
33 State institutions, such as State correctional institutions, juvenile justice facilities, and  
34 educational institutions that serve individuals with disabilities; ~~and~~  
35 (B) not less than \$60,000 and not more than \$150,000 shall be available for services  
36 that prepare individuals for non-traditional fields; and  
37 (C) an amount shall be made available for the recruitment of special populations to  
38 enroll in career and technical education programs, which shall be not less than the  
39 lesser of—

1 (i) an amount equal to 0.1 percent; or

2 (ii) \$50,000; and

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

5 (A) developing the State plan;

6 (B) reviewing local applications~~a local plan~~;

7 (C) monitoring and evaluating program effectiveness;

8 (D) assuring compliance with all applicable Federal laws;

9 (E) providing technical assistance; and

10 (F) supporting and developing State data systems relevant to the provisions of this  
11 Act.

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

15 (c) Reserve.—From amounts made available under subsection (a)(1) to carry out this  
16 subsection, an eligible agency may award grants to eligible recipients for career and technical  
17 education activities described in section 135—

18 (1) in—

19 ~~(A)~~ rural areas;

20 ~~(B)~~ areas with high percentages of CTE concentrators or CTE participants~~; career~~  
21 ~~and technical education students; and~~

22 (C) areas with high numbers of CTE concentrators or CTE participants; and

23 ~~(3) areas with high numbers of career and technical education students.~~

24 (D) areas with disparities or gaps in performance as described in section  
25 113(b)(3)(C)(ii)(II); and

26 (2) in order to—

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

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

34  
35 **SEC. 113. ACCOUNTABILITY.**

36 (a) Purpose.—The purpose of this section is to establish and support State and local

1 performance accountability systems, comprised of the activities described in this section, to  
2 assess the effectiveness of the State and the eligible recipients of the State in achieving  
3 statewide progress in career and technical education, and to optimize the return of investment  
4 of Federal funds in career and technical education activities.

5 (b) State Determined Performance Measures.—

6 (1) In general.—Each eligible agency, with input from eligible recipients, shall establish  
7 State determined performance measures for a State that consist of—

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

10 ~~(B) any additional indicators of performance (if any) identified by the eligible agency~~  
11 ~~under paragraph (2)(C); and~~

12 ~~(B) a State adjusted-determined level of performance described in paragraph (3)(A)~~  
13 ~~for each core indicator of performance, and State levels of performance described in~~  
14 ~~paragraph (3)(B) for each additional indicator of performance.~~

15 (2) Indicators of performance.—

16 ~~(A) Core indicators of performance for CTE concentrators at the secondary level.—~~  
17 ~~Each eligible agency shall identify in the State plan core indicators of performance~~  
18 ~~for CTE concentrators at the secondary level that are valid and reliable, and that~~  
19 ~~include, at a minimum, measures of each of the following:~~

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

22 ~~(I) the four-year adjusted cohort graduation rate (defined in section 8101 of~~  
23 ~~the Elementary and Secondary Education Act of 1965); and~~

24 ~~(II) at the State’s discretion, the extended-year adjusted cohort graduation rate~~  
25 ~~defined in such section 8101.~~

26 ~~(ii) CTE concentrator proficiency in the challenging State academic standards~~  
27 ~~adopted by the State under section 1111(b)(1) of the Elementary and Secondary~~  
28 ~~Education Act of 1965, as measured by the academic assessments described in~~  
29 ~~section 1111(b)(2) of such Act.~~

30 ~~(iii) The percentage of CTE concentrators who, in the second quarter after exiting~~  
31 ~~from secondary education, are in postsecondary education or advanced training,~~  
32 ~~military service or a service program that receives assistance under title I of the~~  
33 ~~National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), are~~  
34 ~~volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C.~~  
35 ~~2504(a)), or are employed.~~

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

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

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

40 ~~(bb) The percentage of CTE concentrators graduating from high school~~

1 having attained postsecondary credits in the relevant career and technical  
2 education program or program of study earned through a dual or  
3 concurrent enrollment program or another credit transfer agreement.

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

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

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

11 (B) Core indicators of performance for CTE concentrators at the postsecondary  
12 level.—Each eligible agency shall identify in the State plan core indicators of  
13 performance for CTE concentrators at the postsecondary level that are valid and  
14 reliable, and that include, at a minimum, measures of each of the following:

15 (i) The percentage of CTE concentrators who, during the second quarter after  
16 program completion, remain enrolled in postsecondary education, are in advanced  
17 training, military service, or a service program that receives assistance under title  
18 I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.),  
19 are volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C.  
20 2504(a)), or are placed or retained in employment.

21 (ii) The percentage of CTE concentrators who receive a recognized postsecondary  
22 credential during participation in or within 1 year of program completion.

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

25 (C) Alignment of performance indicators.—In developing core indicators of  
26 performance under subparagraphs (A) and (B), an eligible agency shall, to the  
27 greatest extent possible, align the indicators so that substantially similar information  
28 gathered for other State and Federal programs, or for any other purpose, may be used  
29 to meet the requirements of this section.

30 (A) Core indicators of performance for career and technical education students at the  
31 secondary level.—Each eligible agency shall identify in the State plan core indicators  
32 of performance for career and technical education students at the secondary level that  
33 are valid and reliable, and that include, at a minimum, measures of each of the  
34 following:

35 (i) Student attainment of the challenging State academic standards, as adopted by  
36 a State in accordance with section 1111(b)(1) of the Elementary and Secondary  
37 Education Act of 1965 and measured by the State determined levels of  
38 achievement on the academic assessments described in section 1111(b)(2) of such  
39 Act.

40 (ii) Student attainment of career and technical skill proficiencies, including  
41 student achievement on technical assessments, that are aligned with industry-  
42 recognized standards, if available and appropriate.

1 ~~(iii) Student rates of attainment of each of the following:~~

2 ~~(I) A secondary school diploma.~~

3 ~~(II) A General Education Development (GED) credential, or other State-~~  
4 ~~recognized equivalent (including recognized alternative standards for~~  
5 ~~individuals with disabilities).~~

6 ~~(III) A proficiency credential, certificate, or degree, in conjunction with a~~  
7 ~~secondary school diploma (if such credential, certificate, or degree is offered~~  
8 ~~by the State in conjunction with a secondary school diploma).~~

9 ~~(iv) Student graduation rates (as described in section 1111(c)(4)(A)(i)(D)(bb) of~~  
10 ~~the Elementary and Secondary Education Act of 1965).~~

11 ~~(v) Student placement in postsecondary education or advanced training, in~~  
12 ~~military service, or in employment.~~

13 ~~(vi) Student participation in and completion of career and technical education~~  
14 ~~programs that lead to non-traditional fields.~~

15 ~~(B) Core indicators of performance for career and technical education students at the~~  
16 ~~postsecondary level.— Each eligible agency shall identify in the State plan core~~  
17 ~~indicators of performance for career and technical education students at the~~  
18 ~~postsecondary level that are valid and reliable, and that include, at a minimum,~~  
19 ~~measures of each of the following:~~

20 ~~(i) Student attainment of challenging career and technical skill proficiencies,~~  
21 ~~including student achievement on technical assessments, that are aligned with~~  
22 ~~industry recognized standards, if available and appropriate.~~

23 ~~(ii) Student attainment of an industry recognized credential, a certificate, or a~~  
24 ~~degree.~~

25 ~~(iii) Student retention in postsecondary education or transfer to a baccalaureate~~  
26 ~~degree program.~~

27 ~~(iv) Student placement in military service or apprenticeship programs or~~  
28 ~~placement or retention in employment, including placement in high skill, high~~  
29 ~~wage, or high demand occupations or professions.~~

30 ~~(v) Student participation in, and completion of, career and technical education~~  
31 ~~programs that lead to employment in non-traditional fields.~~

32 ~~(C) Additional indicators of performance.— An eligible agency, with input from~~  
33 ~~eligible recipients, may identify in the State plan additional indicators of performance~~  
34 ~~for career and technical education activities authorized under this title, such as~~  
35 ~~attainment of self-sufficiency.~~

36 ~~(D) Existing indicators.— If a State has developed, prior to the date of enactment of~~  
37 ~~the Carl D. Perkins Career and Technical Education Improvement Act of 2006, State~~  
38 ~~career and technical education performance measures that meet the requirements of~~  
39 ~~this section (as amended by such Act), the State may use such performance measures~~  
40 ~~to measure the progress of career and technical education students.~~

1 ~~(E) State role.—Indicators of performance described in this paragraph shall be~~  
2 ~~established solely by each eligible agency with input from eligible recipients.~~

3 ~~(F) Alignment of performance indicators.—In the course of developing core~~  
4 ~~indicators of performance and additional indicators of performance, an eligible~~  
5 ~~agency shall, to the greatest extent possible, align the indicators so that substantially~~  
6 ~~similar information gathered for other State and Federal programs, or for any other~~  
7 ~~purpose, is used to meet the requirements of this section.~~

8 (3) State determined levels of performance.—

9 (A) State determined levels of performance for core indicators of performance.—

10 (i) In general.—

11 (I) Levels determined by the eligible agency.—Each eligible agency, with  
12 input from eligible recipients, shall establish in the State plan submitted under  
13 section 122, for each year covered by the State plan, State determined levels  
14 of performance for each of the core indicators described under subparagraphs  
15 (A) and (B) of paragraph (2) for career and technical education activities  
16 authorized under this title. The level of performance for a core indicator shall  
17 be the same for all CTE concentrators in the State.

18 (II) Technical assistance.—The Secretary may assist an eligible agency in  
19 establishing the State determined levels of performance under this  
20 subparagraph only at the request of that eligible agency.

21 (III) Requirements.—Such State determined levels of performance shall, at a  
22 minimum—

23 (aa) be expressed in a percentage or numerical form, so as to be objective,  
24 quantifiable, and measurable;

25 (bb) require the State to continually make meaningful progress toward  
26 improving the performance of all career and technical education students,  
27 including the subgroups of students described in section 1111(h)(1)(C)(ii)  
28 of the Elementary and Secondary Education Act of 1965, and special  
29 populations, as described in section 3(48); and

30 (cc) have been subject to the public comment process described in  
31 subparagraph (B), and the eligible agency has provided a written response;

32 (dd) when being adjusted pursuant to clause (ii), take into account how the  
33 levels of performance involved compare with the State levels of  
34 performance established for other States, considering factors including the  
35 characteristics of actual (as opposed to anticipated) CTE concentrators  
36 when the CTE concentrators entered the program, and the services or  
37 instruction to be provided;

38 (ee) when being adjusted pursuant to clause (ii), be higher than the  
39 average actual performance of the 2 most recently completed program  
40 years, except in the case of unanticipated circumstances that require  
41 revisions in accordance with clause (iii); and

1 (ff) take into account the extent to which the State determined levels of  
2 performance advance the eligible agency’s goals, as set forth in the State  
3 plan.

4 (ii) Allowable adjustment of State determined levels of performance for  
5 subsequent years.—Prior to the third program year covered by the State plan, each  
6 eligible agency may revise the State determined levels of performance for any of  
7 the core indicators of performance for the subsequent program years covered by  
8 the State plan, and submit the revised State determined levels of performance to  
9 the Secretary. If the eligible agency adjusts any levels of performance, the eligible  
10 agency shall adjust those levels in accordance with clause (i), and address written  
11 comments of stakeholders as described in subparagraph (B). The Secretary shall  
12 approve those revised levels of performance if those levels meet the requirements  
13 described in subclause (III) of clause (i). The State determined adjusted levels of  
14 performance identified under this clause shall be considered to be the State  
15 determined levels of performance for the State for such years and shall be  
16 incorporated into the State plan.

17 (iii) Unanticipated circumstances.—If unanticipated circumstances arise in a State  
18 or changes occur related to improvements in data or measurement approaches, the  
19 eligible agency, at the end of the program year, may revise the State determined  
20 levels of performance required under this subparagraph. After public comment, as  
21 described in subparagraph (B), the eligible agency shall submit such revised  
22 levels of performance to the Secretary with evidence supporting the revision. The  
23 Secretary shall approve any such revision if that revision meets the requirements  
24 of clause (ii).

25 (B) Public comment.—

26 (i) In general.—Each eligible agency shall develop the levels of performance  
27 under subparagraph (A) in consultation with the stakeholders identified in section  
28 122(c)(1)(A).

29 (ii) Written comments.—Not less than 60 days prior to submission of the State  
30 plan, the eligible agency shall provide such stakeholders with the opportunity to  
31 provide written comments to the eligible agency, which shall be included in the  
32 State plan, regarding how the levels of performance described under subparagraph  
33 (A)—

34 (I) meet the requirements of the law;

35 (II) support the improvement of performance of all CTE concentrators,  
36 including subgroups of students, as described in section 1111(h)(1)(C)(ii) of  
37 the Elementary and Secondary Education Act of 1965, and special  
38 populations, as described in section 3(48); and

39 (III) support the needs of the local education and business community.

40 (iii) Eligible agency response.—Each eligible agency shall provide, in the State  
41 plan, a written response to the comments provided by stakeholders under clause  
42 (ii).

1 (C) State report.—

2 (i) In general.—Each eligible agency that receives an allotment under section 111  
3 shall annually prepare and submit to the Secretary a report regarding—

4 (I) the progress of the State in achieving the State determined levels of  
5 performance on the core indicators of performance; and

6 (II) the actual levels of performance for all CTE concentrators, and for each of  
7 the subgroups of students, as described in section 1111(h)(1)(C)(ii) of the  
8 Elementary and Secondary Education Act of 1965, and special populations, as  
9 described in section 3(48).

10 (ii) Data.—Except as provided in subparagraph (E), each eligible agency that  
11 receives an allotment under section 111 shall—

12 (I) disaggregate data for each of the indicators of performance under  
13 paragraph (2)—

14 (aa) for subgroups of students, as described in section 1111(h)(1)(C)(ii) of  
15 the Elementary and Secondary Education Act of 1965, and special  
16 populations, as described in section 3(48), that are served under this Act;  
17 and

18 (bb) by the career and technical education programs or programs of study  
19 of the CTE concentrators, except that in a case in which reporting by such  
20 program or program of study is impractical, the data may be disaggregated  
21 by the career clusters of the CTE concentrators, if appropriate;

22 (II) identify and quantify any disparities or gaps in performance on the State  
23 determined levels of performance under subparagraph (A) between any such  
24 subgroup or special population and the performance of all CTE concentrators  
25 served by the eligible agency under this Act, which shall include a  
26 quantifiable description of the progress each such subgroup or special  
27 population of students served by the eligible agency under this Act has made  
28 in meeting the State determined levels of performance; and

29 (III) for CTE concentrators described in paragraph (2)(A)(iii) and paragraph  
30 (2)(B)(i), disaggregate data, to the extent such data is available, by each of the  
31 following:

32 (aa) Individuals enrolled in postsecondary education (disaggregated by  
33 postsecondary award level, including certificate, associate, or  
34 baccalaureate degree).

35 (bb) Individuals in advanced training.

36 (cc) Individuals in military service or a service program that receives  
37 assistance under title I of the National and Community Service Act of  
38 1990 (42 U.S.C. 12511 et seq.) or volunteers as described in section 5(a)  
39 of the Peace Corps Act (22 U.S.C. 2504(a)).

40 (dd) Individuals in employment (including those individuals who are  
41 employed in a high-skill, high-wage, or in-demand sector or occupation).

1 (iii) Nonduplication.—The Secretary shall ensure that each eligible agency does  
2 not report duplicative information under this section.

3 (iv) Information dissemination.—The Secretary shall—

4 (I) make the information contained in such reports available to the general  
5 public through a variety of formats, including electronically through the  
6 Internet;

7 (II) disseminate State-by-State comparisons of the information contained in  
8 such reports; and

9 (III) provide the appropriate committees of Congress with copies of such  
10 reports.

11 (D) State dissemination of actual levels of performance.—At the end of each program  
12 year, the eligible agency shall disseminate the actual levels of performance described  
13 in subparagraph (C)(i)(II)—

14 (i) widely, including to students, parents, and educators;

15 (ii) through a variety of formats, including electronically through the Internet; and

16 (iii) in user-friendly formats and languages that are easily accessible, as  
17 determined by the eligible agency.

18 (E) Rules for reporting data.—The disaggregation of data under this paragraph shall  
19 not be required when the number of students in a category is insufficient to yield  
20 statistically reliable information or when the results would reveal personally  
21 identifiable information about an individual student.

22 (A) State adjusted levels of performance for core indicators of performance.—

23 (i) In general.— Each eligible agency, with input from eligible recipients, shall  
24 establish in the State plan submitted under section 122, levels of performance for  
25 each of the core indicators of performance described in subparagraphs (A) and (B)  
26 of paragraph (2) for career and technical education activities authorized under this  
27 title. The levels of performance established under this subparagraph shall, at a  
28 minimum—

29 (I) be expressed in a percentage or numerical form, so as to be objective,  
30 quantifiable, and measurable; and

31 (II) require the State to continually make progress toward improving the  
32 performance of career and technical education students.

33 (ii) Identification in the state plan.— Subject to section 4, each eligible agency  
34 shall identify, in the State plan submitted under section 122, levels of performance  
35 for each of the core indicators of performance for the first 2 program years  
36 covered by the State plan.

37 (iii) Agreement on state adjusted levels of performance for first 2 YEARS.—The  
38 Secretary and each eligible agency shall reach agreement on the levels of  
39 performance for each of the core indicators of performance, for the first 2  
40 program years covered by the State plan, taking into account the levels identified

1 ~~in the State plan under clause (ii) and the factors described in clause (vi). The~~  
2 ~~levels of performance agreed to under this clause shall be considered to be the~~  
3 ~~State adjusted level of performance for the State for such years and shall be~~  
4 ~~incorporated into the State plan prior to the approval of such plan.~~

5 ~~(iv) Role of the secretary.—The role of the Secretary in the agreement described~~  
6 ~~in clauses (iii) and (v) is limited to reaching agreement on the percentage or~~  
7 ~~number of students who attain the State adjusted levels of performance.~~

8 ~~(v) Agreement on state adjusted levels of performance for subsequent years.—~~  
9 ~~Prior to the third and fifth program years covered by the State plan, the Secretary~~  
10 ~~and each eligible agency shall reach agreement on the State adjusted levels of~~  
11 ~~performance for each of the core indicators of performance for the corresponding~~  
12 ~~subsequent program years covered by the State plan, taking into account the~~  
13 ~~factors described in clause (vi). The State adjusted levels of performance agreed~~  
14 ~~to under this clause shall be considered to be the State adjusted levels of~~  
15 ~~performance for the State for such years and shall be incorporated into the State~~  
16 ~~plan.~~

17 ~~(vi) Factors.—The agreement described in clause (iii) or (v) shall take into~~  
18 ~~account —~~

19 ~~(I) how the levels of performance involved compare with the State adjusted~~  
20 ~~levels of performance established for other States, taking into account factors~~  
21 ~~including the characteristics of participants when the participants entered the~~  
22 ~~program and the services or instruction to be provided; and~~

23 ~~(II) the extent to which such levels of performance promote continuous~~  
24 ~~improvement on the indicators of performance by such State.~~

25 ~~(vii) Revisions.—If unanticipated circumstances arise in a State resulting in a~~  
26 ~~significant change in the factors described in clause (vi), the eligible agency may~~  
27 ~~request that the State adjusted levels of performance agreed to under clause (iii) or~~  
28 ~~(v) be revised. The Secretary shall issue objective criteria and methods for making~~  
29 ~~such revisions.~~

30 ~~(B) Levels of performance for additional indicators.—Each eligible agency shall~~  
31 ~~identify in the State plan State levels of performance for each of the additional~~  
32 ~~indicators of performance described in paragraph (2)(C). Such levels shall be~~  
33 ~~considered to be the State levels of performance for purposes of this title.~~

34 (4) Local levels of performance.—

35 (A) Local ~~adjusted~~ levels of performance for core indicators of performance.—

36 (i) In general.—Each eligible recipient shall agree to accept the State  
37 ~~determined~~~~adjusted~~ levels of performance for each year of the plan established  
38 under paragraph (3) as local ~~adjusted~~ levels of performances, or negotiate with the  
39 State to reach agreement on new local ~~adjusted~~ levels of performance, for each of  
40 the core indicators of performance described in subparagraphs (A) and (B) of  
41 paragraph (2) for career and technical education activities authorized under this  
42 title. The levels of performance established under this subparagraph shall, at a

1 minimum—

2 (I) be expressed in a percentage or numerical form, consistent with the form  
3 expressed in the State determined level~~consistent with the State levels of~~  
4 performance established under paragraph (3), so as to be objective,  
5 quantifiable, and measurable; **and**

6 (II) require the eligible recipient to continually make meaningful progress  
7 toward improving the performance of all CTE concentrators, including  
8 subgroups of students described in section 1111(h)(1)(C)(ii) of the Elementary  
9 and Secondary Education Act of 1965 and special populations, as described in  
10 section 3(48);~~career and technical education students.~~

11 (III) when being adjusted as described in clause (iii), be higher than the  
12 average actual performance levels of the previous 2 program years, except in a  
13 case in which unanticipated circumstances arise with respect to the eligible  
14 recipient and that eligible recipient meets the requirements for revisions under  
15 clause (iv);

16 (IV) when being adjusted as described in clause (iii), take into account how  
17 the local levels of performance compare with the local levels of performance  
18 established for other eligible recipients, considering factors including the  
19 characteristics of actual (as opposed to anticipated) CTE concentrators at the  
20 time those CTE concentrators entered the program, and the services or  
21 instruction to be provided; and

22 (V) set the local levels of performance using valid and reliable data that  
23 measures—

24 (aa) the differences within the State in actual economic conditions  
25 (including differences in unemployment rates and job losses or gains in  
26 particular industries); and

27 (bb) the abilities of the State and the eligible recipient to collect and access  
28 valid, reliable, and cost-effective data.

29 (ii) Identification in the local ~~plan~~application.—Each eligible recipient shall  
30 identify, in the local ~~plan~~application submitted under section 134, levels of  
31 performance for each of the core indicators of performance for ~~the first 2~~each of  
32 the program years covered by the local ~~plan~~application.

33 ~~(iii) Agreement on local adjusted levels of performance for first 2 YEARS.—The~~  
34 ~~eligible agency and each eligible recipient shall reach agreement, as described in~~  
35 ~~clause (i), on the eligible recipient's levels of performance for each of the core~~  
36 ~~indicators of performance for the first 2 program years covered by the local plan,~~  
37 ~~taking into account the levels identified in the local plan under clause (ii) and the~~  
38 ~~factors described in clause (v). The levels of performance agreed to under this~~  
39 ~~clause shall be considered to be the local adjusted levels of performance for the~~  
40 ~~eligible recipient for such years and shall be incorporated into the local plan prior~~  
41 ~~to the approval of such plan.~~

42 ~~(iviii) Agreement on local adjusted levels of performance for subsequent~~

1 ~~years~~Allowable adjustments of local levels of performance for subsequent  
2 years.—Prior to the ~~third and fifth program years~~third program year covered by  
3 the local ~~plan~~application, the eligible agency and each eligible recipient shall  
4 ~~reach agreement on the local adjusted levels of performance for each of the core~~  
5 ~~indicators of performance for the corresponding subsequent program years~~  
6 ~~covered by the local plan, taking into account the factors described in clause~~  
7 ~~(v)the eligible recipient may, if the eligible recipient reaches an agreement with~~  
8 ~~the eligible agency, adjust the local levels of performance for any of the core~~  
9 ~~indicators of performance for the subsequent program years covered by the local~~  
10 ~~application, in accordance with that agreement and with this subparagraph.~~ The  
11 local adjusted levels of performance agreed to under this clause shall be  
12 considered to be the local ~~adjusted~~ levels of performance for the eligible recipient  
13 for such years and shall be incorporated into the local ~~plan~~application.

14 ~~(v) Factors.~~—The agreement described in clause (iii) or (iv) shall take into  
15 ~~account —~~

16 ~~(I) how the levels of performance involved compare with the local adjusted~~  
17 ~~levels of performance established for other eligible recipients in the State,~~  
18 ~~taking into account factors including the characteristics of participants when~~  
19 ~~the participants entered the program and the services or instruction to be~~  
20 ~~provided; and~~

21 ~~(II) the extent to which the local adjusted levels of performance promote~~  
22 ~~continuous improvement on the core indicators of performance by the eligible~~  
23 ~~recipient.~~

24 ~~(vii) Revisions.~~—If unanticipated circumstances arise, ~~or changes occur related~~  
25 ~~to improvements in data or measurement approaches with respect to an eligible~~  
26 ~~recipient resulting in a significant change in the factors described in clause (v),~~ the  
27 eligible recipient may request that the local ~~adjusted~~ levels of performance agreed  
28 to under clauses ~~(iii) or and (iviii)~~ be revised. The eligible agency shall issue  
29 objective criteria and methods for making such revisions.

30 ~~(B) Levels of performance for additional indicators.~~—Each eligible recipient may  
31 ~~identify, in the local plan, local levels of performance for any additional indicators of~~  
32 ~~performance described in paragraph (2)(C). Such levels shall be considered to be the~~  
33 ~~local levels of performance for purposes of this title.~~

34 ~~(C) Local report.~~—

35 (i) Content of report.—Each eligible recipient that receives an allocation  
36 described in section 112 shall annually prepare and submit to the eligible agency a  
37 report, which shall include the data on the actual performance levels described in  
38 clause (ii)~~(I), regarding the progress of such recipient in achieving the local~~  
39 ~~adjusted levels of performance including the progress of such recipient in~~  
40 achieving the local levels of performance on the core indicators of performance.

41 (ii) Data.—Except as provided in clauses (iii) and (iv), each eligible recipient that  
42 receives an allocation described in section 112 shall—

43 (I) disaggregate data for each of the indicators of performance under

1 paragraph (2) for the subgroups of students described in section  
2 1111(h)(1)(C)(~~iii~~) of the Elementary and Secondary Education Act of 1965  
3 and section 3(~~2948~~) that are served under this Act; ~~and~~

4 (II) identify and quantify any disparities or gaps in performance, as described  
5 in paragraph 3(C)(ii)(II), between any such category of students as described  
6 in subclause (I) (including special populations) and the performance of all  
7 ~~students-CTE concentrators~~ served by the eligible recipient under this Act;

8 (III) disaggregate data by the career and technical education programs or  
9 programs of study of the CTE concentrators, except that in a case in which  
10 reporting by such program or program of study is impractical, the data may be  
11 disaggregated by the career clusters of the CTE concentrators, if appropriate;  
12 and

13 (IV) for CTE concentrators described in paragraph (2)(A)(iii) and paragraph  
14 (2)(B)(i), disaggregate data, to the extent such data is available, by each of the  
15 following:

16 (aa) Individuals enrolled in postsecondary education (disaggregated by  
17 postsecondary award level, including certificate, associate, or  
18 baccalaureate degree).

19 (bb) Individuals in advanced training.

20 (cc) Individuals in military service or a service program that receives  
21 assistance under title I of the National and Community Service Act of  
22 1990 (42 U.S.C. 12511 et seq.) or volunteers as described in section 5(a)  
23 of the Peace Corps Act (22 U.S.C. 2504(a)).

24 (dd) Individuals in employment (including those individuals who are  
25 employed in a high-skill, high-wage, or in-demand sector or occupation).

26 (iii) Nonduplication.—The eligible agency shall ensure, in a manner that is  
27 consistent with the actions of the Secretary under ~~subsection (e)(3) paragraph~~  
28 ~~(3)(C)(iii)~~, that each eligible recipient does not report duplicative information  
29 under this section.

30 (iv) Rules for reporting of data.—The disaggregation of data under ~~clause (ii)-this~~  
31 ~~paragraph~~ shall not be required when the number of students in a category is  
32 insufficient to yield statistically reliable information or when the results would  
33 reveal personally identifiable information about an individual student.

34 (v) Availability.—The report described in clause (i) shall be made available by  
35 the eligible recipient through a variety of formats, including electronically  
36 through the Internet, to students, parents, educators, and the public, and the  
37 information contained in such report shall be in a format that is understandable  
38 and uniform, and to the extent practicable, provided in a language that students,  
39 parents, and educators can understand.

40 ~~(e) Report.—~~

41 ~~(1) In general.—Each eligible agency that receives an allotment under section 111 shall~~

1 ~~annually prepare and submit to the Secretary a report regarding—~~

2 ~~(A) the progress of the State in achieving the State adjusted levels of performance on~~  
3 ~~the core indicators of performance; and~~

4 ~~(B) information on the levels of performance achieved by the State with respect to the~~  
5 ~~additional indicators of performance, including the levels of performance for special~~  
6 ~~populations.~~

7 ~~(2) Data.—Except as provided in paragraphs (3) and (4), each eligible agency that~~  
8 ~~receives an allotment under section 111 or 201 shall—~~

9 ~~(A) disaggregate data for each of the indicators of performance under subsection~~  
10 ~~(b)(2) for the categories of students described in section 1111(h)(1)(C)(i) of the~~  
11 ~~Elementary and Secondary Education Act of 1965 and section 3(29) that are served~~  
12 ~~under this Act; and~~

13 ~~(B) identify and quantify any disparities or gaps in performance between any such~~  
14 ~~category of students and the performance of all students served by the eligible agency~~  
15 ~~under this Act, which shall include a quantifiable description of the progress each~~  
16 ~~such category of students served by the eligible agency under this Act has made in~~  
17 ~~meeting the State adjusted levels of performance.~~

18 ~~(3) Nonduplication.—The Secretary shall ensure that each eligible agency does not report~~  
19 ~~duplicative information under this section.~~

20 ~~(4) Rules for reporting of data.—The disaggregation of data under paragraph (2) shall not~~  
21 ~~be required when the number of students in a category is insufficient to yield statistically~~  
22 ~~reliable information or when the results would reveal personally identifiable information~~  
23 ~~about an individual student.~~

24 ~~(5) Information dissemination.—The Secretary—~~

25 ~~(A) shall make the information contained in such reports available to the general~~  
26 ~~public through a variety of formats, including electronically through the Internet;~~

27 ~~(B) shall disseminate State-by-State comparisons of the information; and~~

28 ~~(C) shall provide the appropriate committees of Congress with copies of such reports.~~

## 30 SEC. 114. NATIONAL ACTIVITIES.

31 (a) Program Performance Information.—

32 (1) In general.—The Secretary shall, in consultation with the Director, collect  
33 performance information about, and report on, the condition of career and technical  
34 education and on the effectiveness of State and local programs, services, and activities  
35 carried out under this title in order to provide the Secretary and Congress, as well as  
36 Federal, State, local, and tribal agencies, with information relevant to improvement in the  
37 quality and effectiveness of career and technical education. The Secretary shall report  
38 annually to Congress on the Secretary's aggregate analysis of performance information  
39 collected each year pursuant to this title from eligible agencies under section

1 | 113(b)(3)(C), including an analysis of performance data regarding special populations.

2 | (2) Compatibility.—The Secretary shall, to the extent feasible, ensure that the  
3 | performance information system is compatible with other Federal information systems.

4 | (3) Assessments.—As a regular part of its assessments, the National Center for Education  
5 | Statistics shall collect and report information on career and technical education for a  
6 | nationally representative sample of students. Such assessment may include international  
7 | comparisons in the aggregate.

8 | (b) Reasonable Cost.—The Secretary shall take such action as may be necessary to secure at  
9 | reasonable cost the information required by this title. To ensure reasonable cost, the  
10 | Secretary, in consultation with the National Center for Education Statistics and the Office of  
11 | Career, Technical, and Adult Education shall determine the methodology to be used and the  
12 | frequency with which such information is to be collected.

13 | (b) Miscellaneous Provisions.—

14 | ~~(1) Collection of information at reasonable cost.—The Secretary shall take such action as~~  
15 | ~~may be necessary to secure at reasonable cost the information required by this title. To~~  
16 | ~~ensure reasonable cost, the Secretary, in consultation with the National Center for~~  
17 | ~~Education Statistics, the Office of Career, Technical, and Adult Education, and an entity~~  
18 | ~~assisted under section 118 (if applicable), shall determine the methodology to be used and~~  
19 | ~~the frequency with which information is to be collected.~~

20 | ~~(2) Cooperation of states.—All eligible agencies receiving assistance under this Act shall~~  
21 | ~~cooperate with the Secretary in implementing the information systems developed~~  
22 | ~~pursuant to this Act.~~

23 | (c) Single Plan for Research, Development, Dissemination, Evaluation, and Assessment.—

24 | (1) In general.—The Secretary ~~shall~~may, directly or through grants, contracts, or  
25 | cooperative agreements, carry out research, development, dissemination, evaluation and  
26 | assessment, capacity building, and technical assistance with regard to the career and  
27 | technical education programs under this Act. The Secretary shall develop a single plan  
28 | for such activities.

29 | (2) Plan.—Such plan shall—

30 | (A) identify the career and technical education activities described in paragraph (1)  
31 | that the Secretary will carry out under this section;

32 | (B) describe how the Secretary, acting through the Director, will evaluate such career  
33 | and technical education activities in accordance with subsection (d)(2); and

34 | (C) include such other information as the Secretary, in consultation with the Director,  
35 | determines to be appropriate.

36 | (d) Advisory Panel; Evaluation; Reports.—

37 | (1) Independent advisory panel.—

38 | (A) In general.—The Secretary, acting through the Director, shall appoint an  
39 | independent advisory panel to advise the Secretary on the implementation of the  
40 | assessment-evaluation described in paragraph (2) and the plan developed under

1 subsection (c), including the issues to be addressed and the methodology of the  
2 studies involved to ensure that the assessment-evaluation adheres to the highest  
3 standards of quality.

4 (B) Members.—The advisory panel shall consist of—

5 (i) educators, administrators, State directors of career and technical education, and  
6 chief executives, including those with expertise in the integration of academic and  
7 career and technical education;

8 (ii) experts in evaluation, research, and assessment;

9 (iii) representatives of labor organizations and businesses, including small  
10 businesses, economic development entities, and workforce investment entities;

11 (iv) parents;

12 (v) career guidance and academic counseling professionals; ~~and~~

13 (vi) other individuals and qualified intermediaries with relevant expertise, which  
14 may include individuals with expertise in addressing inequities in access to, and  
15 in opportunities for, academic and technical skill attainment;

16 (vii) representatives of Indian Tribes and Tribal organizations; and

17 (viii) representatives of special populations.

18 (C) Independent analysis.—The advisory panel shall transmit to the Secretary, the  
19 Director, the relevant committees of Congress, and the Library of Congress an  
20 independent analysis of the findings and recommendations resulting from the  
21 assessment-evaluation described in paragraph (2).

22 (D) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to  
23 the panel established under this paragraph.

24 (2) Evaluation ~~and assessment~~.—

25 (A) In general.—From amounts made available under subsection (ef), the Secretary,  
26 acting through the Director, shall provide for the conduct of ~~an independent~~  
27 evaluation and assessment a series of research and evaluation initiatives for each year  
28 for which funds are appropriated to carry out this Act, which are aligned with the plan  
29 in subsection (c)(2), of career and technical education programs under this Act,  
30 including the implementation of the ~~Carl D. Perkins Career and Technical Education~~  
31 ~~Improvement Act of 2006 Strengthening Career and Technical Education for the 21st~~  
32 Century Act, to the extent practicable, through studies and analyses conducted  
33 independently through grants, contracts, and cooperative agreements that are awarded  
34 on a competitive basis. Whenever possible, data used for the evaluation for a fiscal  
35 year shall be data from the most recent fiscal year for which such data are available,  
36 and from the 5-year period preceding that fiscal year.

37 (B) Contents.—The ~~evaluation assessment~~ required under subparagraph (A) shall  
38 include descriptions and evaluations of—

39 (i) the extent and success of the integration of challenging State academic  
40 standards adopted under section 1111(b)(1) of the Elementary and Secondary

1 Education Act of 1965 and career and technical education for students  
2 participating in career and technical education programs, including a review of the  
3 effect of such integration on the academic and technical proficiency achievement  
4 of such students, including—

5 (I) the number of such students that receive a regular high school diploma, as  
6 such term is defined under section 8101 of the Elementary and Secondary  
7 Education Act of 1965 or a State-defined alternative diploma described in  
8 section 8101(25)(A)(ii)(I)(bb) of such Act;

9 (II) the number of such students that are high school students that receive a  
10 recognized postsecondary credential; and

11 (III) the number of such students that are high school students that earn credit  
12 toward a recognized postsecondary credential;

13 (ii) the extent to which career and technical education programs and programs of  
14 study prepare students, including special populations, for subsequent employment  
15 in high-skill, high-wage occupations (including those in which mathematics and  
16 science skills are critical, which may include computer science), or for  
17 participation in postsecondary education;

18 (iii) employer involvement in, benefit from, and satisfaction with, career and  
19 technical education programs and programs of study and career and technical  
20 education students' preparation for employment;

21 (iv) efforts to expand access to career and technical education programs of study  
22 for all students;

23 (v) innovative approaches to work-based learning programs that increase  
24 participation and alignment with employment in high-growth industries, including  
25 in rural and low-income areas;

26 (vi) the effectiveness of different delivery systems and approaches for career and  
27 technical education, including comprehensive high schools, technical high  
28 schools, area technical centers, career academies, community and technical  
29 colleges, early college high schools, pre-apprenticeship programs, voluntary after-  
30 school programs, and individual course offerings, including dual or concurrent  
31 enrollment program courses, as well as communication strategies for promoting  
32 career and technical education opportunities involving teachers, school  
33 counselors, and parents or other guardians;

34 (vii) the extent to which career and technical education programs supported by  
35 this Act are grounded on evidence-based research;

36 (viii) the impact of the amendments to this Act made under the Strengthening  
37 Career and Technical Education for the 21st Century Act, including comparisons,  
38 where appropriate, of—

39 (I) the use of the comprehensive needs assessment under section 134(c);

40 (II) the implementation of programs of study; and

41 (III) coordination of planning and program delivery with other relevant laws,

1 including the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et  
2 seq.) and the Elementary and Secondary Education Act of 1965;

3 (ix) changes in career and technical education program accountability as  
4 described in section 113 and any effects of such changes on program delivery and  
5 program quality;

6 (x) changes in student enrollment patterns; and

7 (xi) efforts to reduce disparities or performance gaps described in section  
8 113(b)(3)(C)(ii)(II).

9 ~~(i) the extent to which State, local, and tribal entities have developed,~~  
10 ~~implemented, or improved State and local career and technical education~~  
11 ~~programs assisted under this Act;~~

12 ~~(ii) the preparation and qualifications of teachers and faculty of career and~~  
13 ~~technical education (such as meeting State established teacher certification or~~  
14 ~~licensing requirements), as well as shortages of such teachers and faculty;~~

15 ~~(iii) academic and career and technical education achievement and employment~~  
16 ~~outcomes of career and technical education, including analyses of—~~

17 ~~(I) the extent and success of the integration of rigorous and challenging~~  
18 ~~academic and career and technical education for students participating in~~  
19 ~~career and technical education programs, including a review of the effect of~~  
20 ~~such integration on the academic and technical proficiency achievement of~~  
21 ~~such students (including the number of such students receiving a secondary~~  
22 ~~school diploma); and~~

23 ~~(II) the extent to which career and technical education programs prepare~~  
24 ~~students, including special populations, for subsequent employment in high~~  
25 ~~skill, high wage occupations (including those in which mathematics and~~  
26 ~~science skills are critical), or for participation in postsecondary education;~~

27 ~~(iv) employer involvement in, and satisfaction with, career and technical~~  
28 ~~education programs and career and technical education students' preparation for~~  
29 ~~employment;~~

30 ~~(v) the participation of students in career and technical education programs;~~

31 ~~(vi) the use of educational technology and distance learning with respect to career~~  
32 ~~and technical education and tech prep programs; and~~

33 ~~(vii) the effect of State and local adjusted levels of performance and State and~~  
34 ~~local levels of performance on the delivery of career and technical education~~  
35 ~~services, including the percentage of career and technical education and tech prep~~  
36 ~~students meeting the adjusted levels of performance described in section 113.~~

37 (C) Reports.—

38 (i) In general.—The Secretary, in consultation with the Director, shall submit to  
39 the relevant committees of Congress—

40 ~~(I) an interim report regarding the assessment on or before January 1, 2010;~~

1 ~~and~~

2 ~~(H) a final report, summarizing all studies and analyses that relate to the~~  
3 ~~assessment and that are completed after the interim report, on or before July 1,~~  
4 ~~2011.~~

5 (I) not later than 2 years after the date of enactment of the Strengthening  
6 Career and Technical Education for the 21st Century Act, an interim report  
7 regarding the evaluation and summary of research activities carried out under  
8 this section that builds on studies and analyses existing as of such date of  
9 enactment;

10 (II) not later than 4 years after the date of enactment of the Strengthening  
11 Career and Technical Education for the 21st Century Act, a final report  
12 summarizing the studies and analyses that relate to the evaluation and  
13 summary of research activities carried out under this section; and

14 (III) a biennial update to such final report for succeeding years.

15 (ii) Prohibition.—Notwithstanding any other provision of law, the reports  
16 required by this subsection shall not be subject to any review outside the  
17 Department of Education before their transmittal to the relevant committees of  
18 Congress and the Secretary, but the President, the Secretary, the Director, and the  
19 independent advisory panel established under paragraph (1) may make such  
20 additional recommendations to Congress with respect to the assessment as the  
21 President, the Secretary, the Director, or the panel determine to be appropriate.

22 (iii) Dissemination.—In addition to submitting the reports required under clause  
23 (i), the Secretary shall disseminate the results of the evaluation widely and on a  
24 timely basis in order to increase the understanding among State and local officials  
25 and educators of the effectiveness of programs and activities supported under the  
26 Act and of the career and technical education programs and programs of study  
27 that are most likely to produce positive educational and employment outcomes.

28 (3) Collection of state information and report.—

29 (A) In general.—The Secretary may collect and disseminate information from States  
30 regarding State efforts to meet State ~~determined adjusted~~ levels of performance  
31 described in section 113(b), as long as such information does not reveal any  
32 personally identifiable information.

33 (B) Report.—The Secretary shall gather any information collected pursuant to  
34 subparagraph (A) and submit a report to the relevant committees in Congress.

35 (4) Research.—

36 (A) In general.—From amounts made available under subsection (f), the Secretary,  
37 after consultation with the Director, the Commissioner for Education Research, and  
38 the States, and with input from the independent advisory panel established under  
39 subsection (d)(1)(A), shall award a grant, contract, or cooperative agreement, on a  
40 competitive basis, to an institution of higher education or to a consortium of one or  
41 more institutions of higher education and one or more private nonprofit organizations  
42 or agencies, to carry out one or more of the activities described in subparagraph (B).

1 (B) Grant activities.—An institution or consortium receiving a grant under this  
2 paragraph shall use grant funds to carry out one or more of the following activities:

3 (i) Evidence-based research and evaluation for the purpose of developing,  
4 improving, and identifying the most successful methods for —

5 (I) eliminating inequities in access to, and in opportunities for, learning, skill  
6 development, or effective teaching in career and technical education  
7 programs; and

8 (II) addressing the education, employment, and training needs of CTE  
9 participants, including special populations, in career and technical education  
10 programs or programs of study.

11 (ii) Research on, and evaluation of, the impact of changes made by the  
12 Strengthening Career and Technical Education for the 21st Century Act, including  
13 State-by-State comparisons, where appropriate, of—

14 (I) the use of the needs assessment under section 134(c);

15 (II) the implementation of programs of study;

16 (III) how States have implemented provisions of the Act, including both fiscal  
17 and programmatic elements;

18 (IV) career and technical education funding and finance models; and

19 (V) coordination with other relevant laws, including the Workforce Innovation  
20 and Opportunity Act (29 U.S.C. 3101 et seq.), the Elementary and Secondary  
21 Education Act of 1965, and the Higher Education Act of 1965.

22 (iii) Evidence-based research and analyses that provide longitudinal information  
23 with respect to career and technical education programs and programs of study  
24 and student achievement.

25 (iv) The implementation of, evaluation of, or evidence-based research of,  
26 innovative methods that support high-quality implementation of career and  
27 technical education programs and programs of study and student achievement  
28 related to career and technical education, including—

29 (I) creating or expanding dual or concurrent enrollment program activities and  
30 early college high schools;

31 (II) awarding of academic credit or academic alignment for industry  
32 recognized credentials, competency-based education, or work-based learning;

33 (III) making available open, searchable, and comparable information on the  
34 quality of industry recognized credentials, including the related skills or  
35 competencies, attainment by CTE concentrators, related employment and  
36 earnings outcomes, labor market value, and use by employers; or

37 (IV) initiatives to facilitate the transition of sub-baccalaureate career and  
38 technical education students into baccalaureate degree programs, including  
39 barriers affecting rural students and special populations.

40 (A) In general.— From amounts made available under subsection (e), the Secretary,

1 after consulting with the States, shall award a grant, contract, or cooperative  
2 agreement, on a competitive basis, to an institution of higher education, a public or  
3 private nonprofit organization or agency, or a consortium of such institutions,  
4 organizations, or agencies to establish a national research center—

5 (i) to carry out scientifically based research and evaluation for the purpose of  
6 developing, improving, and identifying the most successful methods for  
7 addressing the education, employment, and training needs of participants,  
8 including special populations, in career and technical education programs,  
9 including research and evaluation in such activities as—

10 (I) the integration of—

11 (aa) career and technical instruction; and

12 (bb) academic, secondary and postsecondary instruction;

13 (II) education technology and distance learning approaches and strategies that  
14 are effective with respect to career and technical education;

15 (III) State adjusted levels of performance and State levels of performance that  
16 serve to improve career and technical education programs and student  
17 achievement;

18 (IV) academic knowledge and career and technical skills required for  
19 employment or participation in postsecondary education; and

20 (V) preparation for occupations in high skill, high wage, or high demand  
21 business and industry, including examination of—

22 (aa) collaboration between career and technical education programs and  
23 business and industry; and

24 (bb) academic and technical skills required for a regional or sectoral  
25 workforce, including small business;

26 (ii) to carry out scientifically based research and evaluation to increase the  
27 effectiveness and improve the implementation of career and technical education  
28 programs that are integrated with coherent and rigorous content aligned with  
29 challenging academic standards, including conducting research and development,  
30 and studies, that provide longitudinal information or formative evaluation with  
31 respect to career and technical education programs and student achievement;

32 (iii) to carry out scientifically based research and evaluation that can be used to  
33 improve the preparation and professional development of teachers, faculty, and  
34 administrators, and to improve student learning in the career and technical  
35 education classroom, including—

36 (I) effective in-service and preservice teacher and faculty education that  
37 assists career and technical education programs in—

38 (aa) integrating those programs with challenging State academic  
39 standards, as adopted by States under section 1111(b)(1) of the  
40 Elementary and Secondary Education Act of 1965; and

1 ~~(bb) coordinating technical education with industry-recognized~~  
2 ~~certification requirements;~~

3 ~~(II) dissemination and training activities related to the applied research and~~  
4 ~~demonstration activities described in this subsection, which may also include~~  
5 ~~servicing as a repository for information on career and technical skills, State~~  
6 ~~academic standards, and related materials; and~~

7 ~~(III) the recruitment and retention of career and technical education teachers,~~  
8 ~~faculty, counselors, and administrators, including individuals in groups~~  
9 ~~underrepresented in the teaching profession; and~~

10 ~~(iv) to carry out such other research and evaluation, consistent with the purposes~~  
11 ~~of this Act, as the Secretary determines appropriate to assist State and local~~  
12 ~~recipients of funds under this Act.~~

13 ~~(CB) Report.—The center~~The institution or consortium receiving a grant under this  
14 paragraph conducting the activities described in subparagraph (A) shall annually  
15 prepare a report containing information about the key research findings of such ~~center~~  
16 entity under this paragraph and shall submit copies of the report to the Secretary and  
17 the Director. The Secretary shall submit copies of the report to the relevant  
18 committees of Congress, the Library of Congress, and each eligible agency.

19 ~~(CD) Dissemination.—The institution or consortium receiving a grant under this~~  
20 paragraph shall conduct dissemination and training activities based on the research  
21 carried out under this paragraph on a timely basis, including through dissemination  
22 networks and, as appropriate and relevant, technical assistance providers within the  
23 Department.~~The center shall conduct dissemination and training activities based upon~~  
24 ~~the research described in subparagraph (A).~~

25 ~~(5) Demonstrations and dissemination.—The Secretary is authorized to carry out~~  
26 ~~demonstration career and technical education programs, to replicate model career and~~  
27 ~~technical education programs, to disseminate best practices information, and to provide~~  
28 ~~technical assistance upon request of a State, for the purposes of developing, improving,~~  
29 ~~and identifying the most successful methods and techniques for providing career and~~  
30 ~~technical education programs assisted under this Act.~~

31 (e) Innovation and Modernization.—

32 (1) Grant program.—To identify, support, and rigorously evaluate evidence-based and  
33 innovative strategies and activities to improve and modernize career and technical  
34 education and align workforce skills with labor market needs as part of the State plan  
35 under section 122 and local application under section 134 and the requirements of this  
36 subsection, the Secretary may use not more than 20 percent of the amounts appropriated  
37 under subsection (f) to award grants to eligible entities, eligible institutions, or eligible  
38 recipients to carry out the activities described in paragraph (7).

39 (2) Non-federal match.—

40 (A) Matching funds required.—Except as provided under subparagraph (B), to  
41 receive a grant under this subsection, an eligible entity, eligible institution, or eligible  
42 recipient shall, through cash or in-kind contributions, provide matching funds from

1 non-Federal sources in an amount equal to not less than 50 percent of the funds  
2 provided under such grant.

3 (B) Exception.—The Secretary may waive the matching fund requirement under  
4 subparagraph (A) if the eligible entity, eligible institution, or eligible recipient  
5 demonstrates exceptional circumstances.

6 (3) Application.—To receive a grant under this subsection, an eligible entity, eligible  
7 institution, or eligible recipient shall submit an application to the Secretary at such time,  
8 in such manner, and containing such information as the Secretary may require, including,  
9 at a minimum—

10 (A) an identification and designation of the agency, institution, or school responsible  
11 for the administration and supervision of the program assisted under this paragraph;

12 (B) a description of the budget for the project, the source and amount of the matching  
13 funds required under paragraph (2)(A), and how the applicant will continue the  
14 project after the grant period ends, if applicable;

15 (C) a description of how the applicant will use the grant funds, including how such  
16 funds will directly benefit students, including special populations, served by the  
17 applicant;

18 (D) a description of how the program assisted under this subsection will be  
19 coordinated with the activities carried out under section 124 or 135;

20 (E) a description of how the career and technical education programs or programs of  
21 study to be implemented with grant funds reflect the needs of regional, State, or local  
22 employers, as demonstrated by the comprehensive needs assessment under section  
23 134(c);

24 (F) a description of how the program assisted under this subsection will be evaluated  
25 and how that evaluation may inform the report described in subsection (d)(2)(C); and

26 (G) an assurance that the applicant will—

27 (i) provide information to the Secretary, as requested, for evaluations that the  
28 Secretary may carry out; and

29 (ii) make data available to third parties for validation, in accordance with  
30 applicable data privacy laws, including section 444 of the General Education  
31 Provisions Act (20 U.S.C. 1232g, commonly known as the ‘Family Educational  
32 Rights and Privacy Act of 1974’).

33 (4) Priority.—In awarding grants under this subsection, the Secretary shall give priority  
34 to applications from eligible entities, eligible institutions, or eligible recipients that will  
35 predominantly serve students from low-income families.

36 (5) Geographic diversity.—

37 (A) In general.—In awarding grants under this subsection, the Secretary shall award  
38 no less than 25 percent of the total available funds for any fiscal year to eligible  
39 entities, eligible institutions, or eligible recipients proposing to fund career and  
40 technical education activities that serve—

1 (i) a local educational agency with an urban-centric district locale code of 32, 33,  
2 41, 42, or 43, as determined by the Secretary;

3 (ii) an institution of higher education primarily serving the one or more areas  
4 served by such a local educational agency;

5 (iii) a consortium of such local educational agencies or such institutions of higher  
6 education;

7 (iv) a partnership between—

8 (I) an educational service agency or a non-profit organization; and

9 (II) such a local educational agency or such an institution of higher education;  
10 or

11 (v) a partnership between—

12 (I) a grant recipient described in clause (i) or (ii); and

13 (II) a State educational agency.

14 (B) Exception.—Notwithstanding subparagraph (A), the Secretary shall reduce the  
15 amount of funds made available under such clause if the Secretary does not receive a  
16 sufficient number of applications of sufficient quality.

17 (6) Duration—

18 (A) In general.—Grants awarded under this subsection shall be for a period of not  
19 more than 3 years.

20 (B) Extension.—The Secretary may extend such grants for not more than 1 additional  
21 2-year period if the grantee demonstrates to the Secretary that the grantee is achieving  
22 the grantee’s program objectives and, as applicable, has improved education  
23 outcomes for career and technical education students, including special populations.

24 (7) Uses of funds.— An eligible entity, eligible institution, or eligible recipient that is  
25 awarded a grant under this subsection shall use the grant funds to create, develop,  
26 implement, replicate, or take to scale evidence-based, field-initiated innovations to  
27 modernize and improve effectiveness and alignment of career and technical education  
28 and to improve student outcomes in career and technical education, and rigorously  
29 evaluate such innovations, through one or more of the following activities:

30 (A) Designing and implementing courses or programs of study aligned to labor  
31 market needs in new or emerging fields and working with industry to upgrade  
32 equipment, technology, and related curriculum used in career and technical education  
33 programs, which is needed for the development, expansion, and implementation of  
34 State-approved career and technical education programs of study, including—

35 (i) the development or acquisition of instructional materials associated with the  
36 equipment and technology purchased by an eligible entity, eligible institution, or  
37 eligible recipient through the grant; or

38 (ii) efforts to expand, develop, or implement programs designed to increase  
39 opportunities for students to take rigorous courses in coding or computer science  
40 subject areas, and support for statewide efforts to increase access and

implementation of coding or computer science courses in order to meet local labor market needs in occupations that require skills in those subject areas.

(B) Improving career and technical education outcomes of students served by eligible entities, eligible institutions, or eligible recipients through activities such as —

(i) supporting the development and enhancement of innovative delivery models for career and technical education related work-based learning, including school-based simulated work sites, mentoring, work site visits, job shadowing, project-based learning, and skills-based and paid internships;

(ii) increasing the effective use of technology within career and technical education programs and programs of study;

(iii) supporting new models for integrating academic content at the secondary and postsecondary level in career and technical education; or

(iv) integrating science, technology, engineering, and mathematics fields, including computer science education, with career and technical education.

(C) Improving the transition of students—

(i) from secondary education to postsecondary education or employment through programs, activities, or services that may include the creation, development, or expansion of dual or concurrent enrollment programs, articulation agreements, credit transfer agreements, and competency-based education; or

(ii) from the completion of one postsecondary program to another postsecondary program that awards a recognized postsecondary credential.

(D) Supporting the development and enhancement of innovative delivery models for career and technical education.

(E) Working with industry to design and implement courses or programs of study aligned to labor market needs in new or emerging fields.

(F) Supporting innovative approaches to career and technical education by redesigning the high school experience for students, which may include evidence-based transitional support strategies for students who have not met postsecondary education eligibility requirements.

(G) Creating or expanding recruitment, retention, or professional development activities for career and technical education teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals, which may include—

(i) providing resources and training to improve instruction for, and provide appropriate accommodations to, special populations;

(ii) externships or site visits with business and industry;

(iii) the integration of coherent and rigorous academic content standards and career and technical education curricula, including through opportunities for appropriate academic and career and technical education teachers to jointly develop and implement curricula and pedagogical strategies;

1 (iv) mentoring by experienced teachers;

2 (v) providing resources or assistance with meeting State teacher licensure and  
3 credential requirements; or

4 (vi) training for career guidance and academic counselors at the secondary level to  
5 improve awareness of postsecondary education and postsecondary career options,  
6 and improve the ability of such counselors to communicate to students the career  
7 opportunities and employment trends.

8 (H) Improving CTE concentrator employment outcomes in non-traditional fields.

9 (I) Supporting the use of career and technical education programs and programs of  
10 study in a coordinated strategy to address identified employer needs and workforce  
11 shortages, such as shortages in the early childhood, elementary school, and secondary  
12 school education workforce.

13 (J) Providing integrated student support that addresses the comprehensive needs of  
14 students, such as incorporating accelerated and differentiated learning opportunities  
15 supported by evidence-based strategies for special populations.

16 (K) Establishing an online portal for career and technical education students,  
17 including special populations, preparing for postsecondary career and technical  
18 education, which may include opportunities for mentoring, gaining financial literacy  
19 skills, and identifying career opportunities and interests, and a platform to establish  
20 online savings accounts to be used exclusively for postsecondary career and technical  
21 education programs and programs of study.

22 (L) Developing and implementing a pay for success initiative.

23 (8) Evaluation.—Each eligible entity, eligible institution, or eligible recipient receiving a  
24 grant under this subsection shall provide for an independent evaluation of the activities  
25 carried out using such grant and submit to the Secretary an annual report that includes—

26 (A) a description of how funds received under this paragraph were used;

27 (B) the performance of the eligible entity, eligible institution, or eligible recipient  
28 with respect to, at a minimum, the performance indicators described under section  
29 113, as applicable, and disaggregated by—

30 (i) subgroups of students described in section 1111(c)(2)(B) of the Elementary  
31 and Secondary Education Act of 1965;

32 (ii) special populations; and

33 (iii) as appropriate, each career and technical education program and program of  
34 study; and

35 (C) a quantitative analysis of the effectiveness of the project carried out under this  
36 paragraph.

37 (ef) Authorization of Appropriations.—There are authorized to be appropriated to carry out  
38 this section—such sums as may be necessary for each of fiscal years 2007 through 2012.

39 (1) \$7,651,051 for fiscal year 2019;

- (2) \$7,758,166 for fiscal year 2020;
- (3) \$7,866,780 for fiscal year 2021;
- (4) \$7,976,915 for fiscal year 2022;
- (5) \$8,088,592 for fiscal year 2023; and
- (6) \$8,201,832 for fiscal year 2024.

## SEC. 115. ASSISTANCE FOR THE OUTLYING AREAS.

(a) Outlying Areas.—From funds reserved pursuant to section 111(a)(1)(A), the Secretary shall—

- (1) make a grant in the amount of \$660,000 to Guam;
- (2) make a grant in the amount of \$350,000 to each of American Samoa and the Commonwealth of the Northern Mariana Islands; and
- (3) make a grant of \$160,000 to the Republic of Palau, subject to subsection (bd).

~~(b) Remainder.—~~

~~(1) First year.—Subject to subsection (a), for the first fiscal year following the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, the Secretary shall make a grant of the remainder of funds reserved pursuant to section 111(a)(1)(A) to the Pacific Region Educational Laboratory in Honolulu, Hawaii, to make grants for career and technical education and training in Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of providing direct career and technical educational services, including—~~

~~(A) teacher and counselor training and retraining;~~

~~(B) curriculum development; and~~

~~(C) the improvement of career and technical education and training programs in secondary schools and institutions of higher education, or improving cooperative education programs involving secondary schools and institutions of higher education.~~

~~(2) Subsequent years.—Subject to subsection (a), for the second fiscal year following the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, and each subsequent year, the Secretary shall make a grant of the remainder of funds reserved pursuant to section 111(a)(1)(A) and subject to subsection (a), in equal proportion, to each of Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be used to provide direct career and technical educational services as described in subparagraphs (A) through (C) of paragraph (1).~~

~~(c) Limitation.—The Pacific Region Educational Laboratory may use not more than 5 percent of the funds received under subsection (b)(1) for administrative costs.~~

(db) Restriction.—The Republic of Palau shall cease to be eligible to receive funding under this section upon entering into an agreement for an extension of United States educational assistance under the Compact of Free Association, unless otherwise provided in such

1 agreement.

## 3 SEC. 116. NATIVE AMERICAN PROGRAMS.

4 (a) Definitions.—In this section:

5 (1) Alaska ~~N~~ative.—The term ‘Alaska Native’ means a Native as such term is defined in  
6 section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

7 (2) Bureau-funded school.—The term ‘Bureau-funded school’ has the meaning given the  
8 term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

9 ~~(3) Indian, indian tribe, and tribal organization.—The terms ‘Indian’, ‘Indian tribe’, and  
10 ‘tribal organization’ have the meanings given the terms in section 4 of the Indian Self-  
11 Determination and Education Assistance Act (25 U.S.C. 450b).~~

12 ~~(34) Native H~~awaiian.—The term ‘Native Hawaiian’ means any individual any of  
13 whose ancestors were natives, prior to 1778, of the area which now comprises the State  
14 of Hawaii.

15 ~~(45) Native H~~awaiian organization.—The term ‘Native Hawaiian organization’ has the  
16 meaning given the term in section 6207 of the Native Hawaiian Education Act ~~(20 U.S.C.  
17 7517).~~

18 (b) Program Authorized.—

19 (1) Authority.—From funds reserved under section 111(a)(1)(B)(i), the Secretary shall  
20 make grants to or enter into contracts with Indian ~~tribes Tribes~~, ~~tribal Tribal~~ organizations,  
21 and Alaska Native entities to carry out the authorized programs described in subsection  
22 (c), except that such grants or contracts shall not be awarded to secondary school  
23 programs in Bureau-funded schools.

24 (2) Indian ~~tribes Tribes~~ and ~~tribal Tribal~~ organizations.—The grants or contracts  
25 described in this section that are awarded to any Indian ~~tribe Tribe~~ or ~~tribal Tribal~~  
26 organization shall be subject to the terms and conditions of section 102 of the Indian Self-  
27 Determination Act (25 U.S.C. ~~450#5321~~) and shall be conducted in accordance with the  
28 provisions of sections 4, 5, and 6 of the Act of April 16, 1934 (25 U.S.C. ~~455–4575345-  
29 5347~~), which are relevant to the programs administered under this subsection.

30 (3) Special authority relating to secondary schools operated or supported by the ~~Bureau  
31 of Indian Education~~~~bureau of indian affairs~~.—An Indian ~~†Tribe~~, a ~~†Tribal~~ organization, or  
32 an Alaska Native entity, that receives funds through a grant made or contract entered into  
33 under paragraph (1) may use the funds to provide assistance to a secondary school  
34 operated or supported by the ~~Bureau of Indian Education~~~~Bureau of Indian Affairs~~ to  
35 enable such school to carry out career and technical education programs.

36 (4) Matching.—If sufficient funding is available, the ~~Bureau of Indian Education~~~~Bureau  
37 of Indian Affairs~~ shall expend an amount equal to the amount made available under this  
38 subsection, relating to programs for Indians, to pay a part of the costs of programs funded  
39 under this subsection. During each fiscal year the ~~Bureau of Indian Education~~~~Bureau of  
40 Indian Affairs~~ shall expend not less than the amount expended during the prior fiscal year

1 on career and technical education programs, services, and technical activities  
2 administered directly by, or under contract with, the ~~Bureau of Indian Education~~  
3 ~~Bureau of Indian Affairs~~, except that in no year shall funding for such programs, services, and  
4 activities be provided from accounts and programs that support other Indian education  
5 programs. The Secretary and the ~~Director of the Bureau of Indian Education~~  
6 ~~Assistant Secretary of the Interior for Indian Affairs~~ shall prepare jointly a plan for the expenditure  
7 of funds made available and for the evaluation of programs assisted under this subsection.  
8 Upon the completion of a joint plan for the expenditure of the funds and the evaluation of  
9 the programs, the Secretary shall assume responsibility for the administration of the  
10 program, with the assistance and consultation of the ~~Bureau of Indian Education~~  
11 ~~Bureau of Indian Affairs~~.

12 (5) Regulations.—If the Secretary promulgates any regulations applicable to paragraph  
13 (2), the Secretary shall—

14 (A) confer with, and allow for active participation by, representatives of Indian  
15 ~~tribes~~~~Tribes~~, ~~tribal~~~~Tribal~~ organizations, and individual ~~tribal~~~~Tribal~~ members; and

16 (B) promulgate the regulations under subchapter III of chapter 5 of title 5, United  
17 States Code, commonly known as the ‘Negotiated Rulemaking Act of 1990’.

18 (6) Application.—Any Indian ~~tribe~~~~Tribe~~, ~~tribal~~~~Tribal~~ organization, or Bureau-funded  
19 school eligible to receive assistance under this subsection may apply individually or as  
20 part of a consortium with another such Indian ~~tribe~~~~Tribe~~, ~~tribal~~~~Tribal~~ organization, or  
21 Bureau-funded school.

22 (c) Authorized Activities.—

23 (1) Authorized programs.—Funds made available under this section shall be used to carry  
24 out career and technical education programs consistent with the purpose of this Act.

25 ~~(2) Special rule.—Notwithstanding section 3(5)(A)(iii), funds made available under this~~  
26 ~~section may be used to provide preparatory, refresher, and remedial education services~~  
27 ~~that are designed to enable students to achieve success in career and technical education~~  
28 ~~programs or programs of study.~~

29 ~~(3)~~ Stipends.—

30 (A) In general.—Funds received pursuant to grants or contracts awarded under  
31 subsection (b) may be used to provide stipends to students who are enrolled in career  
32 and technical education programs and who have acute economic needs which cannot  
33 be met through work-study programs.

34 (B) Amount.—Stipends described in subparagraph (A) shall not exceed reasonable  
35 amounts as prescribed by the Secretary.

36 (d) Grant or Contract Application.—In order to receive a grant or contract under this section,  
37 an organization, ~~tribe~~~~Tribe~~, or entity described in subsection (b) shall submit an application  
38 to the Secretary that shall include an assurance that such organization, ~~tribe~~~~Tribe~~, or entity  
39 shall comply with the requirements of this section.

40 (e) Restrictions and Special Considerations.—The Secretary may not place upon grants  
41 awarded or contracts entered into under subsection (b) any restrictions relating to programs

1 other than restrictions that apply to grants made to or contracts entered into with States  
2 pursuant to allotments under section 111(a). The Secretary, in awarding grants and entering  
3 into contracts under this section, shall ensure that the grants and contracts will improve  
4 career and technical education programs, and shall give special consideration to—

5 (1) programs that involve, coordinate with, or encourage Tribal economic development  
6 plans; and

7 (2) applications from tribally controlled colleges or universities that—

8 (A) are accredited or are candidates for accreditation by a nationally recognized  
9 accreditation organization as an institution of postsecondary career and technical  
10 education; or

11 (B) operate career and technical education programs that are accredited or are  
12 candidates for accreditation by a nationally recognized accreditation organization, and  
13 issue certificates for completion of career and technical education programs.

14 (f) Consolidation of Funds.—Each organization, ~~tribeTribe~~, or entity receiving assistance  
15 under this section may consolidate such assistance with assistance received from related  
16 programs in accordance with the provisions of the Indian Employment, Training and Related  
17 Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).

18 (g) Nonduplicative and Nonexclusive Services.—Nothing in this section shall be construed—

19 (1) to limit the eligibility of any organization, ~~tribeTribe~~, or entity described in subsection  
20 (b) to participate in any activity offered by an eligible agency or eligible recipient under  
21 this title; or

22 (2) to preclude or discourage any agreement, between any organization, ~~tribeTribe~~, or  
23 entity described in subsection (b) and any eligible agency or eligible recipient, to  
24 facilitate the provision of services by such eligible agency or eligible recipient to the  
25 population served by such eligible agency or eligible recipient.

26 (h) Native Hawaiian Programs.—From the funds reserved pursuant to section  
27 111(a)(1)(B)(ii), the Secretary shall award grants to or enter into contracts with community-  
28 based organizations primarily serving and representing Native Hawaiians to plan, conduct,  
29 and administer programs, or portions thereof, which are authorized by and consistent with the  
30 provisions of this section for the benefit of Native Hawaiians.

## 31 32 SEC. 117. TRIBALLY CONTROLLED POSTSECONDARY 33 CAREER AND TECHNICAL INSTITUTIONS.

34 (a) Grant Program.—Subject to the availability of appropriations, the Secretary shall make  
35 grants under this section, to provide basic support for the education and training of Indian  
36 students, to tribally controlled postsecondary career and technical institutions that are not  
37 receiving Federal assistance as of the date on which the grant is provided under—

38 (1) title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25  
39 U.S.C. 1802 et seq.); or

1 (2) the Navajo Community College Act (Public Law 92-189; 85 Stat. 646). (~~25 U.S.C.~~  
2 ~~640a et seq.~~);

3 (b) Uses of Grants.—Amounts made available under this section shall be used for career and  
4 technical education programs for Indian students and for the institutional support costs of the  
5 grant, including the expenses described in subsection (e).

6 (c) Amount of Grants.—

7 (1) In general.—If the sums appropriated for any fiscal year for grants under this section  
8 are not sufficient to pay in full the total amount which approved applicants are eligible to  
9 receive under this section for such fiscal year, the Secretary shall first allocate to each  
10 such applicant who received funds under this part for the preceding fiscal year an amount  
11 equal to 100 percent of the product of the per capita payment for the preceding fiscal year  
12 and such applicant's Indian student count for the current program year, plus an amount  
13 equal to the actual cost of any increase to the per capita figure resulting from inflationary  
14 increases to necessary costs beyond the institution's control.

15 (2) Per capita determination.—For the purposes of paragraph (1), the per capita payment  
16 for any fiscal year shall be determined by dividing the amount available for grants to  
17 tribally controlled postsecondary career and technical institutions under this section for  
18 such program year by the sum of the Indian student counts of such institutions for such  
19 program year. The Secretary shall, on the basis of the most accurate data available from  
20 the institutions, compute the Indian student count for any fiscal year for which such count  
21 was not used for the purpose of making allocations under this section.

22 (3) Indirect costs.—Notwithstanding any other provision of law or regulation, the  
23 Secretary shall not require the use of a restricted indirect cost rate for grants issued under  
24 this section.

25 (d) Applications.—To be eligible to receive a grant under this section, a tribally controlled  
26 postsecondary career and technical institution that is not receiving Federal assistance under  
27 title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C.  
28 1802 et seq.) or the Navajo Community College Act (Public Law 92-189; 85 Stat. 646)(~~25~~  
29 ~~U.S.C. 640a et seq.~~) shall submit to the Secretary an application at such time, in such manner,  
30 and containing such information as the Secretary may require.

31 (e) Expenses.—

32 (1) In general.—The Secretary shall, subject to the availability of appropriations, provide  
33 for each program year to each tribally controlled postsecondary career and technical  
34 institution having an application approved by the Secretary, an amount necessary to pay  
35 expenses associated with—

36 (A) the maintenance and operation of the program, including development costs,  
37 costs of basic and special instruction (including special programs for individuals with  
38 disabilities and academic instruction), materials, student costs, administrative  
39 expenses, boarding costs, transportation, student services, daycare and family support  
40 programs for students and their families (including contributions to the costs of  
41 education for dependents), and student stipends;

42 (B) capital expenditures, including operations and maintenance, and minor

1 improvements and repair, and physical plant maintenance costs, for the conduct of  
2 programs funded under this section;

3 (C) costs associated with repair, upkeep, replacement, and upgrading of the  
4 instructional equipment; and

5 (D) institutional support of career and technical education.

6 (2) Accounting.—Each institution receiving a grant under this section shall provide  
7 annually to the Secretary an accurate and detailed accounting of the institution’s  
8 operating and maintenance expenses and such other information concerning costs as the  
9 Secretary may reasonably require.

10 (f) Other Programs.—

11 (1) In general.—Except as specifically provided in this Act, eligibility for assistance  
12 under this section shall not preclude any tribally controlled postsecondary career and  
13 technical institution from receiving Federal financial assistance under any program  
14 authorized under the Higher Education Act of 1965, or under any other applicable  
15 program for the benefit of institutions of higher education or career and technical  
16 education.

17 (2) Prohibition on alteration of grant amount.—The amount of any grant for which  
18 tribally controlled postsecondary career and technical institutions are eligible under this  
19 section shall not be altered because of funds allocated to any such institution from funds  
20 appropriated under the Act of November 2, 1921 (commonly known as the ‘Snyder Act’)  
21 (25 U.S.C. 13).

22 (3) Prohibition on contract denial.—No tribally controlled postsecondary career and  
23 technical institution for which an Indian ~~T~~Tribe has designated a portion of the funds  
24 appropriated for the ~~T~~Tribe from funds appropriated under the Act of November 2, 1921  
25 (25 U.S.C. 13), may be denied a contract for such portion under the Indian Self-  
26 Determination and Education Assistance Act (except as provided in that Act), or denied  
27 appropriate contract support to administer such portion of the appropriated funds.

28 (g) Complaint Resolution Procedure.—The Secretary shall establish (after consultation with  
29 tribally controlled postsecondary career and technical institutions) a complaint resolution  
30 procedure for grant determinations and calculations under this section for tribally controlled  
31 postsecondary career and technical institutions.

32 (h) Definitions.—In this section:

33 (1) Indian; ~~I~~ndian ~~tribe~~Tribe.—The terms ‘Indian’ and ‘Indian ~~T~~Tribe’ have the meanings  
34 given the terms ‘Indian’ and ‘Indian tribe’, respectively, in section 2 of the Tribally  
35 Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801).

36 (2) Indian student count.—

37 (A) In general.—The term ‘Indian student count’ means a number equal to the total  
38 number of Indian students enrolled in each tribally controlled postsecondary career  
39 and technical institution, as determined in accordance with subparagraph (B).

40 (B) Determination.—

1 (i) Enrollment.—For each academic year, the Indian student count shall be  
2 determined on the basis of the enrollments of Indian students as in effect at the  
3 conclusion of—

4 (I) in the case of the fall term, the third week of the fall term; and

5 (II) in the case of the spring term, the third week of the spring term.

6 (ii) Calculation.—For each academic year, the Indian student count for a tribally  
7 controlled postsecondary career and technical institution shall be the quotient  
8 obtained by dividing—

9 (I) the sum of the credit hours of all Indian students enrolled in the tribally  
10 controlled postsecondary career and technical institution (as determined under  
11 clause (i)); by

12 (II) 12.

13 (iii) Summer term.—Any credit earned in a class offered during a summer term  
14 shall be counted in the determination of the Indian student count for the  
15 succeeding fall term.

16 (iv) Students without secondary school degrees.—

17 (I) In general.—A credit earned at a tribally controlled postsecondary career  
18 and technical institution by any Indian student that has not obtained a  
19 secondary school degree (or the recognized equivalent of such a degree) shall  
20 be counted toward the determination of the Indian student count if the  
21 institution at which the student is enrolled has established criteria for the  
22 admission of the student on the basis of the ability of the student to benefit  
23 from the education or training of the institution.

24 (II) Presumption.—The institution shall be presumed to have established the  
25 criteria described in subclause (I) if the admission procedures for the  
26 institution include counseling or testing that measures the aptitude of a student  
27 to successfully complete a course in which the student is enrolled.

28 (III) Credits toward secondary school degree.—No credit earned by an Indian  
29 student for the purpose of obtaining a secondary school degree (or the  
30 recognized equivalent of such a degree) shall be counted toward the  
31 determination of the Indian student count under this clause.

32 (v) Continuing education programs.—Any credit earned by an Indian student in a  
33 continuing education program of a tribally controlled postsecondary career and  
34 technical institution shall be included in the determination of the sum of all credit  
35 hours of the student if the credit is converted to a credit hour basis in accordance  
36 with the system of the institution for providing credit for participation in the  
37 program.

38 (i) Authorization of Appropriations.—There are authorized to be appropriated to carry out  
39 this section—~~such sums as may be necessary for each of fiscal years 2007 through 2012.~~

40 (1) \$9,762,539 for fiscal year 2019;

- (2) \$9,899,215 for fiscal year 2020;
- (3) \$10,037,804 for fiscal year 2021;
- (4) \$10,178,333 for fiscal year 2022;
- (5) \$10,320,829 for fiscal year 2023; and
- (6) \$10,465,321 for fiscal year 2024.

## ~~SEC. 118. OCCUPATIONAL AND EMPLOYMENT INFORMATION.~~

~~(a) National Activities. — From funds appropriated under subsection (g), the Secretary, in consultation with appropriate Federal agencies, is authorized —~~

~~(1) to provide assistance to an entity to enable the entity —~~

~~(A) to provide technical assistance to State entities designated under subsection (c) to enable the State entities to carry out the activities described in such subsection;~~

~~(B) to disseminate information that promotes the replication of high quality practices described in subsection (c); and~~

~~(C) to develop and disseminate products and services related to the activities described in subsection (c); and~~

~~(2) to award grants to States that designate State entities in accordance with subsection (c) to enable the State entities to carry out the State level activities described in such subsection.~~

~~(b) State Application. —~~

~~(1) In general. — A jointly designated State entity described in subsection (c) that desires to receive a grant under this section shall submit an application to the Secretary at the same time the State submits its State plan under section 122, in such manner, and accompanied by such additional information, as the Secretary may reasonably require.~~

~~(2) Contents. — Each application submitted under paragraph (1) shall include a description of how the jointly designated State entity described in subsection (c) will provide information based on trends provided pursuant to section 15 of the Wagner-Peyser Act to inform program development.~~

~~(c) State Level Activities. — In order for a State to receive a grant under this section, the eligible agency and the Governor of the State shall jointly designate an entity in the State —~~

~~(1) to provide support for career guidance and academic counseling programs designed to promote improved career and education decision making by students (and parents, as appropriate) regarding education (including postsecondary education) and training options and preparations for high skill, high wage, or high demand occupations and non-traditional fields;~~

~~(2) to make available to students, parents, teachers, administrators, faculty, and career guidance and academic counselors, and to improve accessibility with respect to,~~

1 information and planning resources that relate academic and career and technical  
2 educational preparation to career goals and expectations;

3 (3) to provide academic and career and technical education teachers, faculty,  
4 administrators, and career guidance and academic counselors with the knowledge, skills,  
5 and occupational information needed to assist parents and students, especially special  
6 populations, with career exploration, educational opportunities, education financing, and  
7 exposure to high skill, high wage, or high demand occupations and non-traditional fields,  
8 including occupations and fields requiring a baccalaureate degree;

9 (4) to assist appropriate State entities in tailoring career related educational resources and  
10 training for use by such entities, including information on high skill, high wage, or high  
11 demand occupations in current or emerging professions and on career ladder information;

12 (5) to improve coordination and communication among administrators and planners of  
13 programs authorized by this Act and by section 15 of the Wagner-Peyser Act at the  
14 Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use  
15 of shared information and data;

16 (6) to provide ongoing means for customers, such as students and parents, to provide  
17 comments and feedback on products and services and to update resources, as appropriate,  
18 to better meet customer requirements; and

19 (7) to provide readily available occupational information such as—

20 (A) information relative to employment sectors;

21 (B) information on occupation supply and demand; and

22 (C) other information provided pursuant to section 15 of the Wagner-Peyser Act as  
23 the jointly designated State entity considers relevant.

24 (d) Nonduplication.—

25 (1) Wagner peyser act.—The jointly designated State entity described under subsection  
26 (e) may use funds provided under subsection (a)(2) to supplement activities under section  
27 15 of the Wagner-Peyser Act to the extent such activities do not duplicate activities  
28 assisted under such section.

29 (2) Workforce innovation and opportunity Act.—None of the functions and activities  
30 assisted under this section shall duplicate the functions and activities carried out under  
31 the Workforce Innovation and Opportunity Act.

32 (e) Funding Rule.—Of the amounts appropriated to carry out this section, the Federal entity  
33 designated under subsection (a) shall use—

34 (1) not less than 85 percent to carry out subsection (c); and

35 (2) not more than 15 percent to carry out subsection (a).

36 (f) Report.—The Secretary, in consultation with appropriate Federal agencies, shall prepare  
37 and submit to the appropriate committees of Congress, an annual report that includes—

38 (1) a description of activities assisted under this section during the prior program year;

39 (2) a description of the specific products and services assisted under this section that were

1 delivered in the prior program year; and

2 (3) an assessment of the extent to which States have effectively coordinated activities  
3 assisted under this section with activities authorized under section 15 of the Wagner-  
4 Peyser Act.

5 (g) Authorization of Appropriations.—There are authorized to be appropriated to carry out  
6 this section such sums as may be necessary for each of the fiscal years 2007 through 2012.

## 8 PART B—STATE PROVISIONS

### 9 SEC. 121. STATE ADMINISTRATION.

11 (a) Eligible Agency Responsibilities.—The responsibilities of an eligible agency under this  
12 title shall include—

13 (1) coordination of the development, submission, and implementation of the State plan,  
14 and the evaluation of the program, services, and activities assisted under this title,  
15 including preparation for non-traditional fields;

16 (2) consultation with the Governor and appropriate agencies, groups, and individuals  
17 including teachers, faculty, specialized instructional support personnel, paraprofessionals,  
18 school leaders, authorized public chartering agencies and charter school leaders  
19 (consistent with State law), employers, representatives of business (including small  
20 businesses), labor organizations, eligible recipients, local program administrators, State  
21 and local officials, Indian Tribes or Tribal organizations present in the State, parents,  
22 students, and community organizations; parents, students, teachers, teacher and faculty  
23 preparation programs, representatives of businesses (including small businesses), labor  
24 organizations, eligible recipients, State and local officials, and local program  
25 administrators, involved in the planning, administration, evaluation, and coordination of  
26 programs funded under this title;

27 (3) convening and meeting as an eligible agency (consistent with State law and procedure  
28 for the conduct of such meetings) at such time as the eligible agency determines  
29 necessary to carry out the eligible agency's responsibilities under this title, but not less  
30 than 4 times annually; and

31 (4) the adoption of such procedures as the eligible agency considers necessary to—

32 (A) implement State level coordination with the activities undertaken by the State  
33 boards under section 101 of the Workforce Innovation and Opportunity Act; and

34 (B) make available to the one-stop delivery system under section 121 of the  
35 Workforce Innovation and Opportunity Act within the State a listing of all school  
36 dropout, postsecondary education, and adult programs assisted under this title.

37 (b) Exception.—Except with respect to the responsibilities set forth in subsection (a), the  
38 eligible agency may delegate any of the other responsibilities of the eligible agency that  
39 involve the administration, operation, or supervision of activities assisted under this title, in

1 whole or in part, to 1 or more appropriate State agencies.  
2

### 3 SEC. 122. STATE PLAN.

4 (a) State Plan.—

5 (1) In general.—Each eligible agency desiring assistance under this title for any fiscal  
6 year shall prepare and submit to the Secretary a State plan for a ~~46~~-year period, consistent  
7 with subsection (b) and paragraph (5), together with such annual revisions as the eligible  
8 agency determines to be necessary, except that, during the period described in section 4,  
9 each eligible agency may submit a transition plan that shall fulfill the eligible agency's  
10 obligation to submit a State plan under this section for the first fiscal year following the  
11 date of enactment of the Strengthening Career and Technical Education for the 21st  
12 Century Act~~Carl D. Perkins Career and Technical Education Improvement Act of 2006~~.

13 (2) Revisions.—Each eligible agency—

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

16 (B) shall, after the second year of the ~~46~~-year period, conduct a review of activities  
17 assisted under this title and submit any revisions of the State plan that the eligible  
18 agency determines necessary to the Secretary.

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

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

36 (5) Optional submission of subsequent plans.—An eligible agency may, after the first 4-  
37 year State plan is submitted under this section, submit subsequent 4-year plans not later  
38 than 120 days prior to the end of the 4-year period covered by the preceding State plan or,  
39 if an eligible agency chooses not to submit a State plan for a subsequent 4-year period,  
40 the eligible agency shall submit, and the Secretary shall approve, annual revisions to the  
41 State determined levels of performance in the same manner as revisions submitted and  
42 approved under section 113(b)(3)(A)(ii).

1 (b) Options for Submission of State Plan.—

2 (1) Combined plan.—The eligible agency may submit a combined plan that meets the  
3 requirements of this section and the requirements of section 103 of the Workforce  
4 Innovation and Opportunity Act (29 U.S.C. 3113).

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

8 (c) Plan Development.—

9 (1) In general.—The eligible agency shall—

10 (A) develop the State plan in consultation with—

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

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

21 (iii) representatives of the State workforce development board established under  
22 section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111)  
23 (referred to in this section as the ‘State board’);

24 (iv) members and representatives of special populations;

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

28 (vi) representatives of agencies serving out-of-school youth, homeless children  
29 and youth, and at-risk youth, including the State Coordinator for Education of  
30 Homeless Children and Youths established or designated under section 722(d)(3)  
31 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(d)(3));

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

34 (viii) individuals with disabilities; and

35 (B) consult the Governor of the State, and the heads of other State agencies with  
36 authority for career and technical education programs that are not the eligible agency,  
37 with respect to the development of the State plan.

38 (i) academic and career and technical education teachers, faculty, and  
39 administrators;

40 (ii) career guidance and academic counselors;

- ~~(iii) eligible recipients;~~
- ~~(iv) charter school authorizers and organizers consistent with State law;~~
- ~~(v) parents and students;~~
- ~~(vi) institutions of higher education;~~
- ~~(vii) the State tech prep coordinator and representatives of tech prep consortia (if applicable);~~
- ~~(viii) entities participating in activities described in section 101 of the Workforce Innovation and Opportunity Act;~~
- ~~(ix) interested community members (including parent and community organizations);~~
- ~~(x) representatives of special populations;~~
- ~~(xi) representatives of business and industry (including representatives of small business); and~~
- ~~(xii) representatives of labor organizations in the State; and~~

~~(B) consult the Governor of the State with respect to such development.~~

(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.

~~(de) Plan Contents.—The State plan shall include information that—~~

(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 3

1 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102) and the elements  
2 related to system alignment under section 102(b)(2)(B) of such Act (29 U.S.C.  
3 3112(b)(2)(B)); and

4 (B) for programs carried out under this title with other Federal programs, which may  
5 include programs funded under the Elementary and Secondary Education Act of 1965  
6 and Higher Education Act of 1965;

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

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

11 (B) the process and criteria to be used for approving locally developed programs of  
12 study or career pathways, including how such programs address State workforce  
13 development and education needs and the criteria to assess the extent to which the  
14 local application under section 132 will—

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

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

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

20 (C) how the eligible agency will—

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

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

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

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

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

40 (vi) support effective and meaningful collaboration between secondary schools,

1 postsecondary institutions, and employers to provide students with experience in,  
2 and understanding of, all aspects of an industry, which may include work-based  
3 learning such as internships, mentorships, simulated work environments, and  
4 other hands-on or inquiry-based learning activities; and

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

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

10 (5) a description of the criteria and process for how the eligible agency will approve  
11 eligible recipients for funds under this Act, including how—

12 (A) each eligible recipient will promote academic achievement;

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

15 (C) each eligible recipient will ensure the comprehensive needs assessment under  
16 section 134(c) takes into consideration local economic and education needs,  
17 including, where appropriate, in-demand industry sectors and occupations;

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

24 (7) a description of how the eligible agency will use State leadership funds under section  
25 124;

26 (8) a description of how funds received by the eligible agency through the allotment  
27 made under section 111 will be distributed—

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

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

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

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

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

1 (C) will be provided with programs designed to enable individuals who are members  
2 of special populations to meet or exceed State determined levels of performance  
3 described in section 113, and prepare special populations for further learning and for  
4 high-skill, high-wage, or in-demand industry sectors or occupations;

5 (D) will be provided with appropriate accommodations; and

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

8 (10) a description of the procedure the eligible agency will adopt for determining State  
9 determined levels of performance described in section 113, which, at a minimum, shall  
10 include—

11 (A) a description of the process for public comment under section 113(b)(3)(B) as  
12 part of the development of the State determined levels of performance under section  
13 113(b);

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

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

18 (11) a description of how the eligible agency will address disparities or gaps in  
19 performance, as described in section 113(b)(3)(C)(ii)(II), in each of the plan years, and if  
20 no meaningful progress has been achieved prior to the third program year, a description  
21 of the additional actions the eligible agency will take to eliminate these disparities or  
22 gaps;

23 (12) describes how the eligible agency will involve parents, academic and career and  
24 technical education teachers, administrators, faculty, career guidance and academic  
25 counselors, local business (including small businesses), labor organizations, and  
26 representatives of Indian Tribes and Tribal organizations, as appropriate, in the planning,  
27 development, implementation, and evaluation of such career and technical education  
28 programs; and

29 (13) assurances that—

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

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

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

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

4 (E) the eligible agency will provide local educational agencies, area career and  
5 technical education schools, and eligible institutions in the State with technical  
6 assistance, including technical assistance on how to close gaps in student participation  
7 and performance in career and technical education programs; and

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

10 ~~(1) describes the career and technical education activities to be assisted that are designed~~  
11 ~~to meet or exceed the State adjusted levels of performance, including a description of—~~

12 ~~(A) the career and technical programs of study, which may be adopted by local~~  
13 ~~educational agencies and postsecondary institutions to be offered as an option to~~  
14 ~~students (and their parents as appropriate) when planning for and completing future~~  
15 ~~coursework, for career and technical content areas that—~~

16 ~~(i) incorporate secondary education and postsecondary education elements;~~

17 ~~(ii) include coherent and rigorous content aligned with challenging academic~~  
18 ~~standards and relevant career and technical content in a coordinated,~~  
19 ~~nonduplicative progression of courses that align secondary education with~~  
20 ~~postsecondary education to adequately prepare students to succeed in~~  
21 ~~postsecondary education;~~

22 ~~(iii) may include the opportunity for secondary education students to participate in~~  
23 ~~dual or concurrent enrollment programs or other ways to acquire postsecondary~~  
24 ~~education credits; and~~

25 ~~(iv) lead to an industry recognized credential or certificate at the postsecondary~~  
26 ~~level, or an associate or baccalaureate degree;~~

27 ~~(B) how the eligible agency, in consultation with eligible recipients, will develop and~~  
28 ~~implement the career and technical programs of study described in subparagraph (A);~~

29 ~~(C) how the eligible agency will support eligible recipients in developing and~~  
30 ~~implementing articulation agreements between secondary education and~~  
31 ~~postsecondary education institutions;~~

32 ~~(D) how the eligible agency will make available information about career and~~  
33 ~~technical programs of study offered by eligible recipients;~~

34 ~~(E) the secondary and postsecondary career and technical education programs to be~~  
35 ~~carried out, including programs that will be carried out by the eligible agency to~~  
36 ~~develop, improve, and expand access to appropriate technology in career and~~  
37 ~~technical education programs;~~

38 ~~(F) the criteria that will be used by the eligible agency to approve eligible recipients~~  
39 ~~for funds under this Act, including criteria to assess the extent to which the local plan~~  
40 ~~will—~~

- ~~(i) promote continuous improvement in academic achievement;~~
- ~~(ii) promote continuous improvement of technical skill attainment; and~~
- ~~(iii) identify and address current or emerging occupational opportunities;~~

~~(G) how programs at the secondary level will prepare career and technical education students, including special populations, to graduate from secondary school with a diploma;~~

~~(H) how such programs will prepare career and technical education students, including special populations, academically and technically for opportunities in postsecondary education or entry into high skill, high wage, or high demand occupations in current or emerging occupations, and how participating students will be made aware of such opportunities;~~

~~(I) how funds will be used to improve or develop new career and technical education courses—~~

- ~~(i) at the secondary level that are aligned with challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;~~

- ~~(ii) at the postsecondary level that are relevant and challenging; and~~

- ~~(iii) that lead to employment in high skill, high wage, or high demand occupations;~~

~~(J) how the eligible agency will facilitate and coordinate communication on best practices among successful recipients of tech prep program grants under title II and eligible recipients to improve program quality and student achievement;~~

~~(K) how funds will be used effectively to link academic and career and technical education at the secondary level and at the postsecondary level in a manner that increases student academic and career and technical achievement; and~~

~~(L) how the eligible agency will report on the integration of coherent and rigorous content aligned with challenging academic standards in career and technical education programs in order to adequately evaluate the extent of such integration;~~

~~(2) describes how comprehensive professional development (including initial teacher preparation and activities that support recruitment) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors will be provided, especially professional development that—~~

- ~~(A) promotes the integration of coherent and rigorous academic content standards and career and technical education curricula, including through opportunities for the appropriate academic and career and technical education teachers to jointly develop and implement curricula and pedagogical strategies, as appropriate;~~

- ~~(B) increases the percentage of teachers that meet teacher certification or licensing requirements;~~

- ~~(C) is high quality, sustained, intensive, and focused on instruction, and increases the academic knowledge and understanding of industry standards, as appropriate, of~~

1 career and technical education teachers;

2 (D) encourages applied learning that contributes to the academic and career and  
3 technical knowledge of the student;

4 (E) provides the knowledge and skills needed to work with and improve instruction  
5 for special populations;

6 (F) assists in accessing and utilizing data, including data provided under section 118,  
7 student achievement data, and data from assessments; and

8 (G) promotes integration with professional development activities that the State  
9 carries out under title II of the Elementary and Secondary Education Act of 1965 and  
10 title II of the Higher Education Act of 1965;

11 (3) describes efforts to improve —

12 (A) the recruitment and retention of career and technical education teachers, faculty,  
13 and career guidance and academic counselors, including individuals in groups  
14 underrepresented in the teaching profession; and

15 (B) the transition to teaching from business and industry, including small business;

16 (4) describes efforts to facilitate the transition of subbaccalaureate career and technical  
17 education students into baccalaureate degree programs at institutions of higher education;

18 (5) describes how the eligible agency will actively involve parents, academic and career  
19 and technical education teachers, administrators, faculty, career guidance and academic  
20 counselors, local business (including small businesses), and labor organizations in the  
21 planning, development, implementation, and evaluation of such career and technical  
22 education programs;

23 (6) describes how funds received by the eligible agency through the allotment made  
24 under section 111 will be allocated —

25 (A) among career and technical education at the secondary level, or career and  
26 technical education at the postsecondary and adult level, or both, including the  
27 rationale for such allocation; and

28 (B) among any consortia that will be formed among secondary schools and eligible  
29 institutions, and how funds will be allocated among the members of the consortia,  
30 including the rationale for such allocation;

31 (7) describes how the eligible agency will —

32 (A) improve the academic and technical skills of students participating in career and  
33 technical education programs, including strengthening the academic and career and  
34 technical components of career and technical education programs through the  
35 integration of academics with career and technical education to ensure learning in —

36 (i) a well-rounded education (as defined in section 8101 of the Elementary and  
37 Secondary Education Act of 1965); and

38 (ii) career and technical education subjects;

39 (B) provide students with strong experience in, and understanding of, all aspects of an

1 industry; and

2 (C) ensure that students who participate in such career and technical education  
3 programs are taught to the same challenging academic proficiencies as are taught to  
4 all other students;

5 (8) describes how the eligible agency will annually evaluate the effectiveness of such  
6 career and technical education programs, and describe, to the extent practicable, how the  
7 eligible agency is coordinating such programs to ensure nonduplication with other  
8 Federal programs;

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

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

12 (B) will not be discriminated against on the basis of their status as members of the  
13 special populations; and

14 (C) will be provided with programs designed to enable the special populations to  
15 meet or exceed State adjusted levels of performance, and prepare special populations  
16 for further learning and for high skill, high wage, or high demand occupations;

17 (10) describes—

18 (A) the eligible agency's efforts to ensure that eligible recipients are given the  
19 opportunity to provide input in determining the State adjusted levels of performance  
20 described in section 113; and

21 (B) how the eligible agency, in consultation with eligible recipients, will develop a  
22 process for the negotiation of local adjusted levels of performance under section  
23 113(b)(4) if an eligible recipient does not accept the State adjusted levels of  
24 performance under section 113(b)(3);

25 (11) provides assurances that the eligible agency will comply with the requirements of  
26 this Act and the provisions of the State plan, including the provision of a financial audit  
27 of funds received under this Act which may be included as part of an audit of other  
28 Federal or State programs;

29 (12) provides assurances that none of the funds expended under this Act will be used to  
30 acquire equipment (including computer software) in any instance in which such  
31 acquisition results in a direct financial benefit to any organization representing the  
32 interests of the acquiring entity or the employees of the acquiring entity, or any affiliate  
33 of such an organization;

34 (13) describes how the eligible agency will report data relating to students participating in  
35 career and technical education in order to adequately measure the progress of the  
36 students, including special populations, and how the eligible agency will ensure that the  
37 data reported to the eligible agency from local educational agencies and eligible  
38 institutions under this title and the data the eligible agency reports to the Secretary are  
39 complete, accurate, and reliable;

40 (14) describes how the eligible agency will adequately address the needs of students in  
41 alternative education programs, if appropriate;

1 ~~(15) describes how the eligible agency will provide local educational agencies, area~~  
2 ~~career and technical education schools, and eligible institutions in the State with technical~~  
3 ~~assistance;~~

4 ~~(16) describes how career and technical education relates to State and regional~~  
5 ~~occupational opportunities;~~

6 ~~(17) describes the methods proposed for the joint planning and coordination of programs~~  
7 ~~carried out under this title with other Federal education programs;~~

8 ~~(18) describes how funds will be used to promote preparation for high skill, high wage, or~~  
9 ~~high demand occupations and non-traditional fields;~~

10 ~~(19) describes how funds will be used to serve individuals in State correctional~~  
11 ~~institutions; and~~

12 ~~(20) contains the description and information specified in subparagraphs (B) and (C)(iii)~~  
13 ~~of section 102(b)(2), and, as appropriate, section 103(b)(3)(A), and section 121(e), of the~~  
14 ~~Workforce Innovation and Opportunity Act concerning the provision of services only for~~  
15 ~~postsecondary students and school dropouts.~~

16 ~~(d) Plan Options.—~~

17 ~~(1) Single plan.—An eligible agency not choosing to consolidate funds under section 202~~  
18 ~~shall fulfill the plan or application submission requirements of this section, and section~~  
19 ~~201(e), by submitting a single State plan. In such plan, the eligible agency may allow~~  
20 ~~recipients to fulfill the plan or application submission requirements of section 134 and~~  
21 ~~subsections (a) and (b) of section 204 by submitting a single local plan.~~

22 ~~(2) Plan submitted as part of combined plan.—The eligible agency may submit the plan~~  
23 ~~required under this section as part of the plan submitted under section 103 of the~~  
24 ~~Workforce Innovation and Opportunity Act, if the plan submitted pursuant to the~~  
25 ~~requirement of this section meets the requirements of this Act.~~

26 ~~(e) Consultation.—~~

27 ~~(1) In general.—The eligible agency shall develop the portion of each State plan relating~~  
28 ~~to the amount and uses of any funds proposed to be reserved for adult career and~~  
29 ~~technical education, postsecondary career and technical education, and secondary career~~  
30 ~~and technical education after consultation with—~~

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

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

37 ~~(C) the State agency responsible for adult education.~~

38 ~~(2) Objections of State agencies.—If a State agency other than the eligible agency finds~~  
39 ~~that a portion of the final State plan is objectionable, that objection shall be filed together~~  
40 ~~with the State plan. The eligible agency shall respond to any objections of such State~~

1 agency in the State plan submitted to the Secretary.

2 (3) Joint signature authority.—A Governor shall have 30 days prior to the eligible agency  
3 submitting the State plan to the Secretary to sign such plan. If the Governor has not  
4 signed the plan within 30 days of delivery by the eligible agency to the Governor, the  
5 eligible agency shall submit the plan to the Secretary without such signature.

6 (fe) Plan Approval.—

7 (1) In general.—Not later than 120 days after the eligible agency submits its State plan,  
8 the Secretary shall approve such state plan, or a revision of the plan under subsection  
9 (a)(2) (including a revision of State determined levels of performance in accordance with  
10 section 113(b)(3)(A)(iii)), if the Secretary determines that the State has submitted in its  
11 State plan State determined levels of performance that meet the criteria established in  
12 section 113(b)(3), including the minimum requirements described in 113(b)(3)(A)(i)(III),  
13 unless the Secretary —

14 (A) determines that the State plan does not meet the requirements of this Act,  
15 including the minimum requirements as described in section 113(b)(3)(A)(i)(III); and

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

17 (2) Disapproval.—The Secretary—

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

19 (i) determines how the State plan fails to meet the requirements of this Act; and

20 (ii) provides to the eligible agency, in writing, notice of such determination and  
21 the supporting information and rationale to substantiate such determination; and

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

25 (1) In general.—The Secretary shall approve a State plan, or a revision to an approved  
26 State plan, unless the Secretary determines that—

27 (A) the State plan, or revision, respectively, does not meet the requirements of this  
28 Act; or

29 (B) the State’s levels of performance on the core indicators of performance consistent  
30 with section 113 are not sufficiently rigorous to meet the purpose of this Act.

31 (2) Disapproval.—The Secretary shall not finally disapprove a State plan, except after  
32 giving the eligible agency notice and an opportunity for a hearing.

33 (3) Consultation.—The eligible agency shall develop the portion of each State plan  
34 relating to the amount and uses of any funds proposed to be reserved for adult career and  
35 technical education, postsecondary career and technical education, tech prep education,  
36 and secondary career and technical education after consultation with the State agency  
37 responsible for supervision of community colleges, technical institutes, or other 2-year  
38 postsecondary institutions primarily engaged in providing postsecondary career and  
39 technical education, and the State agency responsible for secondary education. If a State  
40 agency finds that a portion of the final State plan is objectionable, the State agency shall

1 file such objections with the eligible agency. The eligible agency shall respond to any  
2 objections of the State agency in the State plan submitted to the Secretary.

3 (4) Timeframe.—A State plan shall be deemed approved by the Secretary if the Secretary  
4 has not responded to the eligible agency regarding the State plan within 90 days of the  
5 date the Secretary receives the State plan.  
6

## 7 SEC. 123. IMPROVEMENT PLANS.

### 8 (a) State Program Improvement.—

9 (1) Plan.—If a State fails to meet at least 90 percent of ~~the an agreed upon~~ State  
10 ~~determined adjusted~~ level of performance for any of the core indicators of performance  
11 described in section 113(b)(23) for all CTE concentrators, the eligible agency shall  
12 develop and implement a program improvement plan (that includes an analysis of the  
13 performance disparities or gaps identified under section 113(b)(3)(C)(ii)(II), and actions  
14 that will be taken to address such gaps) ~~(with special consideration to performance gaps~~  
15 ~~identified under section 113(c)(2))~~ in consultation with the appropriate agencies,  
16 individuals, and organizations during the first program year succeeding the program year  
17 for which the eligible agency failed to so meet the State ~~adjusted determined~~ level of  
18 performance for any of the core indicators of performance.

19 (2) Technical assistance.—If the Secretary determines that an eligible agency is not  
20 properly implementing the eligible agency’s responsibilities under section 122, or is not  
21 making substantial progress in meeting the purposes of this section, including after  
22 implementation of the improvement plan described in paragraph (1), ~~purposes of this Act~~,  
23 based on the ~~State’s adjusted State determined~~ levels of performance, the Secretary shall  
24 work with the eligible agency to implement the improvement activities consistent with  
25 the requirements of this Act.

### 26 (3) Subsequent action.—

27 (A) In general.—The Secretary may, after notice and opportunity for a hearing,  
28 withhold from an eligible agency all, or a portion, of the eligible agency’s allotment  
29 under paragraphs (2) and (3) of section 112(a) if the eligible agency—

30 (i) fails to implement an improvement plan as described in paragraph (1); or  
31 ~~(ii) fails to make any improvement in meeting any of the State adjusted levels of~~  
32 ~~performance for the core indicators of performance identified under paragraph (1)~~  
33 ~~within the first program year of implementation of its improvement plan~~  
34 ~~described in paragraph (1); or~~

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

37 (ii) with respect to any specific core indicator of performance that was identified  
38 in a program improvement plan under paragraph (1), fails to meet at least 90  
39 percent of a State determined level of performance for such core indicator for 2  
40 consecutive years after the eligible agency has been identified for improvement  
41 under such paragraph.

1 (B) Waiver for exceptional circumstances.—The Secretary may waive the sanction in  
2 subparagraph (A) due to exceptional or uncontrollable circumstances, such as a  
3 natural disaster or a precipitous and unforeseen decline in the financial resources of  
4 the State.

5 (4) Funds resulting from reduced allotments.—The Secretary shall use funds withheld  
6 under paragraph (3) for a State served by an eligible agency to provide technical  
7 assistance, to assist in the development of an improved State improvement plan, or for  
8 other improvement activities consistent with the requirements of this Act for such State.

9 (5) Adjustments prohibited.—An eligible agency shall not be eligible to adjust  
10 performance levels while executing an improvement plan under this section.

11 (b) Local Program Improvement.—

12 (1) Local evaluation.—Each eligible agency shall evaluate annually, using the local  
13 ~~adjusted~~ levels of performance described in section 113(b)(4), the career and technical  
14 education activities of each eligible recipient receiving funds under this title.

15 (2) Plan.—If, after reviewing the evaluation in paragraph (1), the eligible agency  
16 determines that an eligible recipient failed to meet at least 90 percent of an agreed upon  
17 local ~~adjusted~~ level of performance for any of the core indicators of performance  
18 described in section 113(b)(4) for all CTE concentrators, the eligible recipient shall  
19 develop and implement a program improvement plan (that includes an analysis of the  
20 performance disparities or gaps identified under section 113(b)(3)(C)(ii)(II), and actions  
21 that will be taken to address such gaps) (with special consideration to performance gaps  
22 identified under section 113(b)(4)(C)(ii)(II)) in consultation with local stakeholders  
23 described in section 134(d)(1), the eligible agency, and appropriate agencies, individuals,  
24 and organizations during the first program year succeeding the program year for which  
25 the eligible recipient failed to so meet any of the local ~~adjusted~~ levels of performance for  
26 any of the core indicators of performance.

27 (3) Technical assistance.—If the eligible agency determines that an eligible recipient is  
28 not properly implementing the eligible recipient’s responsibilities under section 134, or is  
29 not making substantial progress in meeting the purposes of this Act, based on the local  
30 ~~adjusted~~ levels of performance, the eligible agency shall work with the eligible recipient  
31 to implement improvement activities consistent with the requirements of this Act.

32 (4) Subsequent action.—

33 (A) In general.—The eligible agency may, after notice and opportunity for a hearing,  
34 withhold from the eligible recipient all, or a portion, of the eligible recipient’s  
35 allotment under this title if the eligible recipient—

36 (i) fails to implement an improvement plan as described in paragraph (2); or  
37 ~~(ii) fails to make any improvement in meeting any of the local adjusted levels of~~  
38 ~~performance for the core indicators of performance identified under paragraph (2)~~  
39 ~~within the first program year of implementation of its improvement plan~~  
40 ~~described in paragraph (2); or~~

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

1 (ii) with respect to any specific core indicator of performance that was identified  
2 in a program improvement plan under paragraph (2), fails to meet at least 90  
3 percent of the local level of performance for such core indicator for 2 consecutive  
4 years after the eligible recipient has been identified for improvement under such  
5 paragraph.

6 (B) Waiver for exceptional circumstances.—In determining whether to impose  
7 sanctions under subparagraph (A), the eligible agency may waive imposing  
8 sanctions—

9 (i) due to exceptional or uncontrollable circumstances, such as a natural disaster  
10 or a precipitous and unforeseen decline in the financial resources of the eligible  
11 recipient; ~~or~~

12 (ii) based on the impact on the eligible recipient’s reported performance of the  
13 small size of the career and technical education program operated by the eligible  
14 recipient; ~~;~~ or

15 (iii) in response to a public request from an eligible recipient, if the eligible  
16 agency determines that the requirements described in clause (i) or (ii) have been  
17 met.

18 (5) Funds resulting from reduced allotments.—The eligible agency shall use funds  
19 withheld under paragraph (4) from an eligible recipient to provide (through alternative  
20 arrangements) services and activities to students within the area served by such recipient  
21 to meet the purposes of this Act.

22 (6) Adjustments prohibited.—An eligible recipient shall not be eligible to adjust  
23 performance levels while executing an improvement plan under this section.

## 25 SEC. 124. STATE LEADERSHIP ACTIVITIES.

26 (a) General Authority.—From amounts reserved under section 112(a)(2), each eligible  
27 agency shall ~~conduct State leadership activities.~~

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

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

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

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

39 (D) technical assistance for eligible recipients; and

1 (2) report on the effectiveness of such use of funds in achieving the goals described in  
2 section 122(d)(2) and the State determined levels of performance described in section  
3 113(b)(3)(A), and reducing disparities or performance gaps as described in section  
4 113(b)(3)(C)(ii)(II).

5 (b) ~~Required~~Permissible Uses of Funds.—The State leadership activities described in  
6 subsection (a) ~~shall~~may include—

7 ~~(1) an assessment of the career and technical education programs carried out with funds~~  
8 ~~under this title, including an assessment of how the needs of special populations are being~~  
9 ~~met and how the career and technical education programs are designed to enable special~~  
10 ~~populations to meet State adjusted levels of performance and prepare the special~~  
11 ~~populations for further education, further training, or for high skill, high wage, or high~~  
12 ~~demand occupations;~~

13 ~~(2) developing, improving, or expanding the use of technology in career and technical~~  
14 ~~education that may include—~~

15 ~~(A) training of career and technical education teachers, faculty, career guidance and~~  
16 ~~academic counselors, and administrators to use technology, including distance~~  
17 ~~learning;~~

18 ~~(B) providing career and technical education students with the academic and career~~  
19 ~~and technical skills (including the mathematics and science knowledge that provides a~~  
20 ~~strong basis for such skills) that lead to entry into technology fields, including non-~~  
21 ~~traditional fields; or~~

22 ~~(C) encouraging schools to collaborate with technology industries to offer voluntary~~  
23 ~~internships and mentoring programs;~~

24 ~~(3) professional development programs, including providing comprehensive professional~~  
25 ~~development (including initial teacher preparation) for career and technical education~~  
26 ~~teachers, faculty, administrators, and career guidance and academic counselors at the~~  
27 ~~secondary and postsecondary levels, that support activities described in section 122~~  
28 ~~and—~~

29 ~~(A) provide in-service and preservice training in career and technical education~~  
30 ~~programs—~~

31 ~~(i) on effective integration and use of challenging academic and career and~~  
32 ~~technical education provided jointly with academic teachers to the extent~~  
33 ~~practicable;~~

34 ~~(ii) on effective teaching skills based on research that includes promising~~  
35 ~~practices;~~

36 ~~(iii) on effective practices to improve parental and community involvement; and~~

37 ~~(iv) on effective use of scientifically based research and data to improve~~  
38 ~~instruction;~~

39 ~~(B) are high quality, sustained, intensive, and classroom focused in order to have a~~  
40 ~~positive and lasting impact on classroom instruction and the teacher's performance in~~  
41 ~~the classroom, and are not 1-day or short term workshops or conferences;~~

1 ~~(C) will help teachers and personnel to improve student achievement in order to meet~~  
2 ~~the State adjusted levels of performance established under section 113;~~

3 ~~(D) will support education programs for teachers of career and technical education in~~  
4 ~~public schools and other public school personnel who are involved in the direct~~  
5 ~~delivery of educational services to career and technical education students to ensure~~  
6 ~~that teachers and personnel—~~

7 ~~(i) stay current with the needs, expectations, and methods of industry;~~

8 ~~(ii) can effectively develop rigorous and challenging, integrated academic and~~  
9 ~~career and technical education curricula jointly with academic teachers, to the~~  
10 ~~extent practicable;~~

11 ~~(iii) develop a higher level of academic and industry knowledge and skills in~~  
12 ~~career and technical education; and~~

13 ~~(iv) effectively use applied learning that contributes to the academic and career~~  
14 ~~and technical knowledge of the student; and~~

15 ~~(E) are coordinated with the teacher certification or licensing and professional~~  
16 ~~development activities that the State carries out under title II of the Elementary and~~  
17 ~~Secondary Education Act of 1965 and title II of the Higher Education Act of 1965;~~

18 ~~(4) supporting career and technical education programs that improve the academic and~~  
19 ~~career and technical skills of students participating in career and technical education~~  
20 ~~programs by strengthening the academic and career and technical components of such~~  
21 ~~career and technical education programs, through the integration of coherent and relevant~~  
22 ~~content aligned with challenging academic standards and relevant career and technical~~  
23 ~~education, to ensure achievement in—~~

24 ~~(A) a well rounded education (as defined in section 8101 of the Elementary and~~  
25 ~~Secondary Education Act of 1965); and~~

26 ~~(B) career and technical education subjects;~~

27 ~~(5) providing preparation for non-traditional fields in current and emerging professions,~~  
28 ~~and other activities that expose students, including special populations, to high skill, high~~  
29 ~~wage occupations;~~

30 ~~(6) supporting partnerships among local educational agencies, institutions of higher~~  
31 ~~education, adult education providers, and, as appropriate, other entities, such as~~  
32 ~~employers, labor organizations, intermediaries, parents, and local partnerships, to enable~~  
33 ~~students to achieve State academic standards, and career and technical skills, or complete~~  
34 ~~career and technical programs of study, as described in section 122(c)(1)(A);~~

35 ~~(7) serving individuals in State institutions, such as State correctional institutions and~~  
36 ~~institutions that serve individuals with disabilities;~~

37 ~~(8) support for programs for special populations that lead to high skill, high wage, or high~~  
38 ~~demand occupations; and~~

39 ~~(9) technical assistance for eligible recipients.~~

40 ~~(c) Permissible Uses of Funds.—The State leadership activities described in subsection (a)~~

1 may include—

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

5 (2) approving locally developed programs of study that meet the requirements established  
6 in section 122(d)(4)(B);

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

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

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

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

17 (i) successfully complete coursework that integrates rigorous and challenging  
18 technical and academic instruction aligned with the challenging State academic  
19 standards adopted by the State under section 1111(b)(1) of the Elementary and  
20 Secondary Education Act of 1965; and

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

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

27 (5) for teachers, faculty, specialized instructional support personnel, and  
28 paraprofessionals providing career and technical education instruction, support services,  
29 and specialized instructional support services, high-quality comprehensive professional  
30 development that is, to the extent practicable, grounded in evidence-based research (to  
31 the extent a State determines that such evidence is reasonably available) that identifies  
32 the most effective educator professional development process and is coordinated and  
33 aligned with other professional development activities carried out by the State (including  
34 under title II of the Elementary and Secondary Education Act of 1965 and title II of the  
35 Higher Education Act of 1965), including programming that—

36 (A) promotes the integration of the challenging State academic standards adopted by  
37 the State under section 1111(b)(1) of the Elementary and Secondary Education Act of  
38 1965 and relevant technical knowledge and skills, including programming jointly  
39 delivered to academic and career and technical education teachers;

40 (B) prepares career and technical education teachers, faculty, specialized instructional  
41 support personnel, and paraprofessionals to provide appropriate accommodations for

1 students who are members of special populations, including through the use of  
2 principles of universal design for learning, multi-tier systems of supports, and  
3 positive behavioral interventions and support; and

4 (C) increases the ability of teachers, faculty, specialized instructional support  
5 personnel, and paraprofessionals providing career and technical education instruction  
6 to stay current with industry standards and earn an industry-recognized credential or  
7 license, as appropriate, including by assisting those with relevant industry experience  
8 in obtaining State teacher licensure or credential requirements;

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

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

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

13 (7) awarding incentive grants to eligible recipients—

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

16 (i) eligible recipients exceeding the local level of performance on a core indicator  
17 of performance established under section 113(b)(4)(A) in a manner that reflects  
18 sustained or significant improvement;

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

21 (iii) the integration of academic and technical standards;

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

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

26 (B) if an eligible recipient elects to use funds as permitted under section 135(c);

27 (8) providing support for—

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

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

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

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

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

38 (10) support for career and technical education programs for adults and out-of-school

1 youth concurrent with their completion of their secondary school education in a school or  
2 other educational setting;

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

4 (12) support for the development, implementation, and expansion of programs of study or  
5 career pathways in areas declared to be in a state of emergency under section 501 of the  
6 Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191);

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

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

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

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

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

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

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

27 (20) supporting the use of career and technical education programs and programs of study  
28 aligned with State, regional, or local high-skill, high-wage, or in-demand industry sectors  
29 or occupations identified by the State workforce development board described in section  
30 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111) or local  
31 workforce development boards;

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

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

37 (23) support for accelerated learning programs, as described in section  
38 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965, in the  
39 case of any such program that is part of a career and technical education program of  
40 study;

1 (24) support for career academies to implement a postsecondary education and  
2 workforce-ready curriculum at the secondary education level that integrates rigorous  
3 academic, technical, and employability contents through career and technical education  
4 programs and programs of study that address needs described in the comprehensive needs  
5 assessment under section 134(c); and

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

7 ~~(1) improvement of career guidance and academic counseling programs that assist~~  
8 ~~students in making informed academic and career and technical education decisions;~~  
9 ~~including—~~

10 ~~(A) encouraging secondary and postsecondary students to graduate with a diploma or~~  
11 ~~degree; and~~

12 ~~(B) exposing students to high skill, high wage occupations and non-traditional fields;~~

13 ~~(2) establishment of agreements, including articulation agreements, between secondary~~  
14 ~~school and postsecondary career and technical education programs in order to provide~~  
15 ~~postsecondary education and training opportunities for students participating in such~~  
16 ~~career and technical education programs, such as tech prep programs;~~

17 ~~(3) support for initiatives to facilitate the transition of subbaccalaureate career and~~  
18 ~~technical education students into baccalaureate degree programs, including—~~

19 ~~(A) statewide articulation agreements between associate degree granting career and~~  
20 ~~technical postsecondary educational institutions and baccalaureate degree granting~~  
21 ~~postsecondary educational institutions;~~

22 ~~(B) postsecondary dual and concurrent enrollment programs;~~

23 ~~(C) academic and financial aid counseling; and~~

24 ~~(D) other initiatives—~~

25 ~~(i) to encourage the pursuit of a baccalaureate degree; and~~

26 ~~(ii) to overcome barriers to participation in baccalaureate degree programs;~~  
27 ~~including geographic and other barriers affecting rural students and special~~  
28 ~~populations;~~

29 ~~(4) support for career and technical student organizations, especially with respect to~~  
30 ~~efforts to increase the participation of students who are members of special populations;~~

31 ~~(5) support for public charter schools operating career and technical education programs;~~

32 ~~(6) support for career and technical education programs that offer experience in, and~~  
33 ~~understanding of, all aspects of an industry for which students are preparing to enter;~~

34 ~~(7) support for family and consumer sciences programs;~~

35 ~~(8) support for partnerships between education and business or business intermediaries,~~  
36 ~~including cooperative education and adjunct faculty arrangements at the secondary and~~  
37 ~~postsecondary levels;~~

38 ~~(9) support to improve or develop new career and technical education courses and~~  
39 ~~initiatives, including career clusters, career academies, and distance education, that~~

1 ~~prepare individuals academically and technically for high skill, high wage, or high~~  
2 ~~demand occupations;~~

3 ~~(10) awarding incentive grants to eligible recipients —~~

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

6 ~~(i) eligible recipients exceeding the local adjusted levels of performance~~  
7 ~~established under section 113(b) in a manner that reflects sustained or significant~~  
8 ~~improvement;~~

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

11 ~~(iii) the adoption and integration of coherent and rigorous content aligned with~~  
12 ~~challenging academic standards and technical coursework;~~

13 ~~(iv) eligible recipients' progress in having special populations who participate in~~  
14 ~~career and technical education programs meet local adjusted levels of~~  
15 ~~performance; or~~

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

18 ~~(B) if an eligible recipient elects to use funds as permitted under section 135(c)(19);~~

19 ~~(11) providing for activities to support entrepreneurship education and training;~~

20 ~~(12) providing career and technical education programs for adults and school dropouts to~~  
21 ~~complete their secondary school education, in coordination, to the extent practicable, with~~  
22 ~~activities authorized under the Adult Education and Family Literacy Act;~~

23 ~~(13) providing assistance to individuals, who have participated in services and activities~~  
24 ~~under this title, in continuing the individuals' education or training or finding appropriate~~  
25 ~~jobs, such as through referral to the system established under section 121 of the~~  
26 ~~Workforce Innovation and Opportunity Act;~~

27 ~~(14) developing valid and reliable assessments of technical skills;~~

28 ~~(15) developing and enhancing data systems to collect and analyze data on secondary and~~  
29 ~~postsecondary academic and employment outcomes;~~

30 ~~(16) improving—~~

31 ~~(A) the recruitment and retention of career and technical education teachers, faculty,~~  
32 ~~administrators, and career guidance and academic counselors, including individuals in~~  
33 ~~groups underrepresented in the teaching profession; and~~

34 ~~(B) the transition to teaching from business and industry, including small business;~~  
35 ~~and~~

36 ~~(17) support for occupational and employment information resources, such as those~~  
37 ~~described in section 118.~~

38 ~~(dc) Restriction on Uses of Funds.—An eligible agency that receives funds under section~~  
39 ~~112(a)(2) may not use any of such funds for administrative costs, unless expressly authorized~~

1 | under subsection (a).

## 3 | **PART C—LOCAL PROVISIONS**

### 5 | **SEC. 131. DISTRIBUTION OF FUNDS TO SECONDARY** 6 | **EDUCATION PROGRAMS.**

7 | (a) Distribution Rules.—Except as provided in section 133 and as otherwise provided in this  
8 | section, each eligible agency shall distribute the portion of funds made available under  
9 | section 112(a)(1) to carry out this section to local educational agencies within the State as  
10 | follows:

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

17 | (A) data provided to the Secretary by the Bureau of the Census for the purpose of  
18 | determining eligibility under title I of the Elementary and Secondary Education Act  
19 | of 1965; or

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

22 | (2) Seventy percent.—Seventy percent shall be allocated to such local educational  
23 | agencies in proportion to the number of individuals aged 5 through 17, inclusive, who  
24 | reside in the school district served by such local educational agency and are from families  
25 | below the poverty level for the preceding fiscal year, as determined on the basis of the  
26 | most recent satisfactory data used under section 1124(c)(1)(A) of the Elementary and  
27 | Secondary Education Act of 1965, compared to the total number of such individuals who  
28 | reside in the school districts served by all the local educational agencies in the State for  
29 | such preceding fiscal year.

30 | (3) Adjustments.—Each eligible agency, in making the allocations under paragraphs (1)  
31 | and (2), shall adjust the data used to make the allocations to—

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

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

36 | Affairs Education.

37 | (b) Waiver for More Equitable Distribution.—The Secretary may waive the application of  
38 | subsection (a) in the case of any eligible agency that submits to the Secretary an application  
39 | for such a waiver that—

1 (1) demonstrates that a proposed alternative formula more effectively targets funds on the  
2 basis of poverty (as defined by the Office of Management and Budget and revised  
3 annually in accordance with section 673(2) of the Community Services Block Grant Act  
4 (42 U.S.C. 9902(2))) to local educational agencies within the State than the formula  
5 described in subsection (a); and

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

7 (c) Minimum Allocation.—

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

13 (2) Waiver.—The eligible agency shall waive the application of paragraph (1) in any case  
14 in which the local educational agency—

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

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

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

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

23 (d) Limited Jurisdiction Agencies.—

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

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

33 (e) Allocations to Area Career and Technical Education Schools and Educational Service  
34 Agencies.—

35 (1) In general.—Each eligible agency shall distribute the portion of funds made available  
36 under section 112(a)(1) for any fiscal year by such eligible agency for career and  
37 technical education activities at the secondary level under this section to the appropriate  
38 area career and technical education school or educational service agency in any case in  
39 which the area career and technical education school or educational service agency, and  
40 the local educational agency concerned—

1 (A) have formed or will form a consortium for the purpose of receiving funds under  
2 this section; or

3 (B) have entered into or will enter into a cooperative arrangement for such purpose.

4 (2) Allocation basis.—If an area career and technical education school or educational  
5 service agency meets the requirements of paragraph (1), then the amount that would  
6 otherwise be distributed to the local educational agency shall be allocated to the area  
7 career and technical education school, the educational service agency, and the local  
8 educational agency based on each school, agency or entity’s relative share of students  
9 who are attending career and technical education programs (based, if practicable, on the  
10 average enrollment for the preceding 3 years).

11 (3) Appeals procedure.—The eligible agency shall establish an appeals procedure for  
12 resolution of any dispute arising between a local educational agency and an area career  
13 and technical education school or an educational service agency with respect to the  
14 allocation procedures described in this section, including the decision of a local  
15 educational agency to leave a consortium or terminate a cooperative arrangement.

16 (f) Consortium Requirements.—

17 (1) Alliance.—Any local educational agency receiving an allocation that is not sufficient  
18 to conduct a program which meets the requirements of section 135 is encouraged to—

19 (A) form a consortium or enter into a cooperative agreement with an area career and  
20 technical education school or educational service agency offering programs that meet  
21 the requirements of section 135;

22 (B) transfer such allocation to the area career and technical education school or  
23 educational service agency; and

24 (C) operate programs that are of sufficient size, scope, and quality to be effective.

25 (2) Funds to consortium.—Funds allocated to a consortium formed to meet the  
26 requirements of this subsection shall be used only for purposes and programs that are  
27 mutually beneficial to all members of the consortium and can be used only for programs  
28 authorized under this title. Such funds may not be reallocated to individual members of  
29 the consortium for purposes or programs benefitting only 1 member of the consortium.

30 (g) Data.—The Secretary shall collect information from eligible agencies regarding the  
31 specific dollar allocations made available by the eligible agency for career and technical  
32 education programs and programs of study under subsections (a), (b), (c), (d), and (e) and  
33 how these allocations are distributed to local educational agencies, area career and technical  
34 education schools, and educational service agencies, within the State in accordance with this  
35 section.

36 (h) Special Rule.—Each eligible agency distributing funds under this section shall treat a  
37 secondary school funded by the Bureau of Indian Affairs Education within the State as if  
38 such school were a local educational agency within the State for the purpose of receiving a  
39 distribution under this section.

40

1 **SEC. 132. DISTRIBUTION OF FUNDS FOR**  
2 **POSTSECONDARY EDUCATION PROGRAMS.**

3 (a) Allocation.—

4 (1) In general.—Except as provided in subsections (b) and (c) and section 133, each  
5 eligible agency shall distribute the portion of the funds made available under section  
6 112(a)(1) to carry out this section for any fiscal year to eligible institutions or consortia of  
7 eligible institutions within the State.

8 (2) Formula.—Each eligible institution or consortium of eligible institutions shall be  
9 allocated an amount that bears the same relationship to the portion of funds made  
10 available under section 112(a)(1) to carry out this section for any fiscal year as the sum of  
11 the number of individuals who are Federal Pell Grant recipients and recipients of  
12 assistance from the Bureau of Indian Affairs enrolled in programs meeting the  
13 requirements of section 135 offered by such institution or consortium in the preceding  
14 fiscal year bears to the sum of the number of such recipients enrolled in such programs  
15 within the State for such year.

16 (3) Consortium requirements.—

17 (A) In general.—In order for a consortium of eligible institutions described in  
18 paragraph (2) to receive assistance pursuant to such paragraph, such consortium shall  
19 operate joint projects that—

20 (i) provide services to all postsecondary institutions participating in the  
21 consortium; and

22 (ii) are of sufficient size, scope, and quality to be effective.

23 (B) Funds to consortium.—Funds allocated to a consortium formed to meet the  
24 requirements of this section shall be used only for purposes and programs that are  
25 mutually beneficial to all members of the consortium and shall be used only for  
26 programs authorized under this title. Such funds may not be reallocated to individual  
27 members of the consortium for purposes or programs benefitting only 1 member of  
28 the consortium.

29 (4) Waiver.—The eligible agency may waive the application of paragraph (3)(A)(i) in  
30 any case in which the eligible institution is located in a rural, sparsely populated area.

31 (b) Waiver for More Equitable Distribution.—The Secretary may waive the application of  
32 subsection (a) if an eligible agency submits to the Secretary an application for such a waiver  
33 that—

34 (1) demonstrates that the formula described in subsection (a) does not result in a  
35 distribution of funds to the eligible institutions or consortia within the State that have the  
36 highest numbers of economically disadvantaged individuals and that an alternative  
37 formula will result in such a distribution; and

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

39 (c) Minimum Grant Amount.—

1 (1) In general.—No institution or consortium shall receive an allocation under this  
2 section in an amount that is less than \$50,000.

3 (2) Redistribution.—Any amounts that are not distributed by reason of paragraph (1)  
4 shall be redistributed to eligible institutions or consortia in accordance with this section.  
5

## 6 SEC. 133. SPECIAL RULES FOR CAREER AND 7 TECHNICAL EDUCATION.

### 8 (a) Special Rule for Minimal Allocation.—

9 (1) General authority.—Notwithstanding the provisions of sections 131 and 132 and in  
10 order to make a more equitable distribution of funds for programs serving the areas of  
11 greatest economic need, for any program year for which a minimal amount is made  
12 available by an eligible agency for distribution under section 131 or 132, such eligible  
13 agency may distribute such minimal amount for such year—

14 (A) on a competitive basis; or

15 (B) through any alternative method determined by the eligible agency.

16 (2) Minimal amount.—For purposes of this section, the term ‘minimal amount’ means  
17 not more than 15 percent of the total amount made available for distribution under section  
18 112(a)(1).

### 19 (b) Redistribution.—

20 (1) In general.—In any academic year that an eligible recipient does not expend all of the  
21 amounts the eligible recipient is allocated for such year under section 131 or 132, such  
22 eligible recipient shall return any unexpended amounts to the eligible agency to be  
23 reallocated under section 131 or 132, as appropriate.

24 (2) Redistribution of amounts returned late in an academic year.—In any academic year  
25 in which amounts are returned to the eligible agency under section 131 or 132 and the  
26 eligible agency is unable to reallocate such amounts according to such sections in time  
27 for such amounts to be expended in such academic year, the eligible agency shall retain  
28 such amounts for distribution in combination with amounts provided under section  
29 112(a)(1) for the following academic year.

### 30 (c) Construction.—Nothing in section 131 or 132 shall be construed—

31 (1) to prohibit a local educational agency or a consortium thereof that receives assistance  
32 under section 131, from working with an eligible institution or consortium thereof that  
33 receives assistance under section 132, to carry out career and technical education  
34 programs or programs of study at the secondary level in accordance with this title;

35 (2) to prohibit an eligible institution or consortium thereof that receives assistance under  
36 section 132, from working with a local educational agency or consortium thereof that  
37 receives assistance under section 131, to carry out postsecondary and adult career and  
38 technical education programs or programs of study in accordance with this title; or

39 (3) to require a charter school, that provides career and technical education programs or

1 programs of study and is considered a local educational agency under State law, to jointly  
2 establish the charter school's eligibility for assistance under this title unless the charter  
3 school is explicitly permitted to do so under the State's charter school statute.

4 (d) Consistent Application.—For purposes of this section, the eligible agency shall provide  
5 funds to charter schools offering career and technical education programs or programs of  
6 study in the same manner as the eligible agency provides those funds to other schools. Such  
7 career and technical education programs or programs of study within a charter school shall be  
8 of sufficient size, scope, and quality to be effective.

9  
10 SEC. 134. LOCAL ~~APPLICATION PLAN~~ FOR CAREER AND  
11 TECHNICAL EDUCATION PROGRAMS.

12 (a) Local ~~Plan Application~~ Required.—Any eligible recipient desiring financial assistance  
13 under this part shall, in accordance with requirements established by the eligible agency (in  
14 consultation with such other educational training entities as the eligible agency determines to  
15 be appropriate) submit a local ~~plan application~~ to the eligible agency. Such local ~~plan~~  
16 ~~application~~ shall cover the same period of time as the period of time applicable to the State  
17 plan submitted under section 122.

18 (b) Contents.—The eligible agency shall determine the requirements for local  
19 ~~plans applications~~, except that each local ~~application plan~~ shall contain—

20 (1) a description of the results of the comprehensive needs assessment conducted under  
21 subsection (c);

22 (2) information on the career and technical education course offerings and activities that  
23 the eligible recipient will provide with funds under this part, which shall include not less  
24 than 1 program of study approved by a State under section 124(b)(2), including—

25 (A) how the results of the comprehensive needs assessment described in subsection  
26 (c) informed the selection of the specific career and technical education programs and  
27 activities selected to be funded;

28 (B) a description of any new programs of study the eligible recipient will develop and  
29 submit to the State for approval; and

30 (C) how students, including students who are members of special populations, will  
31 learn about their school's career and technical education course offerings and whether  
32 each course is part of a career and technical education program of study;

33 (3) a description of how the eligible recipient, in collaboration with local workforce  
34 development boards and other local workforce agencies, one-stop delivery systems  
35 described in section 121(e)(2) of the Workforce Innovation and Opportunity Act (29  
36 U.S.C. 3151(e)(2)), and other partners, will provide—

37 (A) career exploration and career development coursework, activities, or services;

38 (B) career information on employment opportunities that incorporate the most up-to-  
39 date information on high-skill, high-wage, or in-demand industry sectors or  
40 occupations, as determined by the comprehensive needs assessment described in

1 subsection (c); and

2 (C) an organized system of career guidance and academic counseling to students  
3 before enrolling and while participating in a career and technical education program;

4 (4) a description of how the eligible recipient will improve the academic and technical  
5 skills of students participating in career and technical education programs by  
6 strengthening the academic and career and technical education components of such  
7 programs through the integration of coherent and rigorous content aligned with  
8 challenging academic standards and relevant career and technical education programs to  
9 ensure learning in the subjects that constitute a well-rounded education (as defined in  
10 section 8101 of the Elementary and Secondary Education Act of 1965);

11 (5) a description of how the eligible recipient will—

12 (A) provide activities to prepare special populations for high-skill, high-wage, or in-  
13 demand industry sectors or occupations that will lead to self-sufficiency;

14 (B) prepare CTE participants for non-traditional fields;

15 (C) provide equal access for special populations to career and technical education  
16 courses, programs, and programs of study; and

17 (D) ensure that members of special populations will not be discriminated against on  
18 the basis of their status as members of special populations;

19 (6) a description of the work-based learning opportunities that the eligible recipient will  
20 provide to students participating in career and technical education programs and how the  
21 recipient will work with representatives from employers to develop or expand work-  
22 based learning opportunities for career and technical education students, as applicable;

23 (7) a description of how the eligible recipient will provide students participating in career  
24 and technical education programs with the opportunity to gain postsecondary credit while  
25 still attending high school, such as through dual or concurrent enrollment programs or  
26 early college high school, as practicable;

27 (8) a description of how the eligible recipient will coordinate with the eligible agency and  
28 institutions of higher education to support the recruitment, preparation, retention, and  
29 training, including professional development, of teachers, faculty, administrators, and  
30 specialized instructional support personnel and paraprofessionals who meet applicable  
31 State certification and licensure requirements (including any requirements met through  
32 alternative routes to certification), including individuals from groups underrepresented in  
33 the teaching profession; and

34 (9) a description of how the eligible recipient will address disparities or gaps in  
35 performance as described in section 113(b)(3)(C)(ii)(II) in each of the plan years, and if  
36 no meaningful progress has been achieved prior to the third program year, a description  
37 of the additional actions such recipient will take to eliminate those disparities or gaps.

38 ~~(1) describe how the career and technical education programs required under section~~  
39 ~~135(b) will be carried out with funds received under this title;~~

40 ~~(2) describe how the career and technical education activities will be carried out with~~  
41 ~~respect to meeting State and local adjusted levels of performance established under~~

1 ~~section 113;~~

2 ~~(3) describe how the eligible recipient will—~~

3 ~~(A) offer the appropriate courses of not less than 1 of the career and technical~~  
4 ~~programs of study described in section 122(c)(1)(A);~~

5 ~~(B) improve the academic and technical skills of students participating in career and~~  
6 ~~technical education programs by strengthening the academic and career and technical~~  
7 ~~education components of such programs through the integration of coherent and~~  
8 ~~rigorous content aligned with challenging academic standards and relevant career and~~  
9 ~~technical education programs to ensure learning in—~~

10 ~~(i) a well-rounded education (as defined in section 8101 of the Elementary and~~  
11 ~~Secondary Education Act of 1965); and~~

12 ~~(ii) career and technical education subjects;~~

13 ~~(C) provide students with strong experience in, and understanding of, all aspects of an~~  
14 ~~industry;~~

15 ~~(D) ensure that students who participate in such career and technical education~~  
16 ~~programs are taught to the same coherent and rigorous content aligned with~~  
17 ~~challenging academic standards as are taught to all other students; and~~

18 ~~(E) encourage career and technical education students at the secondary level to enroll~~  
19 ~~in rigorous and challenging courses in order to provide a well-rounded education (as~~  
20 ~~defined in section 8101 of the Elementary and Secondary Education Act of 1965);~~

21 ~~(4) describe how comprehensive professional development (including initial teacher~~  
22 ~~preparation) for career and technical education, academic, guidance, and administrative~~  
23 ~~personnel will be provided that promotes the integration of coherent and rigorous content~~  
24 ~~aligned with challenging academic standards and relevant career and technical education~~  
25 ~~(including curriculum development);~~

26 ~~(5) describe how parents, students, academic and career and technical education teachers,~~  
27 ~~faculty, administrators, career guidance and academic counselors, representatives of tech~~  
28 ~~prep consortia (if applicable), representatives of the entities participating in activities~~  
29 ~~described in section 107 of the Workforce Innovation and Opportunity Act (if~~  
30 ~~applicable), representatives of business (including small business) and industry, labor~~  
31 ~~organizations, representatives of special populations, and other interested individuals are~~  
32 ~~involved in the development, implementation, and evaluation of career and technical~~  
33 ~~education programs assisted under this title, and how such individuals and entities are~~  
34 ~~effectively informed about, and assisted in understanding, the requirements of this title,~~  
35 ~~including career and technical programs of study;~~

36 ~~(6) provide assurances that the eligible recipient will provide a career and technical~~  
37 ~~education program that is of such size, scope, and quality to bring about improvement in~~  
38 ~~the quality of career and technical education programs;~~

39 ~~(7) describe the process that will be used to evaluate and continuously improve the~~  
40 ~~performance of the eligible recipient;~~

41 ~~(8) describe how the eligible recipient will—~~

1 ~~(A) review career and technical education programs, and identify and adopt strategies~~  
2 ~~to overcome barriers that result in lowering rates of access to or lowering success in~~  
3 ~~the programs, for special populations;~~

4 ~~(B) provide programs that are designed to enable the special populations to meet the~~  
5 ~~local adjusted levels of performance; and~~

6 ~~(C) provide activities to prepare special populations, including single parents and~~  
7 ~~displaced homemakers, for high skill, high wage, or high demand occupations that~~  
8 ~~will lead to self-sufficiency;~~

9 ~~(9) describe how individuals who are members of special populations will not be~~  
10 ~~discriminated against on the basis of their status as members of the special populations;~~

11 ~~(10) describe how funds will be used to promote preparation for non-traditional fields;~~

12 ~~(11) describe how career guidance and academic counseling will be provided to career~~  
13 ~~and technical education students, including linkages to future education and training~~  
14 ~~opportunities; and~~

15 ~~(12) describe efforts to improve—~~

16 ~~(A) the recruitment and retention of career and technical education teachers, faculty,~~  
17 ~~and career guidance and academic counselors, including individuals in groups~~  
18 ~~underrepresented in the teaching profession; and~~

19 ~~(B) the transition to teaching from business and industry.~~

20 (c) Comprehensive Needs Assessment.—

21 (1) In general.—To be eligible to receive financial assistance under this part, an eligible  
22 recipient shall—

23 (A) conduct a comprehensive local needs assessment related to career and technical  
24 education and include the results of the needs assessment in the local application  
25 submitted under subsection (a); and

26 (B) not less than once every 2 years, update such comprehensive local needs  
27 assessment.

28 (2) Requirements.—The comprehensive local needs assessment described in paragraph  
29 (1) shall include each of the following:

30 (A) An evaluation of the performance of the students served by the eligible recipient  
31 with respect to State determined and local levels of performance established pursuant  
32 to section 113, including an evaluation of performance for special populations and  
33 each subgroup described in section 1111(h)(1)(C)(ii) of the Elementary and  
34 Secondary Education Act of 1965.

35 (B) A description of how career and technical education programs offered by the  
36 eligible recipient are—

37 (i) sufficient in size, scope, and quality to meet the needs of all students served by  
38 the eligible recipient; and

39 (ii) (I) aligned to State, regional, Tribal, or local in-demand industry sectors or

1 occupations identified by the State workforce development board described in  
2 section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111)  
3 (referred to in this section as the ‘State board’) or local workforce development  
4 board, including career pathways, where appropriate; or

5 (II) designed to meet local education or economic needs not identified by  
6 State boards or local workforce development boards.

7 (C) An evaluation of progress toward the implementation of career and technical  
8 education programs and programs of study.

9 (D) A description of how the eligible recipient will improve recruitment, retention,  
10 and training of career and technical education teachers, faculty, specialized  
11 instructional support personnel, paraprofessionals, and career guidance and academic  
12 counselors, including individuals in groups underrepresented in such professions.

13 (E) A description of progress toward implementation of equal access to high-quality  
14 career and technical education courses and programs of study for all students,  
15 including—

16 (i) strategies to overcome barriers that result in lower rates of access to, or  
17 performance gaps in, the courses and programs for special populations;

18 (ii) providing programs that are designed to enable special populations to meet the  
19 local levels of performance; and

20 (iii) providing activities to prepare special populations for high-skill, high-wage,  
21 or in-demand industry sectors or occupations in competitive, integrated settings  
22 that will lead to self-sufficiency.

23 (d) Consultation.—In conducting the comprehensive needs assessment under subsection (c),  
24 and developing the local application described in subsection (b), an eligible recipient shall  
25 involve a diverse body of stakeholders, including, at a minimum—

26 (1) representatives of career and technical education programs in a local educational  
27 agency or educational service agency, including teachers, career guidance and academic  
28 counselors, principals and other school leaders, administrators, and specialized  
29 instructional support personnel and paraprofessionals;

30 (2) representatives of career and technical education programs at postsecondary  
31 educational institutions, including faculty and administrators;

32 (3) representatives of the State board or local workforce development boards and a range  
33 of local or regional businesses or industries;

34 (4) parents and students;

35 (5) representatives of special populations;

36 (6) representatives of regional or local agencies serving out-of-school youth, homeless  
37 children and youth, and at-risk youth (as defined in section 1432 of the Elementary and  
38 Secondary Education Act of 1965);

39 (7) representatives of Indian Tribes and Tribal organizations in the State, where  
40 applicable; and

1 (8) any other stakeholders that the eligible agency may require the eligible recipient to  
2 consult.

3 (e) Continued Consultation.—An eligible recipient receiving financial assistance under this  
4 part shall consult with stakeholders described in subsection (d) on an ongoing basis, as  
5 determined by the eligible agency. This may include consultation in order to—

6 (1) provide input on annual updates to the comprehensive needs assessment required  
7 under subsection (c)(1)(B);

8 (2) ensure programs of study are—

9 (A) responsive to community employment needs;

10 (B) aligned with employment priorities in the State, regional, tribal, or local economy  
11 identified by employers and the entities described in subsection (d), which may  
12 include in-demand industry sectors or occupations identified by the local workforce  
13 development board;

14 (C) informed by labor market information, including information provided under  
15 section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)(2)(C));

16 (D) designed to meet current, intermediate, or long-term labor market projections;  
17 and

18 (E) allow employer input, including input from industry or sector partnerships in the  
19 local area, where applicable, into the development and implementation of programs  
20 of study to ensure such programs of study align with skills required by local  
21 employment opportunities, including activities such as the identification of relevant  
22 standards, curriculum, industry-recognized credentials, and current technology and  
23 equipment;

24 (3) identify and encourage opportunities for work-based learning; and

25 (4) ensure funding under this part is used in a coordinated manner with other local  
26 resources.

## 28 SEC. 135. LOCAL USES OF FUNDS.

29 (a) General Authority.—Each eligible recipient that receives funds under this part shall use  
30 such funds to develop, coordinate, implement, or improve career and technical education  
31 programs to meet the needs identified in the comprehensive needs assessment described in  
32 section 134(c).~~improve career and technical education programs.~~

33 (b) Requirements for Uses of Funds.—Funds made available to eligible recipients under this  
34 part shall be used to support career and technical education programs that are of sufficient  
35 size, scope, and quality to be effective and that—

36 (1) provide career exploration and career development activities through an organized,  
37 systematic framework designed to aid students, including in the middle grades, before  
38 enrolling and while participating in a career and technical education program, in making  
39 informed plans and decisions about future education and career opportunities and

1 programs of study, which may include—

2 (A) introductory courses or activities focused on career exploration and career  
3 awareness, including non-traditional fields;

4 (B) readily available career and labor market information, including information on—

5 (i) occupational supply and demand;

6 (ii) educational requirements;

7 (iii) other information on careers aligned to State, local, or Tribal (as applicable)  
8 economic priorities; and

9 (iv) employment sectors;

10 (C) programs and activities related to the development of student graduation and  
11 career plans;

12 (D) career guidance and academic counselors that provide information on  
13 postsecondary education and career options;

14 (E) any other activity that advances knowledge of career opportunities and assists  
15 students in making informed decisions about future education and employment goals,  
16 including non-traditional fields; or

17 (F) providing students with strong experience in, and comprehensive understanding  
18 of, all aspects of an industry;

19 (2) provide professional development for teachers, faculty, school leaders, administrators,  
20 specialized instructional support personnel, career guidance and academic counselors, or  
21 paraprofessionals, which may include—

22 (A) professional development on supporting individualized academic and career and  
23 technical education instructional approaches, including the integration of academic  
24 and career and technical education standards and curricula;

25 (B) professional development on ensuring labor market information is used to inform  
26 the programs, guidance, and advisement offered to students, including information  
27 provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491–  
28 2(e)(2)(C));

29 (C) providing teachers, faculty, school leaders, administrators, specialized  
30 instructional support personnel, career guidance and academic counselors, or  
31 paraprofessionals, as appropriate, with opportunities to advance knowledge, skills,  
32 and understanding of all aspects of an industry, including the latest workplace  
33 equipment, technologies, standards, and credentials;

34 (D) supporting school leaders and administrators in managing career and technical  
35 education programs in the schools, institutions, or local educational agencies of such  
36 school leaders or administrators;

37 (E) supporting the implementation of strategies to improve student achievement and  
38 close gaps in student participation and performance in career and technical education  
39 programs;

1 (F) providing teachers, faculty, specialized instructional support personnel, career  
2 guidance and academic counselors, principals, school leaders, or paraprofessionals, as  
3 appropriate, with opportunities to advance knowledge, skills, and understanding in  
4 pedagogical practices, including, to the extent the eligible recipient determines that  
5 such evidence is reasonably available, evidence-based pedagogical practices;

6 (G) training teachers, faculty, school leaders, administrators, specialized instructional  
7 support personnel, career guidance and academic counselors, or paraprofessionals, as  
8 appropriate, to provide appropriate accommodations for individuals with disabilities,  
9 and students with disabilities who are provided accommodations under the  
10 Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) or the Individuals with Disabilities  
11 Education Act;

12 (H) training teachers, faculty, specialized instructional support personnel, career  
13 guidance and academic counselors, and paraprofessionals in frameworks to  
14 effectively teach students, including a particular focus on students with disabilities  
15 and English learners, which may include universal design for learning, multi-tier  
16 systems of supports, and positive behavioral interventions and support; or

17 (I) training for the effective use of community spaces that provide access to tools,  
18 technology, and knowledge for learners and entrepreneurs, such as makerspaces or  
19 libraries;

20 (3) provide within career and technical education the skills necessary to pursue careers in  
21 high-skill, high-wage, or in-demand industry sectors or occupations;

22 (4) support integration of academic skills into career and technical education programs  
23 and programs of study to support—

24 (A) CTE participants at the secondary school level in meeting the challenging State  
25 academic standards adopted under section 1111(b)(1) of the Elementary and  
26 Secondary Education Act of 1965 by the State in which the eligible recipient is  
27 located; and

28 (B) CTE participants at the postsecondary level in achieving academic skills;

29 (5) plan and carry out elements that support the implementation of career and technical  
30 education programs and programs of study and that result in increasing student  
31 achievement of the local levels of performance established under section 113, which may  
32 include—

33 (A) a curriculum aligned with the requirements for a program of study;

34 (B) sustainable relationships among education, business and industry, and other  
35 community stakeholders, including industry or sector partnerships in the local area,  
36 where applicable, that are designed to facilitate the process of continuously updating  
37 and aligning programs of study with skills that are in demand in the State, regional, or  
38 local economy, and in collaboration with business outreach staff in one-stop centers,  
39 as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C.  
40 3102), and other appropriate organizations, including community-based and youth-  
41 serving organizations;

42 (C) where appropriate, expanding opportunities for CTE concentrators to participate

1 in accelerated learning programs (as described in section 4104(b)(3)(A)(i)(IV) of the  
2 Elementary and Secondary Education Act of 1965 (20 U.S.C. 7114(b)(3)(A)(i)(IV)),  
3 including dual or concurrent enrollment programs, early college high schools, and the  
4 development or implementation of articulation agreements as part of a career and  
5 technical education program of study;

6 (D) appropriate equipment, technology, and instructional materials (including support  
7 for library resources) aligned with business and industry needs, including machinery,  
8 testing equipment, tools, implements, hardware and software, and other new and  
9 emerging instructional materials;

10 (E) a continuum of work-based learning opportunities, including simulated work  
11 environments;

12 (F) industry-recognized certification examinations or other assessments leading  
13 toward a recognized postsecondary credential;

14 (G) efforts to recruit and retain career and technical education program teachers,  
15 faculty, school leaders, administrators, specialized instructional support personnel,  
16 career guidance and academic counselors, and paraprofessionals;

17 (H) where applicable, coordination with other education and workforce development  
18 programs and initiatives, including career pathways and sector partnerships developed  
19 under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and  
20 other Federal laws and initiatives that provide students with transition-related  
21 services, including the Individuals with Disabilities Education Act;

22 (I) expanding opportunities for students to participate in distance career and technical  
23 education and blended-learning programs;

24 (J) expanding opportunities for students to participate in competency-based education  
25 programs;

26 (K) improving career guidance and academic counseling programs that assist students  
27 in making informed academic and career and technical education decisions, including  
28 academic and financial aid counseling;

29 (L) supporting the integration of employability skills into career and technical  
30 education programs and programs of study, including through family and consumer  
31 science programs;

32 (M) supporting programs and activities that increase access, student engagement, and  
33 success in science, technology, engineering, and mathematics fields (including  
34 computer science and architecture) for students who are members of groups  
35 underrepresented in such subject fields;

36 (N) providing career and technical education, in a school or other educational setting,  
37 for adults or out-of-school youth to complete secondary school education or upgrade  
38 technical skills;

39 (O) supporting career and technical student organizations, including student  
40 preparation for and participation in technical skills competitions aligned with career  
41 and technical education program standards and curricula;

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

3 (Q) supporting the integration of arts and design skills, when appropriate, into career  
4 and technical education programs and programs of study;

5 (R) partnering with a qualified intermediary to improve training, the development of  
6 public-private partnerships, systems development, capacity-building, and scalability  
7 of the delivery of high-quality career and technical education;

8 (S) support to reduce or eliminate out-of-pocket expenses for special populations  
9 participating in career and technical education, including those participating in dual or  
10 concurrent enrollment programs or early college high school programs, and  
11 supporting the costs associated with fees, transportation, child care, or mobility  
12 challenges for those special populations; or

13 (T) other activities to improve career and technical education programs; and

14 (6) develop and implement evaluations of the activities carried out with funds under this  
15 part, including evaluations necessary to complete the comprehensive needs assessment  
16 required under section 134(c) and the local report required under section 113(b)(4)(B).

17 (c) Pooling Funds.—An eligible recipient may pool a portion of funds received under this  
18 Act with a portion of funds received under this Act available to one or more eligible  
19 recipients to support implementation of programs of study through the activities described in  
20 subsection (b)(2).

21 ~~(1) strengthen the academic and career and technical skills of students participating in~~  
22 ~~career and technical education programs, by strengthening the academic and career and~~  
23 ~~technical education components of such programs through the integration of academics~~  
24 ~~with career and technical education programs through a coherent sequence of courses,~~  
25 ~~such as career and technical programs of study described in section 122(c)(1)(A), to~~  
26 ~~ensure learning in—~~

27 ~~(A) a well-rounded education (as defined in section 8101 of the Elementary and~~  
28 ~~Secondary Education Act of 1965); and~~

29 ~~(B) career and technical education subjects;~~

30 ~~(2) link career and technical education at the secondary level and career and technical~~  
31 ~~education at the postsecondary level, including by offering the relevant elements of not~~  
32 ~~less than 1 career and technical program of study described in section 122(c)(1)(A);~~

33 ~~(3) provide students with strong experience in and understanding of all aspects of an~~  
34 ~~industry, which may include work-based learning experiences;~~

35 ~~(4) develop, improve, or expand the use of technology in career and technical education,~~  
36 ~~which may include—~~

37 ~~(A) training of career and technical education teachers, faculty, and administrators to~~  
38 ~~use technology, which may include distance learning;~~

39 ~~(B) providing career and technical education students with the academic and career~~  
40 ~~and technical skills (including the mathematics and science knowledge that provides a~~

~~strong basis for such skills) that lead to entry into the technology fields; or~~

~~(C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs, including programs that improve the mathematics and science knowledge of students;~~

~~(5) provide professional development programs that are consistent with section 122 to secondary and postsecondary teachers, faculty, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs, including—~~

~~(A) in-service and preservice training on—~~

~~(i) effective integration and use of challenging academic and career and technical education provided jointly with academic teachers to the extent practicable;~~

~~(ii) effective teaching skills based on research that includes promising practices;~~

~~(iii) effective practices to improve parental and community involvement; and~~

~~(iv) effective use of scientifically based research and data to improve instruction;~~

~~(B) support of education programs for teachers of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students, to ensure that such teachers and personnel stay current with all aspects of an industry;~~

~~(C) internship programs that provide relevant business experience; and~~

~~(D) programs designed to train teachers specifically in the effective use and application of technology to improve instruction;~~

~~(6) develop and implement evaluations of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;~~

~~(7) initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology;~~

~~(8) provide services and activities that are of sufficient size, scope, and quality to be effective; and~~

~~(9) provide activities to prepare special populations, including single parents and displaced homemakers who are enrolled in career and technical education programs, for high skill, high wage, or high demand occupations that will lead to self-sufficiency.~~

~~(e) Permissive.—Funds made available to an eligible recipient under this title may be used—~~

~~(1) to involve parents, businesses, and labor organizations as appropriate, in the design, implementation, and evaluation of career and technical education programs authorized under this title, including establishing effective programs and procedures to enable informed and effective participation in such programs;~~

~~(2) to provide career guidance and academic counseling, which may include information described in section 118, for students participating in career and technical education programs, that—~~

1 (A) improves graduation rates and provides information on postsecondary and career  
2 options, including baccalaureate degree programs, for secondary students, which  
3 activities may include the use of graduation and career plans; and

4 (B) provides assistance for postsecondary students, including for adult students who  
5 are changing careers or updating skills;

6 (3) for local education and business (including small business) partnerships, including  
7 for—

8 (A) work-related experiences for students, such as internships, cooperative education,  
9 school-based enterprises, entrepreneurship, and job shadowing that are related to  
10 career and technical education programs;

11 (B) adjunct faculty arrangements for qualified industry professionals; and

12 (C) industry experience for teachers and faculty;

13 (4) to provide programs for special populations;

14 (5) to assist career and technical student organizations;

15 (6) for mentoring and support services;

16 (7) for leasing, purchasing, upgrading or adapting equipment, including instructional aids  
17 and publications (including support for library resources) designed to strengthen and  
18 support academic and technical skill achievement;

19 (8) for teacher preparation programs that address the integration of academic and career  
20 and technical education and that assist individuals who are interested in becoming career  
21 and technical education teachers and faculty, including individuals with experience in  
22 business and industry;

23 (9) to develop and expand postsecondary program offerings at times and in formats that  
24 are accessible for students, including working students, including through the use of  
25 distance education;

26 (10) to develop initiatives that facilitate the transition of subbaccalaureate career and  
27 technical education students into baccalaureate degree programs, including—

28 (A) articulation agreements between sub-baccalaureate degree granting career and  
29 technical education postsecondary educational institutions and baccalaureate degree  
30 granting postsecondary educational institutions;

31 (B) postsecondary dual and concurrent enrollment programs;

32 (C) academic and financial aid counseling for sub-baccalaureate career and technical  
33 education students that informs the students of the opportunities for pursuing a  
34 baccalaureate degree and advises the students on how to meet any transfer  
35 requirements; and

36 (D) other initiatives—

37 (i) to encourage the pursuit of a baccalaureate degree; and

38 (ii) to overcome barriers to enrollment in and completion of baccalaureate degree  
39 programs, including geographic and other barriers affecting rural students and

1 special populations;

2 ~~(11) to provide activities to support entrepreneurship education and training;~~

3 ~~(12) for improving or developing new career and technical education courses, including~~  
4 ~~the development of new proposed career and technical programs of study for~~  
5 ~~consideration by the eligible agency and courses that prepare individuals academically~~  
6 ~~and technically for high skill, high wage, or high demand occupations and dual or~~  
7 ~~concurrent enrollment opportunities by which career and technical education students at~~  
8 ~~the secondary level could obtain postsecondary credit to count towards an associate or~~  
9 ~~baccalaureate degree;~~

10 ~~(13) to develop and support small, personalized career-themed learning communities;~~

11 ~~(14) to provide support for family and consumer sciences programs;~~

12 ~~(15) to provide career and technical education programs for adults and school dropouts to~~  
13 ~~complete the secondary school education, or upgrade the technical skills, of the adults~~  
14 ~~and school dropouts;~~

15 ~~(16) to provide assistance to individuals who have participated in services and activities~~  
16 ~~under this Act in continuing their education or training or finding an appropriate job, such~~  
17 ~~as through referral to the system established under section 121 of the Workforce~~  
18 ~~Innovation and Opportunity Act;~~

19 ~~(17) to support training and activities (such as mentoring and outreach) in non-traditional~~  
20 ~~fields;~~

21 ~~(18) to provide support for training programs in automotive technologies;~~

22 ~~(19) to pool a portion of such funds with a portion of funds available to not less than 1~~  
23 ~~other eligible recipient for innovative initiatives, which may include —~~

24 ~~(A) improving the initial preparation and professional development of career and~~  
25 ~~technical education teachers, faculty, administrators, and counselors;~~

26 ~~(B) establishing, enhancing, or supporting systems for —~~

27 ~~(i) accountability data collection under this Act; or~~

28 ~~(ii) reporting data under this Act;~~

29 ~~(C) implementing career and technical programs of study described in section~~  
30 ~~122(e)(1)(A); or~~

31 ~~(D) implementing technical assessments; and~~

32 ~~(20) to support other career and technical education activities that are consistent with the~~  
33 ~~purpose of this Act.~~

34 (d) Administrative Costs.—Each eligible recipient receiving funds under this part shall not  
35 use more than 5 percent of ~~the~~ such funds for ~~administrative~~ costs associated with the  
36 administration of activities ~~assisted~~ under this section.

37

## ~~TITLE II — TECH PREP EDUCATION~~

### ~~SEC. 201. STATE ALLOTMENT AND APPLICATION.~~

~~(a) In General.— For any fiscal year, the Secretary shall allot the amount made available under section 206 among the States in the same manner as funds are allotted to States under paragraph (2) of section 111(a).~~

~~(b) Payments to Eligible Agencies.— The Secretary shall make a payment in the amount of a State's allotment under subsection (a) to the eligible agency that serves the State and has an application approved under subsection (c).~~

~~(c) State Application.— Each eligible agency desiring an allotment under this title shall submit, as part of its State plan under section 122, an application that—~~

~~(1) describes how activities under this title will be coordinated, to the extent practicable, with activities described in the State plan submitted under section 122; and~~

~~(2) contains such information as the Secretary may require.~~

### ~~SEC. 202. CONSOLIDATION OF FUNDS.~~

~~(a) In General.— An eligible agency receiving an allotment under sections 111 and 201 may choose to consolidate all, or a portion of, funds received under section 201 with funds received under section 111 in order to carry out the activities described in the State plan submitted under section 122.~~

~~(b) Notification Requirement.— Each eligible agency that chooses to consolidate funds under this section shall notify the Secretary, in the State plan submitted under section 122, of the eligible agency's decision to consolidate funds under this section.~~

~~(c) Treatment of Consolidated Funds.— Funds consolidated under this section shall be considered as funds allotted under section 111 and shall be distributed in accordance with section 112.~~

### ~~SEC. 203. TECH PREP PROGRAM.~~

~~(a) Grant Program Authorized.—~~

~~(1) In general.— From amounts made available to each eligible agency under section 201, the eligible agency, in accordance with the provisions of this title, shall award grants, on a competitive basis or on the basis of a formula determined by the eligible agency, for tech prep programs described in subsection (c). The grants shall be awarded to consortia between or among—~~

~~(A) a local educational agency, an intermediate educational agency, educational service agency, or area career and technical education school, serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and~~

1 ~~(B) (i) a nonprofit institution of higher education that —~~

2 ~~(I) (aa) offers a 2-year associate degree program or a 2-year certificate~~  
3 ~~program; and~~

4 ~~(bb) is qualified as an institution of higher education pursuant to section~~  
5 ~~102 of the Higher Education Act of 1965, including —~~

6 ~~(AA) an institution receiving assistance under the Tribally Controlled~~  
7 ~~Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et~~  
8 ~~seq.); and~~

9 ~~(BB) a tribally controlled postsecondary career and technical~~  
10 ~~institution; or~~

11 ~~(II) offers a 2-year apprenticeship program that follows secondary education~~  
12 ~~instruction, if such nonprofit institution of higher education is not prohibited~~  
13 ~~from receiving assistance under part B of title IV of the Higher Education Act~~  
14 ~~of 1965 pursuant to the provisions of section 435(a)(2) of such Act; or~~

15 ~~(ii) a proprietary institution of higher education that offers a 2-year associate~~  
16 ~~degree program and is qualified as an institution of higher education pursuant to~~  
17 ~~section 102 of the Higher Education Act of 1965, if such proprietary institution of~~  
18 ~~higher education is not subject to a default management plan required by the~~  
19 ~~Secretary.~~

20 ~~(2) Special rule. — In addition, a consortium described in paragraph (1) may include 1 or~~  
21 ~~more —~~

22 ~~(A) institutions of higher education that award a baccalaureate degree; and~~

23 ~~(B) employers (including small businesses), business intermediaries, or labor~~  
24 ~~organizations.~~

25 ~~(b) Duration. — Each consortium receiving a grant under this title shall use amounts provided~~  
26 ~~under the grant to develop and operate a 4- or 6-year tech prep program described in~~  
27 ~~subsection (c).~~

28 ~~(c) Contents of Tech Prep Program. — Each tech prep program shall —~~

29 ~~(1) be carried out under an articulation agreement between the participants in the~~  
30 ~~consortium;~~

31 ~~(2) consist of a program of study that —~~

32 ~~(A) combines —~~

33 ~~(i) a minimum of 2 years of secondary education (as determined under State law);~~  
34 ~~with~~

35 ~~(ii) (I) a minimum of 2 years of postsecondary education in a nonduplicative,~~  
36 ~~sequential course of study; or~~

37 ~~(II) an apprenticeship program of not less than 2 years following secondary~~  
38 ~~education instruction; and~~

39 ~~(3) include the development of tech prep programs for secondary education and~~

1 ~~postsecondary education that—~~

2 ~~(A) meet academic standards developed by the State;~~

3 ~~(B) link secondary schools and 2-year postsecondary institutions, and if possible and~~  
4 ~~practicable, 4-year institutions of higher education, through—~~

5 ~~(i) nonduplicative sequences of courses in career fields;~~

6 ~~(ii) the use of articulation agreements; and~~

7 ~~(iii) the investigation of opportunities for tech prep secondary education students~~  
8 ~~to enroll concurrently in secondary education and postsecondary education~~  
9 ~~coursework;~~

10 ~~(C) use, if appropriate and available, work-based or worksite learning experiences in~~  
11 ~~conjunction with business and all aspects of an industry; and~~

12 ~~(D) use educational technology and distance learning, as appropriate, to involve all~~  
13 ~~the participants in the consortium more fully in the development and operation of~~  
14 ~~programs;~~

15 ~~(4) include in-service professional development for teachers, faculty, and administrators~~  
16 ~~that—~~

17 ~~(A) supports effective implementation of tech prep programs;~~

18 ~~(B) supports joint training in the tech prep consortium;~~

19 ~~(C) supports the needs, expectations, and methods of business and all aspects of an~~  
20 ~~industry;~~

21 ~~(D) supports the use of contextual and applied curricula, instruction, and assessment;~~

22 ~~(E) supports the use and application of technology; and~~

23 ~~(F) assists in accessing and utilizing data, information available pursuant to section~~  
24 ~~118, and information on student achievement, including assessments;~~

25 ~~(5) include professional development programs for counselors designed to enable~~  
26 ~~counselors to more effectively—~~

27 ~~(A) provide information to students regarding tech prep programs;~~

28 ~~(B) support student progress in completing tech prep programs, which may include~~  
29 ~~the use of graduation and career plans;~~

30 ~~(C) provide information on related employment opportunities;~~

31 ~~(D) ensure that students are placed in appropriate employment or further~~  
32 ~~postsecondary education;~~

33 ~~(E) stay current with the needs, expectations, and methods of business and all aspects~~  
34 ~~of an industry; and~~

35 ~~(F) provide comprehensive career guidance and academic counseling to participating~~  
36 ~~students, including special populations;~~

37 ~~(6) provide equal access, to the full range of technical preparation programs (including~~

1 preapprenticeship programs), to individuals who are members of special populations,  
2 including the development of tech prep program services appropriate to the needs of  
3 special populations;

4 ~~(7) provide for preparatory services that assist participants in tech prep programs; and~~

5 ~~(8) coordinate with activities conducted under title I.~~

6 ~~(d) Additional Authorized Activities.— Each tech prep program may—~~

7 ~~(1) provide for the acquisition of tech prep program equipment;~~

8 ~~(2) acquire technical assistance from State or local entities that have designed,~~  
9 ~~established, and operated tech prep programs that have effectively used educational~~  
10 ~~technology and distance learning in the delivery of curricula and services;~~

11 ~~(3) establish articulation agreements with institutions of higher education, labor~~  
12 ~~organizations, or businesses located inside or outside the State and served by the~~  
13 ~~consortium, especially with regard to using distance learning and educational technology~~  
14 ~~to provide for the delivery of services and programs;~~

15 ~~(4) improve career guidance and academic counseling for participating students through~~  
16 ~~the development and implementation of graduation and career plans; and~~

17 ~~(5) develop curriculum that supports effective transitions between secondary and~~  
18 ~~postsecondary career and technical education programs.~~

19 ~~(e) Indicators of Performance and Accountability.—~~

20 ~~(1) In general.— Each consortium shall establish and report to the eligible agency~~  
21 ~~indicators of performance for each tech prep program for which the consortium receives a~~  
22 ~~grant under this title. The indicators of performance shall include the following:~~

23 ~~(A) The number of secondary education tech prep students and postsecondary~~  
24 ~~education tech prep students served.~~

25 ~~(B) The number and percent of secondary education tech prep students enrolled in the~~  
26 ~~tech prep program who—~~

27 ~~(i) enroll in postsecondary education;~~

28 ~~(ii) enroll in postsecondary education in the same field or major as the secondary~~  
29 ~~education tech prep students were enrolled at the secondary level;~~

30 ~~(iii) complete a State or industry recognized certification or licensure;~~

31 ~~(iv) successfully complete, as a secondary school student, courses that award~~  
32 ~~postsecondary credit at the secondary level; and~~

33 ~~(v) enroll in remedial mathematics, writing, or reading courses upon entering~~  
34 ~~postsecondary education.~~

35 ~~(C) The number and percent of postsecondary education tech prep students who—~~

36 ~~(i) are placed in a related field of employment not later than 12 months after~~  
37 ~~graduation from the tech prep program;~~

38 ~~(ii) complete a State or industry recognized certification or licensure;~~

1 (iii) complete a 2-year degree or certificate program within the normal time for  
2 completion of such program; and

3 (iv) complete a baccalaureate degree program within the normal time for  
4 completion of such program.

5 (2) Number and percent.— For purposes of subparagraphs (B) and (C) of paragraph (1),  
6 the numbers and percentages shall be determined separately with respect to each clause  
7 of each such subparagraph.

## 9 ~~SEC. 204. CONSORTIUM APPLICATIONS.~~

10 (a) ~~In General.~~— Each consortium that desires to receive a grant under this title shall submit  
11 an application to the eligible agency at such time and in such manner as the eligible agency  
12 shall require.

13 (b) ~~Plan.~~— Each application submitted under this section shall contain a 6-year plan for the  
14 development and implementation of tech prep programs under this title, which plan shall be  
15 reviewed after the second year of the plan.

16 (c) ~~Approval.~~— The eligible agency shall approve applications under this title based on the  
17 potential of the activities described in the application to create an effective tech prep  
18 program.

19 (d) ~~Special Consideration.~~— The eligible agency, as appropriate, shall give special  
20 consideration to applications that —

21 (1) ~~provide for effective employment placement activities or the transfer of students to~~  
22 ~~baccalaureate or advanced degree programs;~~

23 (2) ~~are developed in consultation with business, industry, institutions of higher education,~~  
24 ~~and labor organizations;~~

25 (3) ~~address effectively the issues of school dropout prevention and reentry, and the needs~~  
26 ~~of special populations;~~

27 (4) ~~provide education and training in an area or skill, including an emerging technology,~~  
28 ~~in which there is a significant workforce shortage based on the data provided by the~~  
29 ~~eligible entity in the State under section 118;~~

30 (5) ~~demonstrate how tech prep programs will help students meet high academic and~~  
31 ~~employability competencies; and~~

32 (6) ~~demonstrate success in, or provide assurances of, coordination and integration with~~  
33 ~~eligible recipients described in part C of title I.~~

34 (e) ~~Performance Levels.~~—

35 (1) ~~In general.~~— Each consortium receiving a grant under this title shall enter into an  
36 agreement with the eligible agency to meet a minimum level of performance for each of  
37 the performance indicators described in sections 113(b) and 203(e).

38 (2) ~~Resubmission of application; termination of funds.~~— An eligible agency —

1 ~~(A) shall require consortia that do not meet the performance levels described in~~  
2 ~~paragraph (1) for 3 consecutive years to resubmit an application to the eligible agency~~  
3 ~~for a tech prep program grant; and~~

4 ~~(B) may choose to terminate the funding for the tech prep program for a consortium~~  
5 ~~that does not meet the performance levels described in paragraph (1) for 3~~  
6 ~~consecutive years, including when the grants are made on the basis of a formula~~  
7 ~~determined by the eligible agency.~~

8 ~~(f) Equitable Distribution of Assistance.—In awarding grants under this title, the eligible~~  
9 ~~agency shall ensure an equitable distribution of assistance between or among urban and rural~~  
10 ~~participants in the consortium.~~

## 11 12 ~~SEC. 205. REPORT.~~

13 ~~Each eligible agency that receives an allotment under this title annually shall prepare and submit~~  
14 ~~to the Secretary a report on the effectiveness of the tech prep programs assisted under this title,~~  
15 ~~including a description of how grants were awarded within the State.~~

## 16 17 ~~SEC. 206. AUTHORIZATION OF APPROPRIATIONS.~~

18 ~~There are authorized to be appropriated to carry out this title such sums as may be necessary for~~  
19 ~~fiscal year 2007 and each of the 5 succeeding fiscal years.~~

# 20 21 **TITLE II—GENERAL PROVISIONS**

## 22 23 **PART A—FEDERAL ADMINISTRATIVE PROVISIONS**

### 24 25 **SEC. ~~2113~~14. FISCAL REQUIREMENTS.**

26 (a) Supplement Not Supplant.—Funds made available under this Act for career and technical  
27 education activities shall supplement, and shall not supplant, non-Federal funds expended to  
28 carry out career and technical education activities ~~and tech prep program activities.~~

29 (b) Maintenance of Effort.—

30 (1) Determination.—

31 (A) In general.—Except as provided in subparagraph (B), (C), or (D), in order for a  
32 State to receive its full allotment of funds under this Act for any fiscal year, the  
33 Secretary must find that the State's fiscal effort per student, or the aggregate  
34 expenditures of such State, with respect to career and technical education for the  
35 preceding fiscal year was not less than the fiscal effort per student, or the aggregate  
36 expenditures of such State, for the second preceding fiscal year.~~Except as provided in~~

1 ~~subparagraphs (B) and (C), no payments shall be made under this Act for any fiscal~~  
2 ~~year to a State for career and technical education programs or tech prep programs~~  
3 ~~unless the Secretary determines that the fiscal effort per student or the aggregate~~  
4 ~~expenditures of such State for career and technical education programs for the fiscal~~  
5 ~~year preceding the fiscal year for which the determination is made, equal or~~  
6 ~~exceeded such effort or expenditures for career and technical education programs for~~  
7 ~~the second fiscal year preceding the fiscal year for which the determination is made.~~

8 (B) Computation.—In computing the fiscal effort or aggregate expenditures pursuant  
9 to subparagraph (A), the Secretary shall, at the request of the State, exclude  
10 competitive or incentive-based programs established by the State, capital  
11 expenditures, special one-time project costs, and the cost of pilot programs.

12 (C) Decrease in federal support.—If the amount made available for career and  
13 technical education programs under this Act for a fiscal year is less than the amount  
14 made available for career and technical education programs under this Act for the  
15 preceding fiscal year, then the fiscal effort per student or the aggregate expenditures  
16 of a State required by subparagraph (A) for the preceding fiscal year shall be  
17 decreased by the same percentage as the percentage decrease in the amount so made  
18 available.

19 (D) Establishing the State baseline.—For purposes of applying subparagraph (A) for  
20 years which require the calculation of the State’s fiscal effort per student, or  
21 aggregate expenditures of such State, with respect to career and technical education  
22 for the first full fiscal year following the date of enactment of the Strengthening  
23 Career and Technical Education for the 21st Century Act, the State may determine the  
24 State’s fiscal effort per student, or aggregate expenditures of such State, with respect  
25 to career and technical education for such first full fiscal year by—

26 (i) continuing to use the State’s fiscal effort per student, or aggregate expenditures  
27 of such State, with respect to career and technical education, as was in effect on  
28 the day before the date of enactment of the Strengthening Career and Technical  
29 Education for the 21st Century Act; or

30 (ii) establishing a new level of fiscal effort per student, or aggregate expenditures  
31 of such State, with respect to career and technical education, which is not less  
32 than 95 percent of the State’s fiscal effort per student, or the aggregate  
33 expenditures of such State, with respect to career and technical education for the  
34 preceding fiscal year.

35 (2) Failure to meet.—

36 (A) In general.—The Secretary shall reduce the amount of a State’s allotment of  
37 funds under this Act for any fiscal year in the exact proportion by which the State  
38 fails to meet the requirement of paragraph (1) by falling below the State’s fiscal effort  
39 per student or the State’s aggregate expenditures (using the measure most favorable to  
40 the State), if the State failed to meet such requirement (as determined using the  
41 measure most favorable to the State) for 1 or more of the 5 immediately preceding  
42 fiscal years.

43 (B) Special rule. – No such lesser amount shall be used for computing the effort

1           required under paragraph (1) for subsequent years.

2           ~~(32) Waiver.—The Secretary may waive paragraph (2) due to exceptional or~~  
3           ~~uncontrollable circumstances affecting the ability of the State to meet the requirement of~~  
4           ~~paragraph (1) such as a natural disaster or an unforeseen and precipitous decline in~~  
5           ~~financial resources. No level of funding permitted under such a waiver may be used as~~  
6           ~~the basis for computing the fiscal effort or aggregate expenditures required under this~~  
7           ~~section for years subsequent to the year covered by such waiver. The fiscal effort or~~  
8           ~~aggregate expenditures for the subsequent years shall be computed on the basis of the~~  
9           ~~level of funding that would, but for such waiver, have been required. The Secretary may~~  
10           ~~waive the requirements of this section, with respect to not more than 5 percent of~~  
11           ~~expenditures by any eligible agency for 1 fiscal year only, on making a determination that~~  
12           ~~such waiver would be equitable due to exceptional or uncontrollable circumstances~~  
13           ~~affecting the ability of the eligible agency to meet such requirements, such as a natural~~  
14           ~~disaster or an unforeseen and precipitous decline in financial resources. No level of~~  
15           ~~funding permitted under such a waiver may be used as the basis for computing the fiscal~~  
16           ~~effort or aggregate expenditures required under this section for years subsequent to the~~  
17           ~~year covered by such waiver. The fiscal effort or aggregate expenditures for the~~  
18           ~~subsequent years shall be computed on the basis of the level of funding that would, but~~  
19           ~~for such waiver, have been required.~~

21   **SEC. 212312. AUTHORITY TO MAKE PAYMENTS.**

22   Any authority to make payments or to enter into contracts under this Act shall be available only  
23   to such extent or in such amounts as are provided in advance in appropriation Acts.

25   **SEC. 213313. CONSTRUCTION.**

26   Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal  
27   control over any aspect of a private, religious, or home school, regardless of whether a home  
28   school is treated as a private school or home school under State law. This section shall not be  
29   construed to bar students attending private, religious, or home schools from participation in  
30   programs or services under this Act.

32   **SEC. 214314. VOLUNTARY SELECTION AND  
33   PARTICIPATION.**

34   No funds made available under this Act shall be used—

35           (1) to require any secondary school student to choose or pursue a specific career path way  
36           or program of study ~~or major~~; or

37           (2) to mandate that any individual participate in a career and technical education  
38           program, including a career and technical education program that requires the attainment  
39           of a federally funded skill level, standard, or certificate of mastery.

1  
2 SEC. ~~215315~~. LIMITATION FOR CERTAIN STUDENTS.

3 No funds received under this Act may be used to provide career and technical education  
4 programs or programs of study to students prior to the ~~seventh grade~~middle grades (as such term  
5 is defined in section 8101 of the Elementary and Secondary Education Act of 1965), except that  
6 equipment and facilities purchased with funds under this Act may be used by such students.

7  
8 SEC. ~~216316~~. FEDERAL LAWS GUARANTEEING CIVIL  
9 RIGHTS.

10 Nothing in this Act shall be construed to be inconsistent with applicable Federal law prohibiting  
11 discrimination on the basis of race, color, sex, national origin, age, or disability in the provision  
12 of Federal programs or services.

13  
14 SEC. ~~217317~~. PARTICIPATION OF PRIVATE SCHOOL  
15 PERSONNEL AND CHILDREN.

16 (a) Personnel.—An eligible agency or eligible recipient that uses funds under this Act for in-  
17 service and preservice career and technical education professional development programs for  
18 career and technical education teachers, administrators, and other personnel shall, to the  
19 extent practicable, upon written request, permit the participation in such programs of career  
20 and technical education secondary school teachers, administrators, and other personnel in  
21 nonprofit private schools offering career and technical secondary education programs located  
22 in the geographical area served by such eligible agency or eligible recipient.

23 (b) Student Participation.—

24 (1) Student participation.—Except as prohibited by State or local law, an eligible  
25 recipient may, upon written request, use funds made available under this Act to provide  
26 for the meaningful participation, in career and technical education programs and  
27 activities, including programs of study, receiving funding under this Act, of secondary  
28 school students attending nonprofit private schools ~~who reside in the geographical areas~~  
29 served by the eligible recipient.

30 (2) Consultation.—An eligible recipient shall consult, upon written request, in a timely  
31 and meaningful manner with representatives of nonprofit private schools in ~~the~~  
32 ~~geographical areas~~ served by the eligible recipient described in paragraph (1) regarding  
33 the meaningful participation, in career and technical education programs and activities,  
34 including programs of study, receiving funding under this Act, of secondary school  
35 students attending nonprofit private schools.

36  
37 SEC. ~~318218~~. LIMITATION ON FEDERAL REGULATIONS.

1 The Secretary may issue regulations under this Act only to the extent necessary to administer and  
2 ensure compliance with the specific requirements of this Act.

3  
4 **SEC. 219. STUDY ON PROGRAMS OF STUDY ALIGNED**  
5 **TO HIGH-SKILL, HIGH-WAGE OCCUPATIONS.**

6 (a) Scope of Study.—The Comptroller General of the United States shall conduct a study to  
7 evaluate—

8 (1) the strategies, components, policies, and practices used by eligible agencies or eligible  
9 recipients receiving funding under this Act to successfully assist—

10 (A) all students in pursuing and completing programs of study aligned to high-skill,  
11 high-wage occupations; and

12 (B) any special population or specific subgroup of students identified in section  
13 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965 in  
14 pursuing and completing programs of study aligned to high-skill, high-wage  
15 occupations in fields in which such special population or subgroup is  
16 underrepresented; and

17 (2) any challenges associated with replication of such strategies, components, policies,  
18 and practices.

19 (b) Consultation.—In carrying out the study conducted under subsection (a), the Comptroller  
20 General of the United States shall consult with a geographically diverse (including urban,  
21 suburban, and rural) representation of—

22 (1) students and parents;

23 (2) eligible agencies and eligible recipients;

24 (3) teachers, faculty, specialized instructional support personnel, and paraprofessionals,  
25 including those with expertise in preparing career and technical education students for  
26 non-traditional fields;

27 (4) Indian Tribes and Tribal organizations;

28 (5) special populations; and

29 (6) representatives of business and industry.

30 (c) Submission.—Upon completion, the Comptroller General of the United States shall  
31 submit the study conducted under subsection (a) to the Committee on Education and the  
32 Workforce of the House of Representatives and the Committee on Health, Education, Labor,  
33 and Pensions of the Senate.

34  
35 **PART B—STATE ADMINISTRATIVE PROVISIONS**

1 | **SEC. ~~221321~~. JOINT FUNDING.**

2 (a) General Authority.—Funds made available to eligible agencies under this Act may be  
3 used to provide additional funds under an applicable program if—

4 (1) such program otherwise meets the requirements of this Act and the requirements of  
5 the applicable program;

6 (2) such program serves the same individuals that are served under this Act;

7 (3) such program provides services in a coordinated manner with services provided under  
8 this Act; and

9 (4) such funds are used to supplement, and not supplant, funds provided from non-  
10 Federal sources.

11 (b) Applicable Program.—For the purposes of this section, the term ‘applicable program’  
12 means any program under any of the following provisions of law:

13 (1) Chapters 2 and 3 of subtitle B of title I of the Workforce Innovation and Opportunity  
14 Act.

15 (2) The Wagner-Peyser Act.

16 (c) Use of Funds as Matching Funds.—For the purposes of this section, the term ‘additional  
17 funds’ does not include funds used as matching funds.

18  
19 | **SEC. ~~222322~~. PROHIBITION ON USE OF FUNDS TO**  
20 **INDUCE OUT-OF-STATE RELOCATION OF BUSINESSES.**

21 No funds provided under this Act shall be used for the purpose of directly providing incentives  
22 or inducements to an employer to relocate a business enterprise from one State to another State if  
23 such relocation will result in a reduction in the number of jobs available in the State where the  
24 business enterprise is located before such incentives or inducements are offered.

25  
26 | **SEC. ~~223323~~. STATE ADMINISTRATIVE COSTS.**

27 (a) General Rule.—Except as provided in subsection (b), for each fiscal year for which an  
28 eligible agency receives assistance under this Act, the eligible agency shall provide, from  
29 non-Federal sources for the costs the eligible agency incurs for the administration of  
30 programs under this Act, an amount that is not less than the amount provided by the eligible  
31 agency from non-Federal sources for such costs for the preceding fiscal year.

32 (b) Exception.—If the amount made available from Federal sources for the administration of  
33 programs under this Act for a fiscal year (referred to in this section as the ‘determination  
34 year’) is less than the amount made available from Federal sources for the administration of  
35 programs under this Act for the preceding fiscal year, then the amount the eligible agency is  
36 required to provide from non-Federal sources for costs the eligible agency incurs for the  
37 administration of programs under this Act for the determination year under subsection (a)  
38 shall bear the same ratio to the amount the eligible agency provided from non-Federal

1 sources for such costs for the preceding fiscal year, as the amount made available from  
2 Federal sources for the administration of programs under this Act for the determination year  
3 bears to the amount made available from Federal sources for the administration of programs  
4 under this Act for the preceding fiscal year.

5  
6 **SEC. ~~224324~~. STUDENT ASSISTANCE AND OTHER**  
7 **FEDERAL PROGRAMS.**

8 (a) Attendance Costs Not Treated as Income or Resources.—The portion of any student  
9 financial assistance received under this Act that is made available for attendance costs  
10 described in subsection (b) shall not be considered as income or resources in determining  
11 eligibility for assistance under any other program funded in whole or in part with Federal  
12 funds.

13 (b) Attendance Costs.—The attendance costs described in this subsection are—

14 (1) tuition and fees normally assessed a student carrying an academic workload as  
15 determined by the institution, and including costs for rental or purchase of any  
16 equipment, materials, or supplies required of all students in that course of study; and

17 (2) an allowance for books, supplies, transportation, dependent care, and miscellaneous  
18 personal expenses for a student attending the institution on at least a half-time basis, as  
19 determined by the institution.

20 (c) Costs of Career and Technical Education Services.—Funds made available under this Act  
21 may be used to pay for the costs of career and technical education services required in an  
22 individualized education program developed pursuant to section 614(d) of the Individuals  
23 with Disabilities Education Act and services necessary to meet the requirements of section  
24 504 of the Rehabilitation Act of 1973 with respect to ensuring equal access to career and  
25 technical education.

26  
27 **TITLE III—AMENDMENTS TO OTHER LAWS**

28  
29 **SEC. 301. AMENDMENTS TO THE WAGNER-PEYSER**  
30 **ACT.**

31 Section 15(e)(2) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)(2)) is amended—

32 (1) by striking subparagraph (B) and inserting the following:

33 “(B) consult with eligible agencies (defined in section 3 of the Carl D. Perkins Career  
34 and Technical Education Act of 2006 (20 U.S.C. 2302)), State educational agencies,  
35 and local educational agencies concerning the provision of workforce and labor  
36 market information in order to—

37 “(i) meet the needs of secondary school and postsecondary school students who

1 seek such information; and

2 “(ii) annually inform the development and implementation of programs of study  
3 defined in section 3 of the Carl D. Perkins Career and Technical Education Act of  
4 2006 (20 U.S.C. 2302), and career pathways;”;

5 (2) in subparagraph (G), by striking “and” after the semicolon;

6 (3) in subparagraph (H), by striking the period at the end and inserting “; and”; and

7 (4) by adding at the end the following:

8 “(I) provide, on an annual and timely basis to each eligible agency (defined in section  
9 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C.  
10 2302)), the data and information described in subparagraphs (A) and (B) of  
11 subsection (a)(1).”

## 12

### 13 SEC. 302. AMENDMENTS TO THE ELEMENTARY AND 14 SECONDARY EDUCATION ACT OF 1965.

15 (1) Section 1111(h)(1)(C)(xiv) of the Elementary and Secondary Education Act of 1965 (20  
16 U.S.C. 6311(h)(1)(C)(xiv)) is amended by striking “attaining career and technical  
17 proficiencies (as defined by section 113(b) of the Carl D. Perkins Career and Technical  
18 Education Act of 2006 (20 U.S.C. 2323(b)) and reported by States only in a manner  
19 consistent with section 113(c) of such Act (20 U.S.C. 2323(c))” and inserting “meeting State  
20 determined levels of performance for core indicators, as defined by section 113(b)(3)(A) of  
21 the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2323(b)(3)(A)),  
22 and reported by States only in a manner consistent with section 113(b)(3)(C) of such Act (20  
23 U.S.C. 2323(b)(3)(C))”.

24 (2) Section 6115(b)(6) of the Elementary and Secondary Education Act of 1965 (20 U.S.C.  
25 7425(b)(6)) is amended by striking “tech-prep education, mentoring,” and inserting  
26 “mentoring”.

27 (3) Section 6304(a)(3)(K) of the Elementary and Secondary Education Act of 1965 (20  
28 U.S.C. 7544(a)(3)(K)) is amended by striking “tech-prep.”.

## 29

### 30 SEC. 303. AMENDMENT TO THE WORKFORCE 31 INNOVATION AND OPPORTUNITY ACT.

32 Section 134(c)(2)(A)(vii) of the Workforce Innovation and Opportunity Act (29 U.S.C.  
33 3174(c)(2)(A)(vii)) is amended by striking “school dropouts” and inserting “out-of-school  
34 youth”.