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Public Law 109–270
109th Congress

An Act

To amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act.

Aug. 12, 2006
[S. 250]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Carl D. Perkins Career and Technical Education Improvement Act of 2006.
20 USC 2301 note.

SECTION 1. SHORT TITLE; AMENDMENT.

(a) SHORT TITLE.—This Act may be cited as the "Carl D. Perkins Career and Technical Education Improvement Act of 2006".

(b) AMENDMENT.—The Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

20 USC 2301 note.

"(a) SHORT TITLE.—This Act may be cited as the 'Carl D. Perkins Career and Technical Education Act of 2006'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Purpose.
"Sec. 3. Definitions.
"Sec. 4. Transition provisions.
"Sec. 5. Privacy.
"Sec. 6. Limitation.
"Sec. 7. Special rule.
"Sec. 8. Prohibitions.
"Sec. 9. Authorization of appropriations.

"TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

"PART A—ALLOTMENT AND ALLOCATION

"Sec. 111. Reservations and State allotment.
"Sec. 112. Within State allocation.
"Sec. 113. Accountability.
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"Sec. 115. Assistance for the outlying areas.
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"Sec. 122. State plan.
"Sec. 123. Improvement plans.
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"Sec. 131. Distribution of funds to secondary education programs.
"Sec. 132. Distribution of funds for postsecondary education programs.

"Sec. 133. Special rules for career and technical education.
"Sec. 134. Local plan for career and technical education programs.
"Sec. 135. Local uses of funds.

"TITLE II—TECH PREP EDUCATION

"Sec. 201. State allotment and application.
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"Sec. 203. Tech prep program.
"Sec. 204. Consortium applications.
"Sec. 205. Report.
"Sec. 206. Authorization of appropriations.

"TITLE III—GENERAL PROVISIONS

"PART A—FEDERAL ADMINISTRATIVE PROVISIONS

"Sec. 311. Fiscal requirements.
"Sec. 312. Authority to make payments.
"Sec. 313. Construction.
"Sec. 314. Voluntary selection and participation.
"Sec. 315. Limitation for certain students.
"Sec. 316. Federal laws guaranteeing civil rights.
"Sec. 317. Participation of private school personnel and children.
"Sec. 318. Limitation on Federal regulations.

"PART B—STATE ADMINISTRATIVE PROVISIONS

"Sec. 321. Joint funding.
"Sec. 322. Prohibition on use of funds to induce out-of-state relocation of businesses.
"Sec. 323. State administrative costs.
"Sec. 324. Student assistance and other Federal programs.

20 USC 2301.

"SEC. 2. PURPOSE.

"The purpose of this Act is to develop more fully the academic and career and technical skills of secondary education students and postsecondary education students who elect to enroll in career and technical education programs, by—

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

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

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

"(4) conducting and disseminating national research and disseminating information on best practices that improve career and technical education programs, services, and activities;

"(5) providing technical assistance that—

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

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

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

"(7) providing individuals with opportunities throughout their lifetimes to develop, in conjunction with other education

and training programs, the knowledge and skills needed to keep the United States competitive.

"SEC. 3. DEFINITIONS. 20 USC 2302.

"Unless otherwise specified, in this Act:

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

"(2) ALL ASPECTS OF AN INDUSTRY.—The term 'all aspects of an industry' means strong experience in, and comprehensive understanding of, the industry that the individual is preparing to enter, including information as described in section 118.

"(3) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term 'area career and technical education school' means—

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

"(B) the department of a public secondary school exclusively or principally used for providing career and technical education in not fewer than 5 different occupational fields to individuals who are available for study in preparation for entering the labor market;

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

"(D) the department or division of an institution of higher education, that operates under the policies of the eligible agency and that provides career and technical education in not fewer than 5 different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits, as regular students, both individuals who have completed secondary school and individuals who have left secondary school.

"(4) ARTICULATION AGREEMENT.—The term 'articulation agreement' means a written commitment—

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

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

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

"(B) to a program that is—

"(i) designed to provide students with a non-duplicative sequence of progressive achievement leading to technical skill proficiency, a credential, a certificate, or a degree; and

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

"(5) CAREER AND TECHNICAL EDUCATION.—The term 'career and technical education' means organized educational activities that—

"(A) offer a sequence of courses that—

"(i) provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions;

"(ii) provides technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree; and

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

"(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual.

"(6) CAREER AND TECHNICAL STUDENT ORGANIZATION.—

"(A) IN GENERAL.—The term 'career and technical student organization' means an organization for individuals enrolled in a career and technical education program that engages in career and technical education activities as an integral part of the instructional program.

"(B) STATE AND NATIONAL UNITS.—An organization described in subparagraph (A) may have State and national units that aggregate the work and purposes of instruction in career and technical education at the local level.

"(7) CAREER GUIDANCE AND ACADEMIC COUNSELING.—The term 'career guidance and academic counseling' means guidance and counseling that—

"(A) provides access for students (and parents, as appropriate) to information regarding career awareness and planning with respect to an individual's occupational and academic future; and

"(B) provides information with respect to career options, financial aid, and postsecondary options, including baccalaureate degree programs.

"(8) CHARTER SCHOOL.—The term 'charter school' has the meaning given the term in section 5210 of the Elementary and Secondary Education Act of 1965.

"(9) COOPERATIVE EDUCATION.—The term 'cooperative education' means a method of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required rigorous

and challenging academic courses and related career and technical education instruction, by alternation of study in school with a job in any occupational field, which alternation—

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

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

"(10) DISPLACED HOMEMAKER.—The term 'displaced homemaker' means an individual who—

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

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

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

"(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

"(11) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(12) ELIGIBLE AGENCY.—The term 'eligible agency' means a State board designated or created consistent with State law as the sole State agency responsible for the administration of career and technical education in the State or for the supervision of the administration of career and technical education in the State.

"(13) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

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

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

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

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

"(E) an educational service agency; or

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

"(14) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

"(A) a local educational agency (including a public charter school that operates as a local educational agency), an area career and technical education school, an educational service agency, or a consortium, eligible to receive assistance under section 131; or

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

"(15) GOVERNOR.—The term 'Governor' means the chief executive officer of a State.

"(16) INDIVIDUAL WITH LIMITED ENGLISH PROFICIENCY.—The term 'individual with limited English proficiency' means a secondary school student, an adult, or an out-of-school youth, who has limited ability in speaking, reading, writing, or understanding the English language, and—

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

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

"(17) INDIVIDUAL WITH A DISABILITY.—

"(A) IN GENERAL.—The term 'individual with a disability' means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

"(B) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than 1 individual with a disability.

"(18) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965.

"(19) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(20) NON-TRADITIONAL FIELDS.—The term 'non-traditional fields' means occupations or fields of work, including careers in computer science, technology, and other current and emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

"(21) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

"(22) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term 'postsecondary educational institution' means—

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

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

"(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

"(23) POSTSECONDARY EDUCATION TECH PREP STUDENT.—The term 'postsecondary education tech prep student' means a student who—

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

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

"(24) SCHOOL DROPOUT.—The term 'school dropout' means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

"(25) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' means research that is carried out using scientifically based research standards, as defined in section 102 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9501).

"(26) SECONDARY EDUCATION TECH PREP STUDENT.—The term 'secondary education tech prep student' means a secondary education student who has enrolled in 2 courses in the secondary education component of a tech prep program.

"(27) SECONDARY SCHOOL.—The term 'secondary school' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(28) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(29) SPECIAL POPULATIONS.—The term 'special populations' means—

"(A) individuals with disabilities;

"(B) individuals from economically disadvantaged families, including foster children;

"(C) individuals preparing for non-traditional fields;

"(D) single parents, including single pregnant women;

"(E) displaced homemakers; and

"(F) individuals with limited English proficiency.

"(30) 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.

"(31) SUPPORT SERVICES.—The term 'support services' means services related to curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices.

"(32) TECH PREP PROGRAM.—The term 'tech prep program' means a tech prep program described in section 203(c).

"(33) 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 College or University Assistance Act of 1978 (25 U.S.C. 1801(a)).

"(34) 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 tribe or Indian tribes;

"(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 tribal goals of developing individual entrepreneurships and self-sustaining economic infrastructures on reservations;

"(E) has been in operation for at least 3 years;

"(F) holds accreditation with or is a candidate for accreditation by a nationally recognized accrediting authority for postsecondary career and technical education; and

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

20 USC 2303.

"SEC. 4. TRANSITION PROVISIONS.

"The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of this Act (as amended by the Carl D. Perkins Career and Technical Education Improvement Act of 2006) from any authority under the provisions of the Carl D. Perkins Vocational and Technical Education Act of 1998, as in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006. The Secretary shall give each eligible agency the opportunity to submit a transition plan for the first fiscal year following the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006.

20 USC 2304.

"SEC. 5. PRIVACY.

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

"(b) PROHIBITION ON DEVELOPMENT OF NATIONAL DATABASE.—Nothing in this Act shall be construed to permit the development of a national database of personally identifiable information on individuals receiving services under this Act.

20 USC 2305.

"SEC. 6. LIMITATION.

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

20 USC 2306.

"SEC. 7. SPECIAL RULE.

"In the case of a local community in which no employees are represented by a labor organization, for purposes of this Act, the term 'representatives of employees' shall be substituted for 'labor organization'.

20 USC 2306a.

"SEC. 8. PROHIBITIONS.

"(a) LOCAL CONTROL.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof

to spend any funds or incur any costs not paid for under this Act, except as required under sections 112(b), 311(b), and 323.

"(b) NO PRECLUSION OF OTHER ASSISTANCE.—Any State that declines to submit an application to the Secretary for assistance under this Act shall not be precluded from applying for assistance under any other program administered by the Secretary.

"(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—Notwithstanding any other provision of Federal law, no State shall be required to have academic and career and technical content standards or student academic and career and technical achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the requirements under section 113.

"(e) COHERENT AND RIGOROUS CONTENT.—For the purposes of this Act, coherent and rigorous content shall be determined by the State consistent with section 1111(b)(1)(D) of the Elementary and Secondary Education Act of 1965.

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS. 20 USC 2307.

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

"TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

"PART A—ALLOTMENT AND ALLOCATION

"SEC. 111. RESERVATIONS AND STATE ALLOTMENT. 20 USC 2321.

"(a) RESERVATIONS AND STATE ALLOTMENT.—

"(1) RESERVATIONS.—From the sum appropriated under section 9 for each fiscal year, the Secretary shall reserve—

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

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

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

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

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

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

"(B) an amount that bears the same ratio to 20 percent of the sum being allotted as the product of the population

aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

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

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

"(3) MINIMUM ALLOTMENT FOR YEARS WITH NO ADDITIONAL FUNDS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law and subject to subparagraphs (B) and (C), and paragraph (5), for a fiscal year for which there are no additional funds (as such term is defined in paragraph (4)(D)), no State shall receive for such fiscal year under this subsection less than ½ of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

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

"(C) SPECIAL RULE.—

"(i) IN GENERAL.—Subject to paragraph (5), no State, by reason of the application of subparagraph (A), shall be allotted for a fiscal year more than the lesser of—

"(I) 150 percent of the amount that the State received in the preceding fiscal year; and

"(II) the amount calculated under clause (ii).

"(ii) AMOUNT.—The amount calculated under this clause shall be determined by multiplying—

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

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

"(4) MINIMUM ALLOTMENT FOR YEARS WITH ADDITIONAL FUNDS.—

"(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (5), for a fiscal year for which there are additional funds, no State shall receive for such fiscal year under this subsection less than ½ of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply

with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

"(B) SPECIAL RULE.—In the case of a qualifying State, the minimum allotment under subparagraph (A) for a fiscal year for the qualifying State shall be the lesser of—

"(i) ½ of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for such fiscal year; and

"(ii) the sum of—

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

"(II) the product of—

"(aa) ⅓ of the additional funds; multiplied by

"(bb) the quotient of—

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

"(BB) the sum of all such ratios for all qualifying States for the fiscal year for which the determination is made.

"(C) RATIO.—For purposes of subparagraph (B)(ii)(II)(bb)(AA), the ratio for a qualifying State for a fiscal year shall be 1.00 less the quotient of—

"(i) the amount the qualifying State was allotted under paragraph (2) for fiscal year 2006 (as such paragraph was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006); divided by

"(ii) ½ of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for the fiscal year for which the determination is made.

"(D) DEFINITIONS.—In this paragraph:

"(i) ADDITIONAL FUNDS.—The term 'additional funds' means the amount by which—

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

"(II) the sum of—

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

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

"(cc) $827,671.

"(ii) QUALIFYING STATE.—The term 'qualifying State' means a State (except the United States Virgin

Islands) that, for the fiscal year for which a determination under this paragraph is made, would receive, under the allotment formula under paragraph (2) (without the application of this paragraph and paragraphs (3) and (5)), an amount that would be less than the amount the State would receive under subparagraph (A) for such fiscal year.

"(5) HOLD HARMLESS.—

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

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

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

Regulations.

"(c) ALLOTMENT RATIO.—

"(1) IN GENERAL.—The allotment ratio for any State shall be 1.00 less the product of—

"(A) 0.50; and

"(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of the Commonwealth of Puerto Rico and the United States Virgin Islands), except that—

"(i) the allotment ratio in no case shall be more than 0.60 or less than 0.40; and

"(ii) the allotment ratio for the Commonwealth of Puerto Rico and the United States Virgin Islands shall be 0.60.

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

"(3) DEFINITION OF PER CAPITA INCOME.—For the purpose of this section, the term 'per capita income' means, with respect

to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

"(4) POPULATION DETERMINATION.—For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department of Education.

"(d) DEFINITION OF STATE.—For the purpose of this section, the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

"SEC. 112. WITHIN STATE ALLOCATION. 20 USC 2322.

"(a) IN GENERAL.—From the amount allotted to each State under section 111 for a fiscal year, the eligible agency shall make available—

"(1) not less than 85 percent for distribution under section 131 or 132, of which not more than 10 percent of the 85 percent may be used in accordance with subsection (c);

"(2) not more than 10 percent to carry out State leadership activities described in section 124, of which—

"(A) an amount equal to not more than 1 percent of the amount allotted to the State under section 111 for the fiscal year shall be made available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

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

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

"(A) developing the State plan;

"(B) reviewing a local plan;

"(C) monitoring and evaluating program effectiveness;

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

"(E) providing technical assistance; and

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

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

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

"(1) rural areas;

"(2) areas with high percentages of career and technical education students; and

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

20 USC 2323.

"SEC. 113. ACCOUNTABILITY.

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

"(b) STATE PERFORMANCE MEASURES.—

"(1) IN GENERAL.—Each eligible agency, with input from eligible recipients, shall establish performance measures for a State that consist of—

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

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

"(C) a State adjusted level of performance described in paragraph (3)(A) for each core indicator of performance, and State levels of performance described in paragraph (3)(B) for each additional indicator of performance.

"(2) INDICATORS OF PERFORMANCE.—

"(A) CORE INDICATORS OF PERFORMANCE FOR CAREER AND TECHNICAL EDUCATION STUDENTS AT THE SECONDARY LEVEL.—Each eligible agency shall identify in the State plan core indicators of performance for career and technical education students at the secondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

"(i) Student attainment of challenging academic content standards and student academic achievement standards, as adopted by a State in accordance with section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the State determined proficient levels on the academic assessments described in section 1111(b)(3) of such Act.

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

"(iii) Student rates of attainment of each of the following:

"(I) A secondary school diploma.

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

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

"(iv) Student graduation rates (as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965).

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

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

"(B) CORE INDICATORS OF PERFORMANCE FOR CAREER AND TECHNICAL EDUCATION STUDENTS AT THE POSTSECONDARY LEVEL.—Each eligible agency shall identify in the State plan core indicators of performance for career and technical education students at the postsecondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

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

"(ii) Student attainment of an industry-recognized credential, a certificate, or a degree.

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

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

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

"(C) ADDITIONAL INDICATORS OF PERFORMANCE.—An eligible agency, with input from eligible recipients, may identify in the State plan additional indicators of performance for career and technical education activities authorized under this title, such as attainment of self-sufficiency.

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

"(E) STATE ROLE.—Indicators of performance described in this paragraph shall be established solely by each eligible agency with input from eligible recipients.

"(F) ALIGNMENT OF PERFORMANCE INDICATORS.—In the course of developing core indicators of performance and additional indicators of performance, an eligible agency shall, to the greatest extent possible, align the indicators so that substantially similar information gathered for other State and Federal programs, or for any other purpose, is used to meet the requirements of this section.

"(3) STATE LEVELS OF PERFORMANCE.—

"(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

"(i) IN GENERAL.—Each eligible agency, with input from eligible recipients, shall establish in the State

plan submitted under section 122, levels of performance for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

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

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

"(ii) IDENTIFICATION IN THE STATE PLAN.—Subject to section 4, each eligible agency shall identify, in the State plan submitted under section 122, levels of performance for each of the core indicators of performance for the first 2 program years covered by the State plan.

"(iii) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The Secretary and each eligible agency shall reach agreement on the levels of performance for each of the core indicators of performance, for the first 2 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (vi). The levels of performance agreed to under this clause shall be considered to be the State adjusted level of performance for the State for such years and shall be incorporated into the State plan prior to the approval of such plan.

"(iv) ROLE OF THE SECRETARY.—The role of the Secretary in the agreement described in clauses (iii) and (v) is limited to reaching agreement on the percentage or number of students who attain the State adjusted levels of performance.

"(v) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third and fifth program years covered by the State plan, the Secretary and each eligible agency shall reach agreement on the State adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the State plan, taking into account the factors described in clause (vi). The State adjusted levels of performance agreed to under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.

"(vi) FACTORS.—The agreement described in clause (iii) or (v) shall take into account—

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

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

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

"(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible agency shall identify in the State plan State levels of performance for each of the additional indicators of performance described in paragraph (2)(C). Such levels shall be considered to be the State levels of performance for purposes of this title.

"(4) LOCAL LEVELS OF PERFORMANCE.—

"(A) LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

"(i) IN GENERAL.—Each eligible recipient shall agree to accept the State adjusted levels of performance established under paragraph (3) as local adjusted levels of performances, or negotiate with the State to reach agreement on new local adjusted levels of performance, for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

"(I) be expressed in a percentage or numerical form, consistent with the State levels of performance established under paragraph (3), so as to be objective, quantifiable, and measurable; and

"(II) require the eligible recipient to continually make progress toward improving the performance of career and technical education students.

"(ii) IDENTIFICATION IN THE LOCAL PLAN.—Each eligible recipient shall identify, in the local plan submitted under section 134, levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan.

"(iii) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The eligible agency and each eligible recipient shall reach agreement, as described in clause (i), on the eligible recipient's levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan, taking into account the levels identified in the local plan under clause (ii) and the factors described in clause (v). The levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan prior to the approval of such plan.

"(iv) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third and fifth program years covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the local plan, taking into account the factors described in clause (v). The local adjusted levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan.

"(v) FACTORS.—The agreement described in clause (iii) or (iv) shall take into account—

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

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

"(vi) REVISIONS.—If unanticipated circumstances arise with respect to an eligible recipient resulting in a significant change in the factors described in clause (v), the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised. The eligible agency shall issue objective criteria and methods for making such revisions.

Criteria.

"(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible recipient may identify, in the local plan, local levels of performance for any additional indicators of performance described in paragraph (2)(C). Such levels shall be considered to be the local levels of performance for purposes of this title.

"(C) LOCAL REPORT.—

"(i) CONTENT OF REPORT.—Each eligible recipient that receives an allocation described in section 112 shall annually prepare and submit to the eligible agency a report, which shall include the data described in clause (ii)(I), regarding the progress of such recipient in achieving the local adjusted levels of performance on the core indicators of performance.

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

"(I) disaggregate data for each of the indicators of performance under paragraph (2) for the categories of students described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 and section 3(29) that are served under this Act; and

"(II) identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served by the eligible recipient under this Act.

"(iii) NONDUPLICATION.—The eligible agency shall ensure, in a manner that is consistent with the actions of the Secretary under subsection (c)(3), that each eligible recipient does not report duplicative information under this section.

"(iv) RULES FOR REPORTING OF DATA.—The disaggregation of data under clause (ii) shall not be required when the number of students in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual student.

"(v) AVAILABILITY.—The report described in clause (i) shall be made available to the public through a variety of formats, including electronically through the Internet.

Public information.

"(c) REPORT.—

"(1) IN GENERAL.—Each eligible agency that receives an allotment under section 111 shall annually prepare and submit to the Secretary a report regarding—

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

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

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

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

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

"(3) NONDUPLICATION.—The Secretary shall ensure that each eligible agency does not report duplicative information under this section.

"(4) RULES FOR REPORTING OF DATA.—The disaggregation of data under paragraph (2) shall not be required when the number of students in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual student.

"(5) INFORMATION DISSEMINATION.—The Secretary—

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

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

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

20 USC 2324.

"SEC. 114. NATIONAL ACTIVITIES.

"(a) PROGRAM PERFORMANCE INFORMATION.—

Reports.

"(1) IN GENERAL.—The Secretary shall collect performance information about, and report on, the condition of career and technical education and on the effectiveness of State and local programs, services, and activities carried out under this title in order to provide the Secretary and Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of career and technical education. The Secretary shall report annually to Congress on the Secretary's aggregate analysis of performance information collected each year pursuant to this title, including an analysis of performance data regarding special populations.

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

Reports.

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

"(b) MISCELLANEOUS PROVISIONS.—

"(1) COLLECTION OF INFORMATION AT REASONABLE COST.—The Secretary shall take such action as may be necessary to secure at reasonable cost the information required by this title. To ensure reasonable cost, the Secretary, in consultation with the National Center for Education Statistics, the Office of Vocational and Adult Education, and an entity assisted under section 118 (if applicable), shall determine the methodology to be used and the frequency with which information is to be collected.

"(2) COOPERATION OF STATES.—All eligible agencies receiving assistance under this Act shall cooperate with the Secretary in implementing the information systems developed pursuant to this Act.

"(c) SINGLE PLAN FOR RESEARCH, DEVELOPMENT, DISSEMINATION, EVALUATION, AND ASSESSMENT.—

"(1) IN GENERAL.—The Secretary may, directly or through grants, contracts, or cooperative agreements, carry out research, development, dissemination, evaluation and assessment, capacity building, and technical assistance with regard to the career and technical education programs under this Act. The Secretary shall develop a single plan for such activities.

"(2) PLAN.—Such plan shall—

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

"(B) describe how the Secretary will evaluate such career and technical education activities in accordance with subsection (d)(2); and

"(C) include such other information as the Secretary determines to be appropriate.

"(d) ADVISORY PANEL; EVALUATION; REPORTS.—

"(1) INDEPENDENT ADVISORY PANEL.—

"(A) IN GENERAL.—The Secretary shall appoint an independent advisory panel to advise the Secretary on the implementation of the assessment described in paragraph (2), including the issues to be addressed and the methodology of the studies involved to ensure that the assessment adheres to the highest standards of quality.

"(B) MEMBERS.—The advisory panel shall consist of—

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

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

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

"(iv) parents;

"(v) career guidance and academic counseling professionals; and

"(vi) other individuals and intermediaries with relevant expertise.

"(C) INDEPENDENT ANALYSIS.—The advisory panel shall transmit to the Secretary, the relevant committees of Congress, and the Library of Congress an independent analysis of the findings and recommendations resulting from the assessment described in paragraph (2).

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

"(2) EVALUATION AND ASSESSMENT.—

"(A) IN GENERAL.—From amounts made available under subsection (e), the Secretary shall provide for the conduct of an independent evaluation and assessment of career and technical education programs under this Act, including the implementation of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, to the extent practicable, through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis.

"(B) CONTENTS.—The assessment required under subparagraph (A) shall include descriptions and evaluations of—

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

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

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

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

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

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

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

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

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

"(C) REPORTS.—

"(i) IN GENERAL.—The Secretary shall submit to the relevant committees of Congress—

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

"(II) a final report, summarizing all studies and analyses that relate to the assessment and that are completed after the interim report, on or before July 1, 2011.

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

"(3) COLLECTION OF STATE INFORMATION AND REPORT.—

"(A) IN GENERAL.—The Secretary may collect and disseminate information from States regarding State efforts

to meet State adjusted levels of performance described in section 113(b).

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

"(4) RESEARCH.—

Grants. Contracts. Establishment.

"(A) IN GENERAL.—From amounts made available under subsection (e), the Secretary, after consulting with the States, shall award a grant, contract, or cooperative agreement, on a competitive basis, to an institution of higher education, a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies to establish a national research center—

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

"(I) the integration of—

"(aa) career and technical instruction; and

"(bb) academic, secondary and postsecondary instruction;

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

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

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

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

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

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

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

"(iii) to carry out scientifically based research and evaluation that can be used to improve the preparation and professional development of teachers, faculty, and administrators, and to improve student learning in

the career and technical education classroom, including—

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

"(aa) integrating those programs with academic content standards and student academic achievement standards, as adopted by States under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

"(bb) coordinating technical education with industry-recognized certification requirements;

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

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

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

"(B) REPORT.—The center conducting the activities described in subparagraph (A) shall annually prepare a report of the key research findings of such center and shall submit copies of the report to the Secretary, the relevant committees of Congress, the Library of Congress, and each eligible agency.

"(C) DISSEMINATION.—The center shall conduct dissemination and training activities based upon the research described in subparagraph (A).

"(5) DEMONSTRATIONS AND DISSEMINATION.—The Secretary is authorized to carry out demonstration career and technical education programs, to replicate model career and technical education programs, to disseminate best practices information, and to provide technical assistance upon request of a State, for the purposes of developing, improving, and identifying the most successful methods and techniques for providing career and technical education programs assisted under this Act.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2007 through 2012.

Grants.
20 USC 2325.

"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 (d).

"(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.

"(d) 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 agreement.

"SEC. 116. NATIVE AMERICAN PROGRAMS. 20 USC 2326.

"(a) DEFINITIONS.—In this section:

"(1) ALASKA NATIVE.—The term 'Alaska Native' means a Native as such term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

"(2) BUREAU-FUNDED SCHOOL.—The term 'Bureau-funded school' has the meaning given the term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

"(3) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—The terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(4) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

"(5) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' has the meaning given the term in

section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517).

"(b) PROGRAM AUTHORIZED.—

Grants. Contracts.

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

"(2) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The grants or contracts described in this section that are awarded to any Indian tribe or tribal organization shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934 (25 U.S.C. 455–457), which are relevant to the programs administered under this subsection.

"(3) SPECIAL AUTHORITY RELATING TO SECONDARY SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—An Indian tribe, a tribal organization, or an Alaska Native entity, that receives funds through a grant made or contract entered into under paragraph (1) may use the funds to provide assistance to a secondary school operated or supported by the Bureau of Indian Affairs to enable such school to carry out career and technical education programs.

"(4) MATCHING.—If sufficient funding is available, the Bureau of Indian Affairs shall expend an amount equal to the amount made available under this subsection, relating to programs for Indians, to pay a part of the costs of programs funded under this subsection. During each fiscal year the Bureau of Indian Affairs shall expend not less than the amount expended during the prior fiscal year on career and technical education programs, services, and technical activities administered directly by, or under contract with, the Bureau of Indian Affairs, except that in no year shall funding for such programs, services, and activities be provided from accounts and programs that support other Indian education programs. The Secretary and the Assistant Secretary of the Interior for Indian Affairs shall prepare jointly a plan for the expenditure of funds made available and for the evaluation of programs assisted under this subsection. Upon the completion of a joint plan for the expenditure of the funds and the evaluation of the programs, the Secretary shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Affairs.

Plan.

"(5) REGULATIONS.—If the Secretary promulgates any regulations applicable to paragraph (2), the Secretary shall—

"(A) confer with, and allow for active participation by, representatives of Indian tribes, tribal organizations, and individual tribal members; and

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

"(6) APPLICATION.—Any Indian tribe, tribal organization, or Bureau-funded school eligible to receive assistance under

this subsection may apply individually or as part of a consortium with another such Indian tribe, tribal organization, or Bureau-funded school.

"(c) AUTHORIZED ACTIVITIES.—

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

"(2) STIPENDS.—

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

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

"(d) GRANT OR CONTRACT APPLICATION.—In order to receive a grant or contract under this section, an organization, tribe, or entity described in subsection (b) shall submit an application to the Secretary that shall include an assurance that such organization, tribe, or entity shall comply with the requirements of this section.

"(e) RESTRICTIONS AND SPECIAL CONSIDERATIONS.—The Secretary may not place upon grants awarded or contracts entered into under subsection (b) any restrictions relating to programs other than restrictions that apply to grants made to or contracts entered into with States pursuant to allotments under section 111(a). The Secretary, in awarding grants and entering into contracts under this section, shall ensure that the grants and contracts will improve career and technical education programs, and shall give special consideration to—

"(1) programs that involve, coordinate with, or encourage tribal economic development plans; and

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

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

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

"(f) CONSOLIDATION OF FUNDS.—Each organization, tribe, or entity receiving assistance under this section may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).

"(g) NONDUPLICATIVE AND NONEXCLUSIVE SERVICES.—Nothing in this section shall be construed—

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

"(2) to preclude or discourage any agreement, between any organization, tribe, or entity described in subsection (b) and any eligible agency or eligible recipient, to facilitate the provision of services by such eligible agency or eligible recipient to the population served by such eligible agency or eligible recipient.

Grants. Contracts.

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

20 USC 2327.

"SEC. 117. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.

"(a) GRANTS AUTHORIZED.—The Secretary shall, subject to the availability of appropriations, make grants pursuant to this section to tribally controlled postsecondary career and technical institutions that are not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) to provide basic support for the education and training of Indian students.

"(b) USES OF GRANTS.—Amounts made available under this section shall be used for career and technical education programs for Indian students and for the institutional support costs of the grant, including the expenses described in subsection (e).

"(c) AMOUNT OF GRANTS.—

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

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

"(3) INDIRECT COSTS.—Notwithstanding any other provision of law or regulation, the Secretary shall not require the use of a restricted indirect cost rate for grants issued under this section.

"(d) APPLICATIONS.—Any tribally controlled postsecondary career and technical institution that is not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) that desires to receive a grant under this section shall submit an application to the Secretary in such manner and form as the Secretary may require.

"(e) EXPENSES.—

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

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

"(B) capital expenditures, including operations and maintenance, and minor improvements and repair, and physical plant maintenance costs, for the conduct of programs funded under this section;

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

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

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

"(f) OTHER PROGRAMS.—

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

"(2) PROHIBITION ON ALTERATION OF GRANT AMOUNT.—The amount of any grant for which tribally controlled postsecondary career and technical institutions are eligible under this section shall not be altered because of funds allocated to any such institution from funds appropriated under the Act of November 2, 1921 (commonly known as the 'Snyder Act') (25 U.S.C. 13).

"(3) PROHIBITION ON CONTRACT DENIAL.—No tribally controlled postsecondary career and technical institution for which an Indian tribe has designated a portion of the funds appropriated for the tribe from funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13), may be denied a contract for such portion under the Indian Self-Determination and Education Assistance Act (except as provided in that Act), or denied

appropriate contract support to administer such portion of the appropriated funds.

"(g) COMPLAINT RESOLUTION PROCEDURE.—The Secretary shall establish (after consultation with tribally controlled postsecondary career and technical institutions) a complaint resolution procedure for grant determinations and calculations under this section for tribally controlled postsecondary career and technical institutions.

"(h) DEFINITIONS.—In this section:

"(1) INDIAN; INDIAN TRIBE.—The terms 'Indian' and 'Indian tribe' have the meanings given the terms in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801).

"(2) INDIAN STUDENT COUNT.—

"(A) IN GENERAL.—The term 'Indian student count' means a number equal to the total number of Indian students enrolled in each tribally controlled postsecondary career and technical institution, as determined in accordance with subparagraph (B).

"(B) DETERMINATION.—

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

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

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

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

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

"(II) 12.

"(iii) SUMMER TERM.—Any credit earned in a class offered during a summer term shall be counted in the determination of the Indian student count for the succeeding fall term.

"(iv) STUDENTS WITHOUT SECONDARY SCHOOL DEGREES.—

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

"(II) PRESUMPTION.—The institution shall be presumed to have established the criteria described in subclause (I) if the admission procedures for the institution include counseling or

testing that measures the aptitude of a student to successfully complete a course in which the student is enrolled.

"(III) CREDITS TOWARD SECONDARY SCHOOL DEGREE.—No credit earned by an Indian student for the purpose of obtaining a secondary school degree (or the recognized equivalent of such a degree) shall be counted toward the determination of the Indian student count under this clause.

"(v) CONTINUING EDUCATION PROGRAMS.—Any credit earned by an Indian student in a continuing education program of a tribally controlled postsecondary career and technical institution shall be included in the determination of the sum of all credit hours of the student if the credit is converted to a credit hour basis in accordance with the system of the institution for providing credit for participation in the program.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2007 through 2012.

"SEC. 118. OCCUPATIONAL AND EMPLOYMENT INFORMATION. 20 USC 2328.

"(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. Grants.

"(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, information and planning resources that relate academic and career and technical educational preparation to career goals and expectations;

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

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

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

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

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

"(A) information relative to employment sectors;

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

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

"(d) NONDUPLICATION.—

"(1) WAGNER-PEYSER ACT.—The jointly designated State entity described under subsection (c) may use funds provided under subsection (a)(2) to supplement activities under section 15 of the Wagner-Peyser Act to the extent such activities do not duplicate activities assisted under such section.

"(2) PUBLIC LAW 105–220.—None of the functions and activities assisted under this section shall duplicate the functions and activities carried out under Public Law 105–220.

"(e) FUNDING RULE.—Of the amounts appropriated to carry out this section, the Federal entity designated under subsection (a) shall use—

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

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

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

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

"(2) a description of the specific products and services assisted under this section that were delivered in the prior program year; and

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

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2007 through 2012.

"PART B—STATE PROVISIONS

"SEC. 121. STATE ADMINISTRATION. 20 USC 2341.

"(a) ELIGIBLE AGENCY RESPONSIBILITIES.—The responsibilities of an eligible agency under this title shall include—

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

"(2) consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, teacher and faculty preparation programs, representatives of businesses (including small businesses), labor organizations, eligible recipients, State and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under this title;

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

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

"(A) implement State level coordination with the activities undertaken by the State boards under section 111 of Public Law 105–220; and

"(B) make available to the service delivery system under section 121 of Public Law 105–220 within the State a listing of all school dropout, postsecondary education, and adult programs assisted under this title.

"(b) EXCEPTION.—Except with respect to the responsibilities set forth in subsection (a), the eligible agency may delegate any of the other responsibilities of the eligible agency that involve the administration, operation, or supervision of activities assisted under this title, in whole or in part, to 1 or more appropriate State agencies.

"SEC. 122. STATE PLAN. 20 USC 2342.

"(a) STATE PLAN.—

"(1) IN GENERAL.—Each eligible agency desiring assistance under this title for any fiscal year shall prepare and submit to the Secretary a State plan for a 6-year period, together with such annual revisions as the eligible agency determines to be necessary, except that, during the period described in section 4, each eligible agency may submit a transition plan that shall fulfill the eligible agency's obligation to submit a State plan under this section for the first fiscal year following the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006.

"(2) REVISIONS.—Each eligible agency—

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

"(B) shall, after the second year of the 6-year period, conduct a review of activities assisted under this title and submit any revisions of the State plan that the eligible agency determines necessary to the Secretary.

"(3) HEARING PROCESS.—The eligible agency shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups (including charter school authorizers and organizers consistent with State law, employers, labor organizations, parents, students, and community organizations), an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the eligible agency's response to such recommendations shall be included in the State plan.

"(b) PLAN DEVELOPMENT.—

"(1) IN GENERAL.—The eligible agency shall—

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

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

"(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 111 of Public Law 105–220;

"(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.

"(c) PLAN CONTENTS.—The State plan shall include information that—

"(1) describes the career and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of—

"(A) the career and technical programs of study, which may be adopted by local educational agencies and postsecondary institutions to be offered as an option to students (and their parents as appropriate) when planning for and completing future coursework, for career and technical content areas that—

"(i) incorporate secondary education and postsecondary education elements;

"(ii) include coherent and rigorous content aligned with challenging academic standards and relevant career and technical content in a coordinated, nonduplicative progression of courses that align secondary education with postsecondary education to adequately prepare students to succeed in postsecondary education;

"(iii) may include the opportunity for secondary education students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary education credits; and

"(iv) lead to an industry-recognized credential or certificate at the postsecondary level, or an associate or baccalaureate degree;

"(B) how the eligible agency, in consultation with eligible recipients, will develop and implement the career and technical programs of study described in subparagraph (A);

"(C) how the eligible agency will support eligible recipients in developing and implementing articulation agreements between secondary education and postsecondary education institutions;

"(D) how the eligible agency will make available information about career and technical programs of study offered by eligible recipients;

"(E) the secondary and postsecondary career and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to appropriate technology in career and technical education programs;

"(F) the criteria that will be used by the eligible agency to approve eligible recipients for funds under this Act, including criteria to assess the extent to which the local plan 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 rigorous and challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;

"(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 career and technical education teachers;

"(D) encourages applied learning that contributes to the academic and career and technical knowledge of the student;

"(E) provides the knowledge and skills needed to work with and improve instruction for special populations;

"(F) assists in accessing and utilizing data, including data provided under section 118, student achievement data, and data from assessments; and

"(G) promotes integration with professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965;

"(3) describes efforts to improve—

"(A) the recruitment and retention of career and technical education teachers, faculty, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

"(B) the transition to teaching from business and industry, including small business;

"(4) describes efforts to facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs at institutions of higher education;

"(5) describes how the eligible agency will actively involve parents, academic and career and technical education teachers, administrators, faculty, career guidance and academic counselors, local business (including small businesses), and labor organizations in the planning, development, implementation, and evaluation of such career and technical education programs;

"(6) describes how funds received by the eligible agency through the allotment made under section 111 will be allocated—

"(A) among career and technical education at the secondary level, or career and technical education at the postsecondary and adult level, or both, including the rationale for such allocation; and

"(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

"(7) describes how the eligible agency will—

"(A) improve the academic and technical skills of students participating in career and technical education programs, including strengthening the academic and career and technical components of career and technical education programs through the integration of academics with career and technical education to ensure learning in—

"(i) the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); and

"(ii) career and technical education subjects;

"(B) provide students with strong experience in, and understanding of, all aspects of an industry; and

"(C) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students;

"(8) describes how the eligible agency will annually evaluate the effectiveness of such career and technical education programs, and describe, to the extent practicable, how

the eligible agency is coordinating such programs to ensure nonduplication with other Federal programs;

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

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

"(B) will not be discriminated against on the basis of their status as members of the special populations; and

"(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage, or high demand occupations;

"(10) describes—

"(A) the eligible agency's efforts to ensure that eligible recipients are given the opportunity to provide input in determining the State adjusted levels of performance described in section 113; and

"(B) how the eligible agency, in consultation with eligible recipients, will develop a process for the negotiation of local adjusted levels of performance under section 113(b)(4) if an eligible recipient does not accept the State adjusted levels of performance under section 113(b)(3);

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

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

"(13) describes how the eligible agency will report data relating to students participating in career and technical education in order to adequately measure the progress of the students, including special populations, and how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable;

"(14) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;

"(15) describes how the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance;

"(16) describes how career and technical education relates to State and regional occupational opportunities;

"(17) describes the methods proposed for the joint planning and coordination of programs carried out under this title with other Federal education programs;

"(18) describes how funds will be used to promote preparation for high skill, high wage, or high demand occupations and non-traditional fields;

"(19) describes how funds will be used to serve individuals in State correctional institutions; and

"(20) contains the description and information specified in sections 112(b)(8) and 121(c) of Public Law 105–220 concerning the provision of services only for postsecondary students and school dropouts.

"(d) PLAN OPTIONS.—

"(1) SINGLE PLAN.—An eligible agency not choosing to consolidate funds under section 202 shall fulfill the plan or application submission requirements of this section, and section 201(c), by submitting a single State plan. In such plan, the eligible agency may allow recipients to fulfill the plan or application submission requirements of section 134 and subsections (a) and (b) of section 204 by submitting a single local plan.

"(2) PLAN SUBMITTED AS PART OF 501 PLAN.—The eligible agency may submit the plan required under this section as part of the plan submitted under section 501 of Public Law 105–220, if the plan submitted pursuant to the requirement of this section meets the requirements of this Act.

"(e) PLAN APPROVAL.—

"(1) IN GENERAL.—The Secretary shall approve a State plan, or a revision to an approved State plan, unless the Secretary determines that—

"(A) the State plan, or revision, respectively, does not meet the requirements of this Act; or

"(B) the State's levels of performance on the core indicators of performance consistent with section 113 are not sufficiently rigorous to meet the purpose of this Act.

"(2) DISAPPROVAL.—The Secretary shall not finally disapprove a State plan, except after giving the eligible agency notice and an opportunity for a hearing.

"(3) CONSULTATION.—The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult career and technical education, postsecondary career and technical education, tech prep education, and secondary career and technical education after consultation with the State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary career and technical education, and the State agency responsible for secondary education. If a State agency finds that a portion of the final State plan is objectionable, the State agency shall file such objections with the eligible agency. The eligible agency shall respond to any objections of the State agency in the State plan submitted to the Secretary.

"(4) TIMEFRAME.—A State plan shall be deemed approved by the Secretary if the Secretary has not responded to the eligible agency regarding the State plan within 90 days of the date the Secretary receives the State plan.

"SEC. 123. IMPROVEMENT PLANS. 20 USC 2343.

"(a) STATE PROGRAM IMPROVEMENT.—

"(1) PLAN.—If a State fails to meet at least 90 percent of an agreed upon State adjusted level of performance for any of the core indicators of performance described in section 113(b)(3), the eligible agency shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 113(c)(2)) in consultation with the appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible agency failed to so meet the State adjusted level of performance for any of the core indicators of performance.

"(2) TECHNICAL ASSISTANCE.—If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the purposes of this Act, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement the improvement activities consistent with the requirements of this Act.

"(3) SUBSEQUENT ACTION.—

"(A) IN GENERAL.—The Secretary may, after notice and opportunity for a hearing, withhold from an eligible agency all, or a portion, of the eligible agency's allotment under paragraphs (2) and (3) of section 112(a) if the eligible agency—

"(i) fails to implement an improvement plan as described in paragraph (1);

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

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

"(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(4) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The Secretary shall use funds withheld under paragraph (3) for a State served by an eligible agency to provide technical assistance, to assist in the development of an improved State improvement plan, or for other improvement activities consistent with the requirements of this Act for such State.

"(b) LOCAL PROGRAM IMPROVEMENT.—

"(1) LOCAL EVALUATION.—Each eligible agency shall evaluate annually, using the local adjusted levels of performance described in section 113(b)(4), the career and technical education activities of each eligible recipient receiving funds under this title.

"(2) PLAN.—If, after reviewing the evaluation in paragraph (1), the eligible agency determines that an eligible recipient failed to meet at least 90 percent of an agreed upon local adjusted level of performance for any of the core indicators of performance described in section 113(b)(4), the eligible

recipient shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 113(b)(4)(C)(ii)(II)) in consultation with the eligible agency, appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible recipient failed to so meet any of the local adjusted levels of performance for any of the core indicators of performance.

"(3) TECHNICAL ASSISTANCE.—If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities under section 134, or is not making substantial progress in meeting the purposes of this Act, based on the local adjusted levels of performance, the eligible agency shall work with the eligible recipient to implement improvement activities consistent with the requirements of this Act.

"(4) SUBSEQUENT ACTION.—

"(A) IN GENERAL.—The eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion, of the eligible recipient's allotment under this title if the eligible recipient—

"(i) fails to implement an improvement plan as described in paragraph (2);

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

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

"(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—In determining whether to impose sanctions under subparagraph (A), the eligible agency may waive imposing sanctions—

"(i) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the eligible recipient; or

"(ii) based on the impact on the eligible recipient's reported performance of the small size of the career and technical education program operated by the eligible recipient.

"(5) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The eligible agency shall use funds withheld under paragraph (4) from an eligible recipient to provide (through alternative arrangements) services and activities to students within the area served by such recipient to meet the purposes of this Act.

"SEC. 124. STATE LEADERSHIP ACTIVITIES. 20 USC 2344.

"(a) GENERAL AUTHORITY.—From amounts reserved under section 112(a)(2), each eligible agency shall conduct State leadership activities.

"(b) REQUIRED USES OF FUNDS.—The State leadership activities described in subsection (a) shall include—

"(1) an assessment 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 and how the career and technical education programs are designed to enable special populations to meet State adjusted levels of performance and prepare the special populations for further education, further training, or for high skill, high wage, or high demand occupations;

"(2) developing, improving, or expanding the use of technology in career and technical education that may include—

"(A) training of career and technical education teachers, faculty, career guidance and academic counselors, and administrators to use technology, including distance learning;

"(B) providing career and technical education students with the academic and career and technical skills (including the mathematics and science knowledge that provides a strong basis for such skills) that lead to entry into technology fields, including non-traditional fields; or

"(C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs;

"(3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors at the secondary and postsecondary levels, that support activities described in section 122 and—

"(A) provide in-service and preservice training in career and technical education programs—

"(i) on effective integration and use of challenging academic and career and technical education provided jointly with academic teachers to the extent practicable;

"(ii) on effective teaching skills based on research that includes promising practices;

"(iii) on effective practices to improve parental and community involvement; and

"(iv) on effective use of scientifically based research and data to improve instruction;

"(B) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and are not 1-day or short-term workshops or conferences;

"(C) will help teachers and personnel to improve student achievement in order to meet the State adjusted levels of performance established under section 113;

"(D) will support 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 teachers and personnel—

"(i) stay current with the needs, expectations, and methods of industry;

"(ii) can effectively develop rigorous and challenging, integrated academic and career and technical

education curricula jointly with academic teachers, to the extent practicable;

"(iii) develop a higher level of academic and industry knowledge and skills in career and technical education; and

"(iv) effectively use applied learning that contributes to the academic and career and technical knowledge of the student; and

"(E) are coordinated with the teacher certification or licensing and professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965;

"(4) supporting career and technical education programs that improve the academic and career and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical components of such career and technical education programs, through the integration of coherent and relevant content aligned with challenging academic standards and relevant career and technical education, to ensure achievement in—

"(A) the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); and

"(B) career and technical education subjects;

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

"(6) supporting partnerships among local educational agencies, institutions of higher education, adult education providers, and, as appropriate, other entities, such as employers, labor organizations, intermediaries, parents, and local partnerships, to enable students to achieve State academic standards, and career and technical skills, or complete career and technical programs of study, as described in section 122(c)(1)(A);

"(7) serving individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities;

"(8) support for programs for special populations that lead to high skill, high wage, or high demand occupations; and

"(9) technical assistance for eligible recipients.

"(c) PERMISSIBLE USES OF FUNDS.—The leadership activities described in subsection (a) may include—

"(1) improvement of career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including—

"(A) encouraging secondary and postsecondary students to graduate with a diploma or degree; and

"(B) exposing students to high skill, high wage occupations and non-traditional fields;

"(2) establishment of agreements, including articulation agreements, between secondary school and postsecondary career and technical education programs in order to provide postsecondary education and training opportunities for students participating in such career and technical education programs, such as tech prep programs;

"(3) support for initiatives to facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs, including—

"(A) statewide articulation agreements between associate degree granting career and technical postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

"(B) postsecondary dual and concurrent enrollment programs;

"(C) academic and financial aid counseling; and

"(D) other initiatives—

"(i) to encourage the pursuit of a baccalaureate degree; and

"(ii) to overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

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

"(5) support for public charter schools operating career and technical education programs;

"(6) support for career and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;

"(7) support for family and consumer sciences programs;

"(8) support for partnerships between education and business or business intermediaries, including cooperative education and adjunct faculty arrangements at the secondary and postsecondary levels;

"(9) support to improve or develop new career and technical education courses and initiatives, including career clusters, career academies, and distance education, that prepare individuals academically and technically for high skill, high wage, or high demand occupations;

"(10) awarding incentive grants to eligible recipients—

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

"(i) eligible recipients exceeding the local adjusted levels of performance established under section 113(b) in a manner that reflects sustained or significant improvement;

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

"(iii) the adoption and integration of coherent and rigorous content aligned with challenging academic standards and technical coursework;

"(iv) eligible recipients' progress in having special populations who participate in career and technical education programs meet local adjusted levels of performance; or

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

"(B) if an eligible recipient elects to use funds as permitted under section 135(c)(19);

"(11) providing for activities to support entrepreneurship education and training;

"(12) providing career and technical education programs for adults and school dropouts to complete their secondary school education, in coordination, to the extent practicable, with activities authorized under the Adult Education and Family Literacy Act;

"(13) providing assistance to individuals, who have participated in services and activities under this title, in continuing the individuals' education or training or finding appropriate jobs, such as through referral to the system established under section 121 of Public Law 105–220;

"(14) developing valid and reliable assessments of technical skills;

"(15) developing and enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes;

"(16) improving—

"(A) the recruitment and retention of career and technical education teachers, faculty, administrators, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

"(B) the transition to teaching from business and industry, including small business; and

"(17) support for occupational and employment information resources, such as those described in section 118.

"(d) RESTRICTION ON USES OF FUNDS.—An eligible agency that receives funds under section 112(a)(2) may not use any of such funds for administrative costs.

"PART C—LOCAL PROVISIONS

"SEC. 131. DISTRIBUTION OF FUNDS TO SECONDARY EDUCATION PROGRAMS. 20 USC 2351.

"(a) DISTRIBUTION RULES.—Except as provided in section 133 and as otherwise provided in this section, each eligible agency shall distribute the portion of funds made available under section 112(a)(1) to carry out this section to local educational agencies within the State as follows:

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

"(A) data provided to the Secretary by the Bureau of the Census for the purpose of determining eligibility under title I of the Elementary and Secondary Education Act of 1965; or

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

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

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

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

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

"(b) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary may waive the application of subsection (a) in the case of any eligible agency that submits to the Secretary an application for such a waiver that—

"(1) demonstrates that a proposed alternative formula more effectively targets funds on the basis of poverty (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) to local educational agencies within the State than the formula described in subsection (a); and

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

"(c) MINIMUM ALLOCATION.—

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

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

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

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

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

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

"(d) LIMITED JURISDICTION AGENCIES.—

"(1) IN GENERAL.—In applying the provisions of subsection (a), no eligible agency receiving assistance under this title

shall allocate funds to a local educational agency that serves only elementary schools, but shall distribute such funds to the local educational agency or regional educational agency that provides secondary school services to secondary school students in the same attendance area.

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

"(e) ALLOCATIONS TO AREA CAREER AND TECHNICAL EDUCATION SCHOOLS AND EDUCATIONAL SERVICE AGENCIES.—

"(1) IN GENERAL.—Each eligible agency shall distribute the portion of funds made available under section 112(a)(1) for any fiscal year by such eligible agency for career and technical education activities at the secondary level under this section to the appropriate area career and technical education school or educational service agency in any case in which the area career and technical education school or educational service agency, and the local educational agency concerned—

"(A) have formed or will form a consortium for the purpose of receiving funds under this section; or

"(B) have entered into or will enter into a cooperative arrangement for such purpose.

"(2) ALLOCATION BASIS.—If an area career and technical education school or educational service agency meets the requirements of paragraph (1), then the amount that would otherwise be distributed to the local educational agency shall be allocated to the area career and technical education school, the educational service agency, and the local educational agency based on each school, agency or entity's relative share of students who are attending career and technical education programs (based, if practicable, on the average enrollment for the preceding 3 years).

"(3) APPEALS PROCEDURE.—The eligible agency shall establish an appeals procedure for resolution of any dispute arising between a local educational agency and an area career and technical education school or an educational service agency with respect to the allocation procedures described in this section, including the decision of a local educational agency to leave a consortium or terminate a cooperative arrangement.

"(f) CONSORTIUM REQUIREMENTS.—

"(1) ALLIANCE.—Any local educational agency receiving an allocation that is not sufficient to conduct a program which meets the requirements of section 135 is encouraged to—

"(A) form a consortium or enter into a cooperative agreement with an area career and technical education school or educational service agency offering programs that meet the requirements of section 135;

"(B) transfer such allocation to the area career and technical education school or educational service agency; and

"(C) operate programs that are of sufficient size, scope, and quality to be effective.

"(2) FUNDS TO CONSORTIUM.—Funds allocated to a consortium formed to meet the requirements of this subsection shall be used only for purposes and programs that are mutually

beneficial to all members of the consortium and can be used only for programs authorized under this title. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefitting only 1 member of the consortium.

"(g) DATA.—The Secretary shall collect information from eligible agencies regarding the specific dollar allocations made available by the eligible agency for career and technical education programs under subsections (a), (b), (c), (d), and (e) and how these allocations are distributed to local educational agencies, area career and technical education schools, and educational service agencies, within the State in accordance with this section.

"(h) SPECIAL RULE.—Each eligible agency distributing funds under this section shall treat a secondary school funded by the Bureau of Indian Affairs within the State as if such school were a local educational agency within the State for the purpose of receiving a distribution under this section.

20 USC 2352.

"SEC. 132. DISTRIBUTION OF FUNDS FOR POSTSECONDARY EDUCATION PROGRAMS.

"(a) ALLOCATION.—

"(1) IN GENERAL.—Except as provided in subsections (b) and (c) and section 133, each eligible agency shall distribute the portion of the funds made available under section 112(a)(1) to carry out this section for any fiscal year to eligible institutions or consortia of eligible institutions within the State.

"(2) FORMULA.—Each eligible institution or consortium of eligible institutions shall be allocated an amount that bears the same relationship to the portion of funds made available under section 112(a)(1) to carry out this section for any fiscal year as the sum of the number of individuals who are Federal Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled in programs meeting the requirements of section 135 offered by such institution or consortium in the preceding fiscal year bears to the sum of the number of such recipients enrolled in such programs within the State for such year.

"(3) CONSORTIUM REQUIREMENTS.—

"(A) IN GENERAL.—In order for a consortium of eligible institutions described in paragraph (2) to receive assistance pursuant to such paragraph, such consortium shall operate joint projects that—

"(i) provide services to all postsecondary institutions participating in the consortium; and

"(ii) are of sufficient size, scope, and quality to be effective.

"(B) FUNDS TO CONSORTIUM.—Funds allocated to a consortium formed to meet the requirements of this section shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and shall be used only for programs authorized under this title. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefitting only 1 member of the consortium.

"(4) WAIVER.—The eligible agency may waive the application of paragraph (3)(A)(i) in any case in which the eligible institution is located in a rural, sparsely populated area.

"(b) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary may waive the application of subsection (a) if an eligible agency submits to the Secretary an application for such a waiver that—

"(1) demonstrates that the formula described in subsection (a) does not result in a distribution of funds to the eligible institutions or consortia within the State that have the highest numbers of economically disadvantaged individuals and that an alternative formula will result in such a distribution; and

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

"(c) MINIMUM GRANT AMOUNT.—

"(1) IN GENERAL.—No institution or consortium shall receive an allocation under this section in an amount that is less than $50,000.

"(2) REDISTRIBUTION.—Any amounts that are not distributed by reason of paragraph (1) shall be redistributed to eligible institutions or consortia in accordance with this section.

"SEC. 133. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION. 20 USC 2353.

"(a) SPECIAL RULE FOR MINIMAL ALLOCATION.—

"(1) GENERAL AUTHORITY.—Notwithstanding the provisions of sections 131 and 132 and in order to make a more equitable distribution of funds for programs serving the areas of greatest economic need, for any program year for which a minimal amount is made available by an eligible agency for distribution under section 131 or 132, such eligible agency may distribute such minimal amount for such year—

"(A) on a competitive basis; or

"(B) through any alternative method determined by the eligible agency.

"(2) MINIMAL AMOUNT.—For purposes of this section, the term 'minimal amount' means not more than 15 percent of the total amount made available for distribution under section 112(a)(1).

"(b) REDISTRIBUTION.—

"(1) IN GENERAL.—In any academic year that an eligible recipient does not expend all of the amounts the eligible recipient is allocated for such year under section 131 or 132, such eligible recipient shall return any unexpended amounts to the eligible agency to be reallocated under section 131 or 132, as appropriate.

"(2) REDISTRIBUTION OF AMOUNTS RETURNED LATE IN AN ACADEMIC YEAR.—In any academic year in which amounts are returned to the eligible agency under section 131 or 132 and the eligible agency is unable to reallocate such amounts according to such sections in time for such amounts to be expended in such academic year, the eligible agency shall retain such amounts for distribution in combination with amounts provided under section 112(a)(1) for the following academic year.

"(c) CONSTRUCTION.—Nothing in section 131 or 132 shall be construed—

"(1) to prohibit a local educational agency or a consortium thereof that receives assistance under section 131, from working with an eligible institution or consortium thereof that receives assistance under section 132, to carry out career and technical

education programs at the secondary level in accordance with this title;

"(2) to prohibit an eligible institution or consortium thereof that receives assistance under section 132, from working with a local educational agency or consortium thereof that receives assistance under section 131, to carry out postsecondary and adult career and technical education programs in accordance with this title; or

"(3) to require a charter school, that provides career and technical education programs and is considered a local educational agency under State law, to jointly establish the charter school's eligibility for assistance under this title unless the charter school is explicitly permitted to do so under the State's charter school statute.

"(d) CONSISTENT APPLICATION.—For purposes of this section, the eligible agency shall provide funds to charter schools offering career and technical education programs in the same manner as the eligible agency provides those funds to other schools. Such career and technical education programs within a charter school shall be of sufficient size, scope, and quality to be effective.

20 USC 2354.

"SEC. 134. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.

"(a) LOCAL PLAN REQUIRED.—Any eligible recipient desiring financial assistance under this part shall, in accordance with requirements established by the eligible agency (in consultation with such other educational training entities as the eligible agency determines to be appropriate) submit a local plan to the eligible agency. Such local plan shall cover the same period of time as the period of time applicable to the State plan submitted under section 122.

Requirements.

"(b) CONTENTS.—The eligible agency shall determine the requirements for local plans, except that each local plan shall—

"(1) describe how the career and technical education programs required under section 135(b) will be carried out with funds received under this title;

"(2) describe how the career and technical education activities will be carried out with respect to meeting State and local adjusted levels of performance established under section 113;

"(3) describe how the eligible recipient will—

"(A) offer the appropriate courses of not less than 1 of the career and technical programs of study described in section 122(c)(1)(A);

"(B) improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education programs to ensure learning in—

"(i) the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); and

"(ii) career and technical education subjects;

"(C) provide students with strong experience in, and understanding of, all aspects of an industry;

"(D) ensure that students who participate in such career and technical education programs are taught to the same coherent and rigorous content aligned with challenging academic standards as are taught to all other students; and

"(E) encourage career and technical education students at the secondary level to enroll in rigorous and challenging courses in core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965);

"(4) describe how comprehensive professional development (including initial teacher preparation) for career and technical education, academic, guidance, and administrative personnel will be provided that promotes the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education (including curriculum development);

"(5) describe how parents, students, academic and career and technical education teachers, faculty, administrators, career guidance and academic counselors, representatives of tech prep consortia (if applicable), representatives of the entities participating in activities described in section 117 of Public Law 105–220 (if applicable), representatives of business (including small business) and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of career and technical education programs assisted under this title, and how such individuals and entities are effectively informed about, and assisted in understanding, the requirements of this title, including career and technical programs of study;

"(6) provide assurances that the eligible recipient will provide a career and technical education program that is of such size, scope, and quality to bring about improvement in the quality of career and technical education programs;

"(7) describe the process that will be used to evaluate and continuously improve the performance of the eligible recipient;

"(8) describe how the eligible recipient will—

"(A) review career and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations;

"(B) provide programs that are designed to enable the special populations to meet the local adjusted levels of performance; and

"(C) provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage, or high demand occupations that will lead to self-sufficiency;

"(9) describe how individuals who are members of special populations will not be discriminated against on the basis of their status as members of the special populations;

"(10) describe how funds will be used to promote preparation for non-traditional fields;

"(11) describe how career guidance and academic counseling will be provided to career and technical education students,

including linkages to future education and training opportunities; and

"(12) describe efforts to improve—

"(A) the recruitment and retention of career and technical education teachers, faculty, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

"(B) the transition to teaching from business and industry.

20 USC 2355.

"SEC. 135. LOCAL USES OF FUNDS.

"(a) GENERAL AUTHORITY.—Each eligible recipient that receives funds under this part shall use such funds to improve career and technical education programs.

"(b) REQUIREMENTS FOR USES OF FUNDS.—Funds made available to eligible recipients under this part shall be used to support career and technical education programs that—

"(1) strengthen the academic and career and technical skills of students participating in career and technical education programs, by strengthening the academic and career and technical education components of such programs through the integration of academics with career and technical education programs through a coherent sequence of courses, such as career and technical programs of study described in section 122(c)(1)(A), to ensure learning in—

"(A) the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); and

"(B) career and technical education subjects;

"(2) link career and technical education at the secondary level and career and technical education at the postsecondary level, including by offering the relevant elements of not less than 1 career and technical program of study described in section 122(c)(1)(A);

"(3) provide students with strong experience in and understanding of all aspects of an industry, which may include work-based learning experiences;

"(4) develop, improve, or expand the use of technology in career and technical education, which may include—

"(A) training of career and technical education teachers, faculty, and administrators to use technology, which may include distance learning;

"(B) providing career and technical education students with the academic and career 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.

"(c) 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—

"(A) improves graduation rates and provides information on postsecondary and career options, including baccalaureate degree programs, for secondary students, which activities may include the use of graduation and career plans; and

"(B) provides assistance for postsecondary students, including for adult students who are changing careers or updating skills;

"(3) for local education and business (including small business) partnerships, including for—

"(A) work-related experiences for students, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to career and technical education programs;

"(B) adjunct faculty arrangements for qualified industry professionals; and

"(C) industry experience for teachers and faculty;

"(4) to provide programs for special populations;

"(5) to assist career and technical student organizations;

"(6) for mentoring and support services;

"(7) for leasing, purchasing, upgrading or adapting equipment, including instructional aids and publications (including support for library resources) designed to strengthen and support academic and technical skill achievement;

"(8) for teacher preparation programs that address the integration of academic and career and technical education and that assist individuals who are interested in becoming career and technical education teachers and faculty, including individuals with experience in business and industry;

"(9) to develop and expand postsecondary program offerings at times and in formats that are accessible for students, including working students, including through the use of distance education;

"(10) to develop initiatives that facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs, including—

"(A) articulation agreements between sub-baccalaureate degree granting career and technical education postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

"(B) postsecondary dual and concurrent enrollment programs;

"(C) academic and financial aid counseling for subbaccalaureate career and technical education students that informs the students of the opportunities for pursuing a baccalaureate degree and advises the students on how to meet any transfer requirements; and

"(D) other initiatives—

"(i) to encourage the pursuit of a baccalaureate degree; and

"(ii) to overcome barriers to enrollment in and completion of baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

"(11) to provide activities to support entrepreneurship education and training;

"(12) for improving or developing new career and technical education courses, including the development of new proposed career and technical programs of study for consideration by the eligible agency and courses that prepare individuals academically and technically for high skill, high wage, or high demand occupations and dual or concurrent enrollment opportunities by which career and technical education students at the secondary level could obtain postsecondary credit to count towards an associate or baccalaureate degree;

"(13) to develop and support small, personalized career-themed learning communities;

"(14) to provide support for family and consumer sciences programs;

"(15) to provide career and technical education programs for adults and school dropouts to complete the secondary school education, or upgrade the technical skills, of the adults and school dropouts;

"(16) to provide assistance to individuals who have participated in services and activities under this Act in continuing their education or training or finding an appropriate job, such as through referral to the system established under section 121 of Public Law 105–220 (29 U.S.C. 2801 et seq.);

"(17) to support training and activities (such as mentoring and outreach) in non-traditional fields;

"(18) to provide support for training programs in automotive technologies;

"(19) to pool a portion of such funds with a portion of funds available to not less than 1 other eligible recipient for innovative initiatives, which may include—

"(A) improving the initial preparation and professional development of career and technical education teachers, faculty, administrators, and counselors;

"(B) establishing, enhancing, or supporting systems for—

"(i) accountability data collection under this Act; or

"(ii) reporting data under this Act;

"(C) implementing career and technical programs of study described in section 122(c)(1)(A); or

"(D) implementing technical assessments; and

"(20) to support other career and technical education activities that are consistent with the purpose of this Act.

"(d) ADMINISTRATIVE COSTS.—Each eligible recipient receiving funds under this part shall not use more than 5 percent of the funds for administrative costs associated with the administration of activities assisted under this section.

"TITLE II—TECH PREP EDUCATION

"SEC. 201. STATE ALLOTMENT AND APPLICATION. 20 USC 2371.

"(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.

20 USC 2372.

"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.

20 USC 2373.

"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

"(B)(i) a nonprofit institution of higher education that—

"(I)(aa) offers a 2-year associate degree program or a 2-year certificate program; and

"(bb) is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965, including—

"(AA) an institution receiving assistance under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.); and

"(BB) a tribally controlled postsecondary career and technical institution; or

"(II) offers a 2-year apprenticeship program that follows secondary education instruction,

if such nonprofit institution of higher education is not prohibited from receiving assistance under part B of title IV of the Higher Education Act of 1965 pursuant to the provisions of section 435(a)(2) of such Act; or

"(ii) a proprietary institution of higher education that offers a 2-year associate degree program and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965, if such proprietary institution of higher education is not subject to a default management plan required by the Secretary.

"(2) SPECIAL RULE.—In addition, a consortium described in paragraph (1) may include 1 or more—

"(A) institutions of higher education that award a baccalaureate degree; and

"(B) employers (including small businesses), business intermediaries, or labor organizations.

"(b) DURATION.—Each consortium receiving a grant under this title shall use amounts provided under the grant to develop and operate a 4- or 6-year tech prep program described in subsection (c).

"(c) CONTENTS OF TECH PREP PROGRAM.—Each tech prep program shall—

"(1) be carried out under an articulation agreement between the participants in the consortium;

"(2) consist of a program of study that—

"(A) combines—

"(i) a minimum of 2 years of secondary education (as determined under State law); with

"(ii)(I) a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study; or

"(II) an apprenticeship program of not less than 2 years following secondary education instruction; and

"(B) integrates academic and career and technical education instruction, and utilizes work-based and worksite learning experiences where appropriate and available;

"(C) provides technical preparation in a career field, including high skill, high wage, or high demand occupations;

"(D) builds student competence in technical skills and in core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965), as appropriate, through applied, contextual, and integrated instruction, in a coherent sequence of courses;

"(E) leads to technical skill proficiency, an industry-recognized credential, a certificate, or a degree, in a specific career field;

"(F) leads to placement in high skill or high wage employment, or to further education; and

"(G) utilizes career and technical education programs of study, to the extent practicable;

"(3) include the development of tech prep programs for secondary education and postsecondary education that—

"(A) meet academic standards developed by the State;

"(B) link secondary schools and 2-year postsecondary institutions, and if possible and practicable, 4-year institutions of higher education, through—

"(i) nonduplicative sequences of courses in career fields;

"(ii) the use of articulation agreements; and

"(iii) the investigation of opportunities for tech prep secondary education students to enroll concurrently in secondary education and postsecondary education coursework;

"(C) use, if appropriate and available, work-based or worksite learning experiences in conjunction with business and all aspects of an industry; and

"(D) use educational technology and distance learning, as appropriate, to involve all the participants in the consortium more fully in the development and operation of programs;

"(4) include in-service professional development for teachers, faculty, and administrators that—

"(A) supports effective implementation of tech prep programs;

"(B) supports joint training in the tech prep consortium;

"(C) supports the needs, expectations, and methods of business and all aspects of an industry;

"(D) supports the use of contextual and applied curricula, instruction, and assessment;

"(E) supports the use and application of technology; and

"(F) assists in accessing and utilizing data, information available pursuant to section 118, and information on student achievement, including assessments;

"(5) include professional development programs for counselors designed to enable counselors to more effectively—

"(A) provide information to students regarding tech prep programs;

"(B) support student progress in completing tech prep programs, which may include the use of graduation and career plans;

"(C) provide information on related employment opportunities;

"(D) ensure that students are placed in appropriate employment or further postsecondary education;

"(E) stay current with the needs, expectations, and methods of business and all aspects of an industry; and

"(F) provide comprehensive career guidance and academic counseling to participating students, including special populations;

"(6) provide equal access, to the full range of technical preparation programs (including preapprenticeship programs), to individuals who are members of special populations, including the development of tech prep program services appropriate to the needs of special populations;

"(7) provide for preparatory services that assist participants in tech prep programs; and

"(8) coordinate with activities conducted under title I.

"(d) ADDITIONAL AUTHORIZED ACTIVITIES.—Each tech prep program may—

"(1) provide for the acquisition of tech prep program equipment;

"(2) acquire technical assistance from State or local entities that have designed, established, and operated tech prep programs that have effectively used educational technology and distance learning in the delivery of curricula and services;

"(3) establish articulation agreements with institutions of higher education, labor organizations, or businesses located inside or outside the State and served by the consortium, especially with regard to using distance learning and educational technology to provide for the delivery of services and programs;

"(4) improve career guidance and academic counseling for participating students through the development and implementation of graduation and career plans; and

"(5) develop curriculum that supports effective transitions between secondary and postsecondary career and technical education programs.

"(e) INDICATORS OF PERFORMANCE AND ACCOUNTABILITY.—

"(1) IN GENERAL.—Each consortium shall establish and report to the eligible agency indicators of performance for each tech prep program for which the consortium receives a grant under this title. The indicators of performance shall include the following: Reports.

"(A) The number of secondary education tech prep students and postsecondary education tech prep students served.

"(B) The number and percent of secondary education tech prep students enrolled in the tech prep program who—

"(i) enroll in postsecondary education;

"(ii) enroll in postsecondary education in the same field or major as the secondary education tech prep students were enrolled at the secondary level;

"(iii) complete a State or industry-recognized certification or licensure;

"(iv) successfully complete, as a secondary school student, courses that award postsecondary credit at the secondary level; and

"(v) enroll in remedial mathematics, writing, or reading courses upon entering postsecondary education.

"(C) The number and percent of postsecondary education tech prep students who—

"(i) are placed in a related field of employment not later than 12 months after graduation from the tech prep program;

"(ii) complete a State or industry-recognized certification or licensure;

"(iii) complete a 2-year degree or certificate program within the normal time for completion of such program; and

"(iv) complete a baccalaureate degree program within the normal time for completion of such program.

"(2) NUMBER AND PERCENT.—For purposes of subparagraphs (B) and (C) of paragraph (1), the numbers and percentages shall be determined separately with respect to each clause of each such subparagraph.

"SEC. 204. CONSORTIUM APPLICATIONS. 20 USC 2374.

"(a) IN GENERAL.—Each consortium that desires to receive a grant under this title shall submit an application to the eligible agency at such time and in such manner as the eligible agency shall require.

"(b) PLAN.—Each application submitted under this section shall contain a 6-year plan for the development and implementation of tech prep programs under this title, which plan shall be reviewed after the second year of the plan.

"(c) APPROVAL.—The eligible agency shall approve applications under this title based on the potential of the activities described in the application to create an effective tech prep program.

"(d) SPECIAL CONSIDERATION.—The eligible agency, as appropriate, shall give special consideration to applications that—

"(1) provide for effective employment placement activities or the transfer of students to baccalaureate or advanced degree programs;

"(2) are developed in consultation with business, industry, institutions of higher education, and labor organizations;

"(3) address effectively the issues of school dropout prevention and reentry, and the needs of special populations;

"(4) provide education and training in an area or skill, including an emerging technology, in which there is a significant workforce shortage based on the data provided by the eligible entity in the State under section 118;

"(5) demonstrate how tech prep programs will help students meet high academic and employability competencies; and

"(6) demonstrate success in, or provide assurances of, coordination and integration with eligible recipients described in part C of title I.

"(e) PERFORMANCE LEVELS.—

"(1) IN GENERAL.—Each consortium receiving a grant under this title shall enter into an agreement with the eligible agency to meet a minimum level of performance for each of the performance indicators described in sections 113(b) and 203(e).

"(2) RESUBMISSION OF APPLICATION; TERMINATION OF FUNDS.—An eligible agency—

"(A) shall require consortia that do not meet the performance levels described in paragraph (1) for 3 consecutive years to resubmit an application to the eligible agency for a tech prep program grant; and

"(B) may choose to terminate the funding for the tech prep program for a consortium that does not meet the performance levels described in paragraph (1) for 3 consecutive years, including when the grants are made on the basis of a formula determined by the eligible agency.

"(f) EQUITABLE DISTRIBUTION OF ASSISTANCE.—In awarding grants under this title, the eligible agency shall ensure an equitable distribution of assistance between or among urban and rural participants in the consortium.

20 USC 2375.

"SEC. 205. REPORT.

"Each eligible agency that receives an allotment under this title annually shall prepare and submit to the Secretary a report on the effectiveness of the tech prep programs assisted under this title, including a description of how grants were awarded within the State.

20 USC 2376.

"SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2007 and each of the 5 succeeding fiscal years.

"TITLE III—GENERAL PROVISIONS

"PART A—FEDERAL ADMINISTRATIVE PROVISIONS

20 USC 2391.

"SEC. 311. FISCAL REQUIREMENTS.

"(a) SUPPLEMENT NOT SUPPLANT.—Funds made available under this Act for career and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out career and technical education activities and tech prep program activities.

"(b) MAINTENANCE OF EFFORT.—

"(1) DETERMINATION.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no payments shall be made under this Act for any fiscal year to a State for career and technical education programs or tech prep programs unless the Secretary determines that the fiscal effort per student or the aggregate expenditures of such State for career and technical education programs for the fiscal year preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for career and technical education programs for the second fiscal year preceding the fiscal year for which the determination is made.

"(B) COMPUTATION.—In computing the fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary shall exclude capital expenditures, special 1-time project costs, and the cost of pilot programs.

"(C) DECREASE IN FEDERAL SUPPORT.—If the amount made available for career and technical education programs under this Act for a fiscal year is less than the amount made available for career and technical education programs under this Act for the preceding fiscal year, then the fiscal effort per student or the aggregate expenditures of a State required by subparagraph (A) for the preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

"(2) WAIVER.—The Secretary may waive the requirements of this section, with respect to not more than 5 percent of expenditures by any eligible agency for 1 fiscal year only, on making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the eligible agency to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort or aggregate expenditures required under this section for years subsequent to the year covered by such waiver. The fiscal effort or aggregate expenditures for the subsequent years shall be computed on the basis of the level of funding that would, but for such waiver, have been required.

"SEC. 312. AUTHORITY TO MAKE PAYMENTS. 20 USC 2392.

"Any authority to make payments or to enter into contracts under this Act shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.

"SEC. 313. CONSTRUCTION. 20 USC 2393.

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of a private, religious, or home school, regardless of whether a home school is treated as a private school or home school under State law. This section shall not be construed to bar students attending private, religious, or home schools from participation in programs or services under this Act.

"SEC. 314. VOLUNTARY SELECTION AND PARTICIPATION. 20 USC 2394.

"No funds made available under this Act shall be used—

"(1) to require any secondary school student to choose or pursue a specific career path or major; or

"(2) to mandate that any individual participate in a career and technical education program, including a career and technical education program that requires the attainment of a federally funded skill level, standard, or certificate of mastery.

20 USC 2395.

"SEC. 315. LIMITATION FOR CERTAIN STUDENTS.

"No funds received under this Act may be used to provide career and technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under this Act may be used by such students.

20 USC 2396.

"SEC. 316. FEDERAL LAWS GUARANTEEING CIVIL RIGHTS.

"Nothing in this Act shall be construed to be inconsistent with applicable Federal law prohibiting discrimination on the basis of race, color, sex, national origin, age, or disability in the provision of Federal programs or services.

20 USC 2397.

"SEC. 317. PARTICIPATION OF PRIVATE SCHOOL PERSONNEL AND CHILDREN.

"(a) PERSONNEL.—An eligible agency or eligible recipient that uses funds under this Act for in-service and preservice career and technical education professional development programs for career and technical education teachers, administrators, and other personnel shall, to the extent practicable, upon written request, permit the participation in such programs of career and technical education secondary school teachers, administrators, and other personnel in nonprofit private schools offering career and technical secondary education programs located in the geographical area served by such eligible agency or eligible recipient.

"(b) STUDENT PARTICIPATION.—

"(1) STUDENT PARTICIPATION.—Except as prohibited by State or local law, an eligible recipient may, upon written request, use funds made available under this Act to provide for the meaningful participation, in career and technical education programs and activities receiving funding under this Act, of secondary school students attending nonprofit private schools who reside in the geographical area served by the eligible recipient.

"(2) CONSULTATION.—An eligible recipient shall consult, upon written request, in a timely and meaningful manner with representatives of nonprofit private schools in the geographical area served by the eligible recipient described in paragraph (1) regarding the meaningful participation, in career and technical education programs and activities receiving funding under this Act, of secondary school students attending nonprofit private schools.

20 USC 2398.

"SEC. 318. LIMITATION ON FEDERAL REGULATIONS.

"The Secretary may issue regulations under this Act only to the extent necessary to administer and ensure compliance with the specific requirements of this Act.

"PART B—STATE ADMINISTRATIVE PROVISIONS

"SEC. 321. JOINT FUNDING. 20 USC 2411.

"(a) GENERAL AUTHORITY.—Funds made available to eligible agencies under this Act may be used to provide additional funds under an applicable program if—

"(1) such program otherwise meets the requirements of this Act and the requirements of the applicable program;

"(2) such program serves the same individuals that are served under this Act;

"(3) such program provides services in a coordinated manner with services provided under this Act; and

"(4) such funds are used to supplement, and not supplant, funds provided from non-Federal sources.

"(b) APPLICABLE PROGRAM.—For the purposes of this section, the term 'applicable program' means any program under any of the following provisions of law:

"(1) Chapters 4 and 5 of subtitle B of title I of Public Law 105–220.

"(2) The Wagner-Peyser Act.

"(c) USE OF FUNDS AS MATCHING FUNDS.—For the purposes of this section, the term 'additional funds' does not include funds used as matching funds.

"SEC. 322. PROHIBITION ON USE OF FUNDS TO INDUCE OUT-OF-STATE RELOCATION OF BUSINESSES. 20 USC 2412.

"No funds provided under this Act shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another State if such relocation will result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

"SEC. 323. STATE ADMINISTRATIVE COSTS. 20 USC 2413.

"(a) GENERAL RULE.—Except as provided in subsection (b), for each fiscal year for which an eligible agency receives assistance under this Act, the eligible agency shall provide, from non-Federal sources for the costs the eligible agency incurs for the administration of programs under this Act, an amount that is not less than the amount provided by the eligible agency from non-Federal sources for such costs for the preceding fiscal year.

"(b) EXCEPTION.—If the amount made available from Federal sources for the administration of programs under this Act for a fiscal year (referred to in this section as the 'determination year') is less than the amount made available from Federal sources for the administration of programs under this Act for the preceding fiscal year, then the amount the eligible agency is required to provide from non-Federal sources for costs the eligible agency incurs for the administration of programs under this Act for the determination year under subsection (a) shall bear the same ratio to the amount the eligible agency provided from non-Federal sources for such costs for the preceding fiscal year, as the amount made available from Federal sources for the administration of programs under this Act for the determination year bears to the amount made available from Federal sources for the administration of programs under this Act for the preceding fiscal year.

20 USC 2414.

"SEC. 324. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.

"(a) ATTENDANCE COSTS NOT TREATED AS INCOME OR RESOURCES.—The portion of any student financial assistance received under this Act that is made available for attendance costs described in subsection (b) shall not be considered as income or resources in determining eligibility for assistance under any other program funded in whole or in part with Federal funds.

"(b) ATTENDANCE COSTS.—The attendance costs described in this subsection are—

"(1) tuition and fees normally assessed a student carrying an academic workload as determined by the institution, and including costs for rental or purchase of any equipment, materials, or supplies required of all students in that course of study; and

"(2) an allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.

"(c) COSTS OF CAREER AND TECHNICAL EDUCATION SERVICES.—Funds made available under this Act may be used to pay for the costs of career and technical education services required in an individualized education program developed pursuant to section 614(d) of the Individuals with Disabilities Education Act and services necessary to meet the requirements of section 504 of the Rehabilitation Act of 1973 with respect to ensuring equal access to career and technical education.".

SEC. 2. TECHNICAL AMENDMENTS TO OTHER LAWS.

(a) IMMIGRATION AND NATIONALITY ACT.—Section 245A(h)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(C)) is amended by striking "Carl D. Perkins Vocational and Technical Education Act of 1998" and inserting "The Carl D. Perkins Career and Technical Education Act of 2006".

(b) TRADE ACT OF 1974.—The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended—

(1) in section 231(c)(1)(F) (19 U.S.C. 2291(c)(1)(F))—

(A) by striking "area vocational education schools" and inserting "area career and technical education schools"; and

(B) by striking "Carl D. Perkins Vocational and Technical Education Act of 1998" and inserting "Carl D. Perkins Career and Technical Education Act of 2006"; and

(2) in section 236(a)(1)(D) (19 U.S.C. 2296(a)(1)(D)), by striking "area vocational" and all that follows through "Act of 1963" and inserting "area career and technical education schools, as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006".

(c) HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 102(a)(3)(A) (20 U.S.C. 1002(a)(3)(A))—

(A) by striking "section 521(4)(C)" and inserting "section 3(3)(C)"; and

(B) by striking "Carl D. Perkins Vocational and Applied Technology Education Act" and inserting "Carl D. Perkins Career and Technical Education Act of 2006"; and

(2) in section 484(l)(1)(B)(i) (20 U.S.C. 1091(l)(1)(B)(i)), by striking "section 521(4)(C) of the Carl D. Perkins Vocational

and Technical Education Act of 1998" and inserting "section 3(C) of the Carl D. Perkins Career and Technical Education Act of 2006".

(d) EDUCATION FOR ECONOMIC SECURITY ACT.—Section 3(1) of the Education for Economic Security Act (20 U.S.C. 3902(1)) is amended—

(1) by striking "area vocational education school" and inserting "area career and technical education school"; and

(2) by striking "section 521(3) of the Carl D. Perkins Vocational Educational Act.." and inserting "section 3(3) of the Carl D. Perkins Career and Technical Education Act of 2006.".

(e) EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999.—Section 4(b)(2) of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b(b)(2)) is amended by striking "Carl D. Perkins Vocational and Technical Education Act of 1998" and inserting "Carl D. Perkins Career and Technical Education Act of 2006".

(f) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 1111(a)(1) (20 U.S.C. 6311(a)(1)), by striking "Carl D. Perkins Vocational and Technical Education Act of 1998" and inserting "Carl D. Perkins Career and Technical Education Act of 2006";

(2) in section 1112(a)(1) (20 U.S.C. 6312(a)(1)), by striking "Carl D. Perkins Vocational and Technical Education Act of 1998" and inserting "Carl D. Perkins Career and Technical Education Act of 2006";

(3) in section 1114(b)(2)(B)(v) (20 U.S.C. 6314(b)(2)(B)(v)), by striking "Carl D. Perkins Vocational and Technical Education Act of 1998" and inserting "the Carl D. Perkins Career and Technical Education Act of 2006"; and

(4) in section 7115(b)(5) (20 U.S.C. 7425(b)(5)), by striking "Carl D. Perkins Vocational and Technical Education Act of 1998" and inserting "Carl D. Perkins Career and Technical Education Act of 2006".

(g) WAGNER-PEYSER ACT.—Section 15(f) of the Wagner-Peyser Act (29 U.S.C. 49l–2(f)) is amended by striking "Carl D. Perkins Vocational and Applied Technology Education Act" and inserting "Carl D. Perkins Career and Technical Education Act of 2006".

(h) PUBLIC LAW 105–220.—Public Law 105–220 is amended—

(1) in section 101(3) (29 U.S.C. 2801(3))—

(A) by striking "given the term" and inserting "given the term 'area career and technical education school'"; and

(B) by striking "Carl D. Perkins Vocational and Technical Education Act of 1998" and inserting "Carl D. Perkins Career and Technical Education Act of 2006";

(2) in section 101(50) (29 U.S.C. 2801(50)), by striking "given" and all that follows through the period at the end and inserting "given the term 'career and technical education' in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006.";

(3) in section 111(d)(3) (29 U.S.C. 2821(d)(3)), by striking "section 113(b)(14) of the Carl D. Perkins Vocational and Applied Technology Education Act" and inserting "section 113(b)(3) of the Carl D. Perkins Career and Technical Education Act of 2006";

(4) in section 112(b)(8)(A)(iii) (29 U.S.C. 2822(b)(8)(A)(iii))—

(A) by striking "postsecondary vocational education activities" and inserting "career and technical education activities at the postsecondary level"; and

(B) by striking "Carl D. Perkins Vocational and Applied Technology Education Act" and inserting "Carl D. Perkins Career and Technical Education Act of 2006";

(5) in section 121(b)(1)(B)(vii) (29 U.S.C. 2841(b)(1)(B)(vii))—

(A) by striking "postsecondary vocational education activities" and inserting "career and technical education activities at the postsecondary level"; and

(B) by striking "Carl D. Perkins Vocational and Applied Technology Education Act" and inserting "Carl D. Perkins Career and Technical Education Act of 2006";

(6) in section 134(d)(2)(F) (29 U.S.C. 2864(d)(2)(F)), by striking "postsecondary vocational" and all that follows through "Education Act" and inserting "career and technical education activities at the postsecondary level, and career and technical education activities available to school dropouts, under the Carl D. Perkins Career and Technical Education Act of 2006";

(7) in section 501(b)(2)(A) (20 U.S.C. 9271(b)(2)(A))—

(A) by striking "secondary vocational education programs" and inserting "career and technical education programs at the secondary level"; and

(B) by striking "Carl D. Perkins Vocational and Applied Technology Education Act" and inserting "Carl D. Perkins Career and Technical Education Act of 2006";

(8) in section 501(b)(2)(B) (20 U.S.C. 9271(b)(2)(B))—

(A) by striking "postsecondary vocational education programs" and inserting "career and technical education programs at the postsecondary level"; and

(B) by striking "Carl D. Perkins Vocational and Applied Technology Education Act" and inserting "Carl D. Perkins Career and Technical Education Act of 2006"; and

(9) in section 501(d)(2)(B) (20 U.S.C. 9271(d)(2)(B)), by striking "Carl D. Perkins Vocational and Applied Technology Education Act" and inserting "Carl D. Perkins Career and Technical Education Act of 2006".

(i) TITLE 31.—Section 6703(a)(12) of title 31, United States Code, is amended by striking "Carl D. Perkins Vocational and Applied Technology Education Act" and inserting "Carl D. Perkins Career and Technical Education Act of 2006".

(j) TITLE 40.—Section 14507(a)(1)(A)(iv) of title 40, United States Code, is amended by striking "Carl D. Perkins Vocational and Technical Education Act of 1998" and inserting "Carl D. Perkins Career and Technical Education Act of 2006".

(k) OLDER AMERICANS ACT OF 1965.—The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(1) in section 502(b)(1)(N)(i) (42 U.S.C. 3056(b)(1)(N)(i)), by striking "Carl D. Perkins Vocational and Technical Education Act of 1998" and inserting "Carl D. Perkins Career and Technical Education Act of 2006";

(2) in section 503(b)(2) (42 U.S.C. 3056a(b)(2)), by striking "Carl D. Perkins Vocational and Technical Education Act of 1998" each place that term appears and inserting "Carl D. Perkins Career and Technical Education Act of 2006"; and

(3) in section 505(c)(2) (42 U.S.C. 3056c(c)(2)), by striking "Vocational and Technical Education Act of 1998" and inserting "Career and Technical Education Act of 2006".

(l) COMPACT OF FREE ASSOCIATION AMENDMENTS ACT OF 2003.—Section 105(f)(1)(B)(iii) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(iii)) is amended by striking "Carl D. Perkins Vocational and Technical Education Act of 1998" and inserting "Carl D. Perkins Career and Technical Education Act of 2006".

Approved August 12, 2006.

LEGISLATIVE HISTORY—S. 250 (H.R. 366):

HOUSE REPORTS: Nos. 109–25 accompanying H.R. 366 (Comm. on Education and the Workforce) and 109–597 (Comm. of Conference).

SENATE REPORTS: No. 109–65 (Comm. on Health, Education, Labor, and Pensions).

CONGRESSIONAL RECORD:

Vol. 151 (2005): Mar. 10, considered and passed Senate.

Vol. 152 (2006): July 12, considered and passed House, amended, in lieu of H.R. 366.

July 26, Senate agreed to conference report.

July 27, 28, House considered and agreed to conference report.