

109TH CONGRESS
1ST SESSION

H. R. 366

AN ACT

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

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Vocational and Tech-
3 nical Education for the Future Act”.

4 **SEC. 2. REFERENCES.**

5 Wherever in this Act an amendment is expressed in
6 terms of an amendment to or repeal of a section or other
7 provision, the amendment or repeal shall be considered to
8 be made to a section or other provision of the Carl D.
9 Perkins Vocational and Technical Education Act of 1998
10 (20 U.S.C. 2301 et seq.).

11 **SEC. 3. PURPOSES AND DEFINITIONS.**

12 (a) **PURPOSES.**—Section 2(2) (20 U.S.C. 2301(2)) is
13 amended by inserting “rigorous and challenging” after
14 “integrate”.

15 (b) **DEFINITIONS.**—Section 3 (20 U.S.C. 2302) is
16 amended—

17 (1) by striking paragraph (26) and redesign-
18 ating paragraphs (21) through (25) as paragraphs
19 (23) through (27), and paragraphs (27) through
20 (30) as paragraphs (29) through (32), respectively;

21 (2) by redesignating paragraphs (4) through
22 (20) as paragraphs (5) through (21), respectively,
23 and inserting after paragraph (3) the following:

24 “(4) **ARTICULATION AGREEMENT.**—The term
25 ‘articulation agreement’ means a written commit-
26 ment, agreed upon at the State level or approved an-

1 nually and facilitated by the lead administrators of
2 the secondary and postsecondary consortia members
3 as described in section 135(b)(3)(A), to provide a
4 program designed to provide students with a non-
5 duplicative sequence of progressive achievements
6 leading to degrees, certificates, or credentials in a
7 tech-prep education program linked through credit
8 transfer agreements.”;

9 (3) in paragraph (5) (as so redesignated), by
10 inserting “to students (and parents, as appro-
11 priate)” after “providing access”;

12 (4) in paragraph (6) (as so redesignated), by
13 striking “section 5206” and inserting “section
14 5210”;

15 (5) in paragraph (7) (as so redesignated)—

16 (A) by striking “method of instruction”
17 and inserting “method”; and

18 (B) by inserting “rigorous and chal-
19 lenging” after “required”;

20 (6) in paragraph (11)(A) (as so redesignated),
21 by striking “an” and inserting “a public or non-
22 profit private”;

23 (7) in paragraph (18) (as so redesignated)—

1 (A) in the paragraph heading, by striking
2 “TRAINING AND EMPLOYMENT” and inserting
3 “FIELDS”;

4 (B) by striking “training and employment”
5 and inserting “fields”; and

6 (C) by inserting “current and” after “tech-
7 nology, and other”;

8 (8) in paragraph (19) (as so redesignated), by
9 striking “the Republic of the Marshall Islands, the
10 Federated States of Micronesia,”;

11 (9) by inserting after paragraph (21) (as so re-
12 designated) the following:

13 “(22) SCIENTIFICALLY BASED RESEARCH.—
14 The term ‘scientifically based research’ has the
15 meaning given that term in section 9101(37) of the
16 Elementary and Secondary Education Act of 1965
17 (20 U.S.C. 7801(37)).”;

18 (10) in paragraph (25) (as so redesignated)—

19 (A) in subparagraph (C), by striking
20 “training and employment” and inserting
21 “fields”;

22 (B) in subparagraph (E), by striking
23 “and”;

24 (C) in subparagraph (F)—

1 (i) by striking “individuals with other
2 barriers to educational achievement, in-
3 cluding”; and

4 (ii) by striking the period and insert-
5 ing “; and”; and

6 (D) by inserting after subparagraph (F)
7 the following:

8 “(G) individuals with other barriers to edu-
9 cational achievement, as determined by the
10 State.”;

11 (11) by inserting after paragraph (27) (as so
12 redesignated) the following:

13 “(28) SUPPORTIVE SERVICES.—The term ‘sup-
14 portive services’ means services such as transpor-
15 tation, child care, dependent care, and needs-based
16 payments, that are necessary to enable an individual
17 to participate in activities authorized under this
18 Act.”;

19 (12) in paragraph (29) (as so redesignated), by
20 striking “section 2” and inserting “section 2(a)(4)”;

21 (13) in paragraph (30) (as so redesignated)—

22 (A) by inserting “of subsection (a)” after
23 “paragraph (2)”; and

1 (B) by striking “paragraph (5)(A) of such
2 section” and inserting “paragraph (5)(A) of
3 such subsection”; and

4 (14) by amending paragraph (31)(A) (as so re-
5 designated) to read as follows:

6 “(A) offer a sequence of courses that—

7 “(i) provides individuals with the rig-
8 orous and challenging academic and tech-
9 nical knowledge and skills the individuals
10 need to prepare for further education and
11 for careers (other than careers requiring a
12 master’s or doctoral degree) in current or
13 emerging employment sectors;

14 “(ii) may include the provision of
15 skills or courses necessary to enroll in a se-
16 quence of courses that meet the require-
17 ments of this subparagraph; and

18 “(iii) provides, at the postsecondary
19 level, for a 1-year certificate, an associate
20 degree, or industry-recognized credential;
21 and”.

22 **SEC. 4. TRANSITION PROVISIONS.**

23 Section 4 (20 U.S.C. 2303) is amended—

24 (1) by striking “the Carl D. Perkins Vocational
25 and Applied Technology Education Act” and insert-

1 ing “the ‘Carl D. Perkins Vocational and Technical
2 Education Act of 1998’ ”; and

3 (2) by striking “the Carl D. Perkins Vocational
4 and Applied Technology Education Amendments of
5 1998” and inserting “the Vocational and Technical
6 Education for the Future Act. Each eligible agency
7 shall be assured 1 full fiscal year for transition, to
8 plan for and implement the requirements of this
9 Act”.

10 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 8 (20 U.S.C. 2307) is amended to read as
12 follows:

13 **“SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

14 “There is authorized to be appropriated to carry out
15 this Act (other than subsection (a), (b), and (c) of section
16 114, and sections 117 and 118) \$1,307,000,000 for fiscal
17 year 2006 and such sums as may be necessary for each
18 of fiscal years 2007 through 2011.”.

19 **SEC. 6. PROHIBITIONS.**

20 (a) IN GENERAL.—The Carl D. Perkins Vocational
21 and Technical Education Act of 1998 (20 U.S.C. 2301
22 et seq.) is amended by adding after section 8 the following
23 new section:

1 **“SEC. 9. PROHIBITIONS.**

2 “(a) LOCAL CONTROL.—Nothing in this Act shall be
3 construed to authorize an officer or employee of the Fed-
4 eral government to mandate, direct, or control a State,
5 local educational agency, or school’s curriculum, program
6 of instruction, or allocation of State or local resources, or
7 mandate a State or any subdivision thereof to spend any
8 funds or incur any costs not paid for under this Act.

9 “(b) NO PRECLUSION OF OTHER ASSISTANCE.—Any
10 State that declines to submit an application to the Sec-
11 retary for assistance under this Act shall not be precluded
12 from applying for assistance under any other program ad-
13 ministered by the Secretary.

14 “(c) PROHIBITION ON REQUIRING FEDERAL AP-
15 PROVAL OR CERTIFICATION OF STANDARDS.—Notwith-
16 standing any other provision of Federal law, no State shall
17 be required to have academic and vocational and technical
18 content or student academic and vocational and technical
19 achievement standards approved or certified by the Fed-
20 eral government, in order to receive assistance under this
21 Act.

22 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion shall be construed to affect the requirements under
24 section 113.”.

1 (b) TABLE OF CONTENTS AMENDMENT.—The table
2 of contents in section 1(b) is amended by inserting after
3 the item relating to section 8 the following:

“Sec. 9. Prohibitions.”.

4 **SEC. 7. ALLOTMENT AND ALLOCATION TO STATES.**

5 (a) ALLOTMENT FOR NATIONAL ACTIVITIES FOR
6 2006.—Section 111(a)(1) (20 U.S.C. 2321(a)(1)) is
7 amended to read as follows:

8 “(1) RESERVATIONS.—From the sum appro-
9 priated under section 8 for each fiscal year, the Sec-
10 retary shall reserve—

11 “(A) 0.12 percent to carry out section 115;

12 “(B) 1.50 percent to carry out section 116,

13 of which—

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

16 “(ii) 0.25 percent of the sum shall be
17 available to carry out section 116(h); and

18 “(C) 0.54 percent to carry out section
19 114(d).”.

20 (b) MINIMUM ALLOTMENTS.—Section 111(a) (20
21 U.S.C. 2321(a)) is further amended—

22 (1) in paragraph (3), by striking “(or in the
23 case of fiscal year 1999” and all that follows
24 through “Amendments of 1998)” each place it ap-
25 pears and inserting “(or in the case of fiscal year

1 2006 only, under this section and under title II of
2 this Act, as such section and title were in effect on
3 the day before the date of enactment of the Voca-
4 tional and Technical Education for the Future
5 Act)”; and

6 (2) by amending paragraph (4)(A) to read as
7 follows:

8 “(A) IN GENERAL.—No State shall receive
9 an allotment under this section for a fiscal year
10 that is less than the allotment the State re-
11 ceived for fiscal year 2005 under this section
12 and under title II of this Act (as such section
13 and title were in effect on the day before the
14 date of enactment of the Vocational and Tech-
15 nical Education for the Future Act).”.

16 (c) WITHIN STATE ALLOCATION.—Section 112 (20
17 U.S.C. 2322) is amended—

18 (1) by amending subsection (a) to read as fol-
19 lows:

20 “(a) ALLOCATION FORMULA.—From the amount al-
21 lotted to each State under section 111 for a fiscal year,
22 the State board (hereinafter referred to as the ‘eligible
23 agency’) shall allocate such amount as follows:

24 “(1) Subject to paragraph (4), not less than 88
25 percent shall be made available for distribution

1 under section 131 or 132, of which the eligible agen-
2 cy shall first make available for the activities de-
3 scribed in section 135(b)(3) an amount equal to the
4 amount allotted in fiscal year 2005 to such eligible
5 agency under title II of this Act (as such title was
6 in effect on the day before the date of enactment of
7 the Vocational and Technical Education for the Fu-
8 ture Act), reduced by the percentage by which the
9 amount allotted to the State under section 111 for
10 the fiscal year is less than the amount allotted under
11 such section to such State for fiscal year 2005. Of
12 the remainder of the 88 percent, not more than 10
13 percent may be used in accordance with subsection
14 (c).

15 “(2) Subject to paragraph (4), not more than
16 10 percent shall be made available to carry out State
17 leadership activities described in section 124, of
18 which—

19 “(A) an amount equal to not more than 1
20 percent of the amount allotted to the State
21 under section 111 for the fiscal year shall be
22 made available to serve individuals in State in-
23 stitutions, such as State correctional institu-
24 tions and institutions that serve individuals
25 with disabilities; and

1 “(B) not less than \$60,000 and not more
2 than \$150,000 shall be available for services
3 that prepare individuals for nontraditional
4 fields.

5 “(3) An amount equal to not more than 2 per-
6 cent, or \$250,000, whichever is greater, shall be
7 made available for administration of the State plan,
8 which may be used for the costs of—

9 “(A) developing the State plan;

10 “(B) reviewing the local plan;

11 “(C) monitoring and evaluating program
12 effectiveness;

13 “(D) assuring compliance with all applica-
14 ble Federal laws; and

15 “(E) providing technical assistance.

16 “(4) If the amount allocated for any fiscal year
17 under paragraph (2) shall be less than the amount
18 allocated under such paragraph for fiscal year 2005,
19 additional amounts may be made available from the
20 amount allocated under paragraph (1) for the pur-
21 poses described in paragraph (2). If such additional
22 amounts are made available under this paragraph,
23 the percentage of the total amount allotted under
24 section 111 that is allocated for the purposes de-
25 scribed in paragraph (2) shall not exceed the per-

1 centage of the total amount allotted under section
2 111 for fiscal year 2005 that was allocated under
3 paragraph (2) for fiscal year 2005.”; and

4 (2) in subsection (c)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (B), by striking
7 the semicolon and inserting “; and”;

8 (ii) in subparagraph (C), by striking
9 “; and” and inserting a period; and

10 (iii) by striking subparagraph (D);

11 and

12 (B) in paragraph (2), by striking “through
13 (D)” and inserting “through (C)”.

14 **SEC. 8. ACCOUNTABILITY.**

15 (a) PURPOSE.—Section 113(a) (20 U.S.C. 2323(a))

16 is amended—

17 (1) by striking “establish a State” and insert-
18 ing “support a State and local”; and

19 (2) by inserting “and its eligible recipients”
20 after “effectiveness of the State”.

21 (b) STATE PERFORMANCE MEASURES.—Section
22 113(b) (20 U.S.C. 2323(b)) is amended—

23 (1) in paragraph (2)—

1 (A) by redesignating subparagraphs (B)
2 through (D) as subparagraphs (C) through (E),
3 respectively;

4 (B) in subparagraph (A)—

5 (i) in the subparagraph heading, by
6 inserting “FOR SECONDARY STUDENTS”
7 after “PERFORMANCE”;

8 (ii) by inserting “of secondary stu-
9 dents that are, to the extent practicable,
10 valid and reliable and” after “indicators of
11 performance”;

12 (iii) in clause (i), by striking “State
13 established academic,” and inserting “aca-
14 demic content and achievement standards,
15 as established by the State under section
16 1111(b)(1) of the Elementary and Sec-
17 ondary Education Act of 1965 (20 U.S.C.
18 6311(b)(1)),”;

19 (iv) in clause (ii)—

20 (I) by striking “or its recognized
21 equivalent,” and inserting “, General
22 Education Development credential
23 (GED), or other State-recognized
24 equivalent (including recognized alter-

1 native standards for individuals with
2 disabilities), or”; and

3 (II) by striking “, or a postsec-
4 ondary degree or credential”;

5 (v) by amending clause (iii) to read as
6 follows:

7 “(iii) Student graduation rates (as de-
8 scribed in section 1111(b)(2)(C)(vi) of the
9 Elementary and Secondary Education Act
10 of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)).”;

11 (vi) by redesignating clause (iv) as
12 clause (v) and inserting after clause (iii)
13 the following:

14 “(iv) Placement in postsecondary edu-
15 cation or advanced training, placement in
16 military service, or placement in employ-
17 ment.”; and

18 (vii) in clause (v) (as so redesignated),
19 by striking “training and employment”
20 and inserting “fields”;

21 (C) by inserting after subparagraph (A)
22 the following:

23 “(B) CORE INDICATORS OF PERFORMANCE
24 FOR POSTSECONDARY STUDENTS.—Each eligi-
25 ble agency shall identify in the State plan core

1 indicators of performance of postsecondary stu-
2 dents that are, to the extent practicable, valid
3 and reliable, and that include, at a minimum,
4 measures of each of the following:

5 “(i) Student attainment of challenging
6 academic and vocational and technical skill
7 proficiencies.

8 “(ii) Student retention in postsec-
9 ondary education, attainment of an asso-
10 ciate degree or postsecondary credential, or
11 transfer to a baccalaureate degree pro-
12 gram.

13 “(iii) Placement in military service or
14 placement or retention in employment.

15 “(iv) Student participation in and
16 completion of vocational and technical edu-
17 cation programs in nontraditional fields.”;

18 (D) in subparagraph (C) (as so redesign-
19 ated), by striking “under the title” and insert-
20 ing “under this title”; and

21 (E) in subparagraph (D) (as so redesign-
22 ated), by inserting “vocational and technical
23 education” after “has developed State”; and

24 (2) in paragraph (3)—

1 (A) by amending the paragraph heading to
2 read as follows:

3 “(3) STATE LEVELS OF PERFORMANCE.—”;

4 and

5 (B) in subparagraph (A)—

6 (i) in clause (i)—

7 (I) by striking “paragraph
8 (2)(A)” and inserting “subparagraphs
9 (A) and (B) of paragraph (2)”; and

10 (II) in subclause (II), by striking
11 “to continually” and all that follows
12 through “performance”, and inserting
13 “to make continuous and substantial
14 improvement in the academic and vo-
15 cational and technical achievement”;

16 (ii) by amending clause (v) to read as
17 follows:

18 “(v) AGREEMENT ON STATE AD-
19 JUSTED LEVELS OF PERFORMANCE FOR
20 SUBSEQUENT YEARS.—

21 “(I) 3RD AND 4TH PROGRAM
22 YEARS.—Prior to the third program
23 year covered by the State plan, the
24 Secretary and each eligible agency
25 shall reach agreement on the State

1 adjusted levels of performance for
2 each of the core indicators of perform-
3 ance for the third and fourth pro-
4 grams years covered by the State
5 plan, taking into account the factors
6 described in clause (vi).

7 “(II) 5TH AND 6TH PROGRAM
8 YEARS.—Prior to the fifth program
9 year covered by the State plan, the
10 Secretary and each eligible agency
11 shall reach agreement on the State
12 adjusted levels of performance for
13 each of the core indicators of perform-
14 ance for the fifth and sixth programs
15 years covered by the State plan, tak-
16 ing into account the factors described
17 in clause (vi).

18 “(III) AGREEMENTS INCOR-
19 PORATED INTO STATE PLAN.—The
20 State adjusted levels of performance
21 agreed to under this clause shall be
22 considered the State adjusted levels of
23 performance for the State for such
24 years and shall be incorporated into
25 the State plan.”;

1 (iii) in clause (vi)(II), by inserting
 2 “and substantial” after “continuous”; and
 3 (iv) in clause (vii)—
 4 (I) by striking “clause (vi)(II)”
 5 and inserting “clause (vi)”; and
 6 (II) by striking “under clause
 7 (iii) or (vi)” and inserting “under
 8 clause (iii) or (v)”.

9 (c) LOCAL LEVELS OF PERFORMANCE.—Section
 10 113(b) is further amended by adding at the end the fol-
 11 lowing:

12 “(4) LOCAL LEVELS OF PERFORMANCE.—
 13 “(A) LOCAL ADJUSTED LEVELS OF PER-
 14 FORMANCE FOR CORE INDICATORS OF PER-
 15 FORMANCE.—
 16 “(i) IN GENERAL.—Each eligible re-
 17 cipient shall establish in the local plan sub-
 18 mitted under section 134, levels of per-
 19 formance for each of the core indicators of
 20 performance described in paragraph (2)(A)
 21 and (B), as appropriate for the eligible re-
 22 cipient, for vocational and technical edu-
 23 cation activities authorized under this title.
 24 The levels of performance established

1 under this subparagraph shall, at a
2 minimum—

3 “(I) be expressed in a percentage
4 or numerical form, so as to be objec-
5 tive, quantifiable, and measurable;
6 and

7 “(II) require the eligible recipient
8 to make continuous and substantial
9 improvement in the academic and vo-
10 cational and technical achievement of
11 vocational and technical education
12 students.

13 “(ii) IDENTIFICATION IN THE LOCAL
14 PLAN.—Each eligible recipient shall iden-
15 tify, in the local plan submitted under sec-
16 tion 134, levels of performance for each of
17 the core indicators of performance for the
18 first 2 program years covered by the local
19 plan.

20 “(iii) AGREEMENT ON LOCAL AD-
21 JUSTED LEVELS OF PERFORMANCE FOR
22 FIRST 2 YEARS.—The eligible agency and
23 each eligible recipient shall reach agree-
24 ment on the levels of performance for each
25 of the core indicators of performance, for

1 the first 2 program years covered by the
2 local plan, taking into account the levels
3 identified in the local plan under clause (ii)
4 and the factors described in clause (v). The
5 levels of performance agreed to under this
6 clause shall be considered to be the local
7 adjusted level of performance for the eligi-
8 ble recipient for such years and shall be in-
9 corporated into the local plan prior to the
10 approval of such plan.

11 “(iv) AGREEMENT ON LOCAL AD-
12 JUSTED LEVELS OF PERFORMANCE FOR
13 SUBSEQUENT YEARS.—

14 “(I) 3RD AND 4TH PROGRAM
15 YEARS.—Prior to the third program
16 year covered by the local plan, the eli-
17 gible agency and each eligible recipi-
18 ent shall reach agreement on the local
19 adjusted levels of performance for
20 each of the core indicators of perform-
21 ance for the third and fourth program
22 years covered by the local plan, taking
23 into account the factors described in
24 clause (v).

1 “(II) 5TH AND 6TH PROGRAM
2 YEARS.—Prior to the fifth program
3 year covered by the local plan, the eli-
4 gible agency and each eligible recipi-
5 ent shall reach agreement on the local
6 adjusted levels of performance for
7 each of the core indicators of perform-
8 ance for the fifth and sixth program
9 years covered by the local plan, taking
10 into account the factors described in
11 clause (v).

12 “(III) AGREEMENTS INCOR-
13 PORATED INTO LOCAL PLAN.—The
14 local adjusted levels of performance
15 agreed to under this clause shall be
16 considered to be the local adjusted
17 levels of performance for the eligible
18 recipient for such years and shall be
19 incorporated into the local plan.

20 “(v) FACTORS.—The agreement de-
21 scribed in clause (iii) or (iv) shall take into
22 account—

23 “(I) how the levels of perform-
24 ance involved compare with the local
25 adjusted levels of performance estab-

1 lished for other eligible recipients tak-
2 ing into account factors including the
3 characteristics of participants when
4 the participants entered the program
5 and the services or instruction to be
6 provided; and

7 “(II) the extent to which such
8 levels of performance promote contin-
9 uous and substantial improvement on
10 the indicators of performance by such
11 eligible recipient.

12 “(vi) REVISIONS.—If unanticipated
13 circumstances arise with respect to an eli-
14 gible recipient resulting in a significant
15 change in the factors described in clause
16 (v), the eligible recipient may request that
17 the local adjusted levels of performance
18 agreed to under clause (iii) or (iv) be re-
19 vised. The eligible agency shall issue objec-
20 tive criteria and methods for making such
21 revisions.

22 “(B) LEVELS OF PERFORMANCE FOR AD-
23 DITIONAL INDICATORS.—Each eligible recipient
24 may identify in the local plan, local levels of
25 performance for any additional indicators of

1 performance. Such levels shall be considered to
2 be the local levels of performance for purposes
3 of this title.

4 “(C) LOCAL REPORT.—

5 “(i) CONTENT OF REPORT.—Each eli-
6 gible recipient that receives an allotment
7 under section 111 shall annually prepare
8 and submit to the eligible agency a report
9 regarding—

10 “(I) the progress of such recipi-
11 ent in achieving the local adjusted lev-
12 els of performance on the core indica-
13 tors of performance; and

14 “(II) in the case of an eligible re-
15 cipient that receives funds described
16 in section 112(a) for activities de-
17 scribed in section 135(b)(3), the
18 progress in achieving the local ad-
19 justed levels of performance on the
20 core indicators of performance with
21 respect to tech-prep program partici-
22 pants.

23 “(ii) DATA.—Each eligible recipient
24 shall—

1 “(I) disaggregate data for each
2 of the indicators of performance under
3 section 113(b)(2) for the categories of
4 students enumerated under section
5 1111(b)(2)(C)(v)(II) of the Elemen-
6 tary and Secondary Education Act of
7 1965 that are served under this Act;
8 and

9 “(II) identify and quantify any
10 disparities or gaps in performance be-
11 tween any such category of students
12 and the performance of all students
13 served by the eligible recipient under
14 the Act.

15 “(iii) RULES FOR REPORTING OF
16 DATA.—The disaggregation of data under
17 clause (ii) shall be required except in a
18 case in which the number of students in a
19 category is insufficient to yield statistically
20 reliable information or in which the results
21 would reveal personally identifiable infor-
22 mation about an individual student.

23 “(iv) AVAILABILITY.—The report de-
24 scribed in clause (i) shall be made available
25 to the public through a variety of formats,

1 including electronically through the Inter-
2 net.”.

3 (d) STATE REPORT.—Section 113(c) (20 U.S.C.
4 2323(c)) is amended—

5 (1) by redesignating paragraphs (2) and (3) as
6 paragraphs (4) and (5), respectively, and inserting
7 after paragraph (1) the following:

8 “(2) DATA.—Each eligible agency under this
9 subsection shall—

10 “(A) disaggregate data for each of the in-
11 dicators of performance under section 113(b)(2)
12 for the categories of students enumerated under
13 section 1111(b)(2)(C)(v)(II) of the Elementary
14 and Secondary Education Act of 1965 that are
15 served under this Act; and

16 “(B) identify and quantify any disparities
17 or gaps in performance between any such cat-
18 egory of students and the performance of all
19 students served by the eligible agency under the
20 Act.

21 “(3) RULES FOR REPORTING OF DATA.—The
22 disaggregation of data under paragraph (2) shall be
23 required except in a case in which the number of
24 students in a category is insufficient to yield statis-
25 tically reliable information or in which the results

1 would reveal personally identifiable information
2 about an individual student.”; and

3 (2) in paragraph (4) (as so redesignated)—

4 (A) by striking “special populations” and
5 inserting “each of the populations described in
6 section 3(25) and the populations described in
7 section 1111(h)(1)(C)(i) of the Elementary and
8 Secondary Education Act of 1965 (20 U.S.C.
9 6311(h)(1)(C)(i))”; and

10 (B) by striking “have made” and inserting
11 “has made”.

12 **SEC. 9. NATIONAL ACTIVITIES.**

13 (a) PROGRAM PERFORMANCE INFORMATION.—Sec-
14 tion 114(a)(3) (20 U.S.C. 2324(a)(3)) is amended by in-
15 serting “in the aggregate” after “international compari-
16 sons”.

17 (b) EVALUATION AND ASSESSMENT.—Section 114(c)
18 (20 U.S.C. 2324(c)) is amended—

19 (1) by amending paragraph (2) to read as fol-
20 lows:

21 “(2) INDEPENDENT ADVISORY PANEL.—The
22 Secretary shall appoint an independent advisory
23 panel, consisting of academic and vocational and
24 technical education educators, administrators, ex-
25 perts in evaluation, research, and assessment, rep-

1 representatives of labor organizations, businesses, par-
2 ents, guidance and counseling professionals, and
3 other individuals with relevant expertise, to advise
4 the Secretary on the implementation of the assess-
5 ment described in paragraph (3), including the
6 issues to be addressed and the methodology of the
7 studies involved to ensure the assessment adheres to
8 the highest standards of quality. The advisory panel
9 shall transmit to the Secretary and to Congress an
10 independent analysis of the findings and rec-
11 ommendations resulting from such assessment. The
12 Federal Advisory Committee Act (5 U.S.C. App.)
13 shall not apply to the panel established under this
14 subsection.”;

15 (2) in paragraph (3)—

16 (A) in subparagraph (A), by inserting “the
17 implementation of the” after “and assessment
18 of”;

19 (B) in subparagraph (B)—

20 (i) by inserting “but shall not be lim-
21 ited to” after “paragraph (1) shall in-
22 clude”;

23 (ii) by striking clauses (i), (ii), (iv),
24 and (vii) and redesignating clauses (iii),

1 (v), (vi), and (viii) as clauses (i) through
2 (iv), respectively;

3 (iii) in clause (i) (as so redesignated),
4 by striking “, and academic, curricula in
5 vocational and technical education pro-
6 grams,” and inserting “education (such as
7 meeting State established teacher certifi-
8 cation or licensing requirements)”; and

9 (iv) in clause (ii) (as so redesign-
10 nated)—

11 (I) by striking “and employment
12 outcomes” and all that follows
13 through “including analyses of” and
14 inserting “and vocational and tech-
15 nical education achievement and em-
16 ployment outcomes of vocational and
17 technical education students, includ-
18 ing analyses of”;

19 (II) in subclause (I), by striking
20 “and tech-prep students” and insert-
21 ing “and students participating in the
22 activities described in section
23 135(b)(3)”; and

24 (III) in subclause (II), by strik-
25 ing “academic, and vocational and

1 technical, education” and inserting
2 “rigorous and challenging academic
3 and vocational and technical edu-
4 cation, including a review of the effect
5 of integrated rigorous and challenging
6 academic and vocational and technical
7 education on the achievement of stu-
8 dents”; and

9 (IV) in subclause (III), by insert-
10 ing “, particularly those in which
11 math and science skills are critical,”
12 after “high-skill careers”; and

13 (C) in subparagraph (C)—

14 (i) in clause (i)—

15 (I) by striking “the Committee
16 on Education and the Workforce of
17 the House of Representatives and the
18 Committee on Labor and Human Re-
19 sources of the Senate” and inserting
20 “Congress”; and

21 (II) by striking “2002” and in-
22 serting “2009” both places it appears;
23 and

24 (ii) in clause (ii), by striking “the
25 Committee on Education and the Work-

1 force of the House of Representatives, the
2 Committee on Labor and Human Re-
3 sources of the Senate,” and inserting
4 “Congress”;

5 (3) in paragraph (5)(A)—

6 (A) by striking “to carry out research”
7 each place it appears, and inserting “to carry
8 out scientifically based research”;

9 (B) in clause (i), by inserting “scientific-
10 ically based” after “programs, including”;

11 (C) in clause (ii), by inserting “that are in-
12 tegrated with rigorous and challenging aca-
13 demic education” after “implementation of vo-
14 cational and technical education programs”;
15 and

16 (D) in clause (iii)(I), by inserting “and the
17 integration of those systems with the academic
18 education system” after “technical education
19 systems”;

20 (4) in paragraph (6)—

21 (A) by striking:

22 “(6) DEMONSTRATIONS AND DISSEMINATION.—

23 “(A) DEMONSTRATION PROGRAM.—The”,

24 and inserting:

1 “(6) DEMONSTRATIONS AND DISSEMINATION.—
2 The”;

3 (B) by striking subparagraph (B); and
4 (5) in paragraph (8), by striking “this section”
5 and all that follows and inserting “subsections (a),
6 (b), and (c) of this section, such sums as may be
7 necessary for each of fiscal years 2006 through
8 2011.”.

9 (c) INCENTIVE GRANTS FOR ELIGIBLE AGENCIES.—
10 Section 114 is further amended by adding at the end the
11 following new subsection:

12 “(d) INCENTIVE GRANTS FOR ELIGIBLE AGEN-
13 CIES.—

14 “(1) IN GENERAL.—From funds reserved under
15 section 111(a)(1)(C), the Secretary may award
16 grants to eligible agencies for exemplary perform-
17 ance in carrying out programs under this Act. Such
18 awards shall be based on an eligible agency exceed-
19 ing State adjusted levels of performance established
20 under section 113(b) and showing sustained or sig-
21 nificant improvement.

22 “(2) SPECIAL CONSIDERATION.—In awarding
23 these grants, the Secretary may consider—

24 “(A) an eligible agency’s success in effec-
25 tively developing connections between secondary

1 education and postsecondary education and
2 training;

3 “(B) an eligible agency’s integration of rig-
4 orous and challenging academic and technical
5 coursework; and

6 “(C) an eligible agency’s progress in hav-
7 ing special populations participating in voca-
8 tional and technical education meet State ad-
9 justed levels of performance.

10 “(3) USE OF FUNDS.—The funds awarded to
11 an eligible agency under this subsection may be used
12 to carry out any activities authorized under section
13 124, including demonstrations of innovative pro-
14 grams.”.

15 **SEC. 10. OUTLYING AREAS, NATIVE AMERICAN PROGRAMS,**
16 **AND TRIBALLY CONTROLLED INSTITUTIONS.**

17 (a) ASSISTANCE FOR THE OUTLYING AREAS.—Sec-
18 tion 115 (20 U.S.C. 2325) is amended to read as follows:

19 **“SEC. 115. ASSISTANCE FOR THE OUTLYING AREAS.**

20 “(a) OUTLYING AREAS.—From funds reserved pur-
21 suant to section 111(a)(1)(A), the Secretary shall—

22 “(1) make a grant in the amount of \$660,000
23 to Guam;

1 “(2) make a grant in the amount of \$350,000
2 to each of American Samoa and the Commonwealth
3 of the Northern Mariana Islands; and

4 “(3) make a grant in the amount of \$160,000
5 to the Republic of Palau.

6 “(b) REMAINDER.—Subject to the provisions of sub-
7 section (a), the Secretary shall make a grant of the re-
8 mainder of funds reserved pursuant to section
9 111(a)(1)(A), in equal proportion, to each of Guam,
10 American Samoa, and the Commonwealth of the Northern
11 Mariana Islands, for the purpose of providing direct voca-
12 tional and technical educational services, including—

13 “(1) teacher and counselor training and retrain-
14 ing;

15 “(2) curriculum development; and

16 “(3) the improvement of vocational and tech-
17 nical education and training programs in secondary
18 schools and institutions of higher education, or im-
19 proving cooperative education programs involving
20 both secondary schools and institutions of higher
21 education.

22 “(c) RESTRICTION.—The Republic of Palau shall
23 cease to be eligible to receive funding under this section
24 upon entering into an agreement for extension of United
25 States educational assistance under the Compact of Free

1 Association after the date of enactment of the Vocational
2 and Technical Education for the Future Act.”.

3 (b) NATIVE AMERICAN PROGRAM.—Section 116 (20
4 U.S.C. 2326) is amended—

5 (1) in subsection (a), by inserting a period at
6 the end of paragraph (5); and

7 (2) in subsection (b)—

8 (A) in paragraph (1), by striking “sub-
9 section (d)” and inserting “subsection (c)”; and

10 (B) in paragraph (2), by striking “(other
11 than in subsection (i))”.

12 (c) TRIBALLY CONTROLLED INSTITUTIONS.—Section
13 117 (20 U.S.C. 2327) is amended—

14 (1) by amending subsection (b) to read as fol-
15 lows:

16 “(b) USES OF GRANTS.—Amounts made available
17 under this section shall be used for vocational and tech-
18 nical education programs for Indian students and for in-
19 stitutional support costs of the grant, including the ex-
20 penses described in subsection (e).”;

21 (2) in subsection (c), by inserting after para-
22 graph (2) the following:

23 “(3) INDIRECT COSTS.—Notwithstanding any
24 other provision of law or regulation, the Secretary

1 shall not require the use of a restricted indirect cost
2 rate for grants issued under this section.”;

3 (3) by striking subsection (g) and redesignating
4 subsections (h) and (i) as subsections (g) and (h),
5 respectively; and

6 (4) in subsection (h) (as so redesignated)—

7 (A) by striking “\$4,000,000 for fiscal year
8 1999 and”; and

9 (B) by striking “the 4 succeeding fiscal
10 years” and inserting “fiscal years 2006 through
11 2011”.

12 (d) OCCUPATIONAL AND EMPLOYMENT INFORMA-
13 TION.—Section 118 (20 U.S.C. 2328) is amended—

14 (1) by amending subsection (b) to read as fol-
15 lows:

16 “(b) STATE LEVEL ACTIVITIES.—

17 “(1) DESIGNATED ENTITY.—In order for a
18 State to receive a grant under this section, the eligi-
19 ble agency and the Governor of the State shall joint-
20 ly designate an entity in the State responsible for
21 conducting the activities in this subsection.

22 “(2) APPLICATION.—The jointly designated
23 agency shall submit an application to the Secretary
24 at the same time the State submits its state plan
25 under section 122. The application shall be in such

1 a manner and be accompanied by such information
2 as the Secretary may reasonably require. At a min-
3 imum, the application shall describe how the jointly
4 designated agency will assist the eligible agency in
5 meeting its adjusted levels of performance under sec-
6 tion 113(b).

7 “(3) ACTIVITIES.—The jointly designated agen-
8 cy shall conduct activities—

9 “(A) to provide support for career guid-
10 ance and academic counseling programs de-
11 signed to promote improved career and edu-
12 cation decision making by students (and par-
13 ents, as appropriate) regarding education and
14 training options and preparations for high skill,
15 high wage occupations;

16 “(B) to make available to students, par-
17 ents, teachers, administrators, and counselors,
18 and improve accessibility to, information and
19 planning resources that relate academic and vo-
20 cational and technical educational preparation
21 to career goals and expectations;

22 “(C) to equip teachers, administrators, and
23 counselors with the knowledge, skills, and occu-
24 pational information needed to assist students

1 and parents with educational and other postsec-
2 ondary opportunities and education financing;

3 “(D) to assist appropriate State entities in
4 tailoring resources and training for use by such
5 entities;

6 “(E) to improve coordination and commu-
7 nication among administrators and planners of
8 programs authorized by this Act and by section
9 15 of the Wagner-Peyser Act (29 U.S.C. 49l-
10 2) at the Federal, State, and local levels to en-
11 sure nonduplication of efforts and the appro-
12 priate use of shared information and data; and

13 “(F) to provide ongoing means for cus-
14 tomers, such as students and parents, to pro-
15 vide comments and feedback on products and
16 services and to update resources, as appro-
17 priate, to better meet customer requirements.”;

18 (2) in subsection (e)(1), by striking “an identi-
19 fication” and inserting “a description”; and

20 (3) in subsection (f), by striking “1999 through
21 2003” and inserting “2006 through 2011”.

22 **SEC. 11. STATE ADMINISTRATION.**

23 Section 121 (20 U.S.C. 2341) is amended to read as
24 follows:

1 **“SEC. 121. STATE ADMINISTRATION.**

2 “(a) **ELIGIBLE AGENCY RESPONSIBILITIES.**—The re-
3 sponsibilities of an eligible agency under this title shall
4 include—

5 “(1) coordination of the development, submis-
6 sion, and implementation of the State plan, and the
7 evaluation of the program, services, and activities as-
8 sisted under this title, including preparation for non-
9 traditional fields;

10 “(2) consultation with the Governor and appro-
11 priate agencies, groups, and individuals including
12 parents, students, teachers, representatives of busi-
13 nesses, labor organizations, eligible recipients, State
14 and local officials, and local program administrators,
15 involved in the planning, administration, evaluation,
16 and coordination of programs funded under this
17 title;

18 “(3) convening and meeting as an eligible agen-
19 cy (consistent with State law and procedure for the
20 conduct of such meetings) at such time as the eligi-
21 ble agency determines necessary to carry out the eli-
22 gible agency’s responsibilities under this title, but
23 not less than four times annually; and

24 “(4) the adoption of such procedures as the eli-
25 gible agency considers necessary to—

1 “(A) implement State level coordination
2 with the activities undertaken by the State
3 boards under section 111 of Public Law 105–
4 220; and

5 “(B) make available to the service delivery
6 system under section 121 of Public Law 105–
7 220 within the State a listing of all school drop-
8 out, postsecondary, and adult programs assisted
9 under this title.

10 “(b) EXCEPTION.—Except with respect to the re-
11 sponsibilities set forth in subsection (a), the eligible agen-
12 cy may delegate any of the other responsibilities of the
13 eligible agency that involve the administration, operation,
14 supervision of activities assisted under this title, in whole
15 or in part, to one or more appropriate State agencies.”.

16 **SEC. 12. STATE PLAN.**

17 Section 122 (20 U.S.C. 2342) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1), by striking “5-year
20 period” and inserting “6-year period”;

21 (B) in paragraph (2)(B), by striking “5
22 year State plan” and inserting “6-year period”;
23 and

24 (C) in paragraph (3), by striking “(includ-
25 ing employers, labor organizations, and par-

1 ents)” and inserting “(including charter school
2 authorizers and organizers, employers, labor or-
3 ganizations, parents, students, and community
4 organizations)”;

5 (2) in subsection (b)(1), by striking “teachers,
6 eligible recipients, parents, students, interested com-
7 munity members” and inserting “academic and vo-
8 cational and technical education teachers, eligible re-
9 cipients, charter school authorizers and organizers,
10 parents, students, interested community members
11 (including parent and community organizations), in-
12 stitutions of higher education”;

13 (3) in subsection (c)—

14 (A) in paragraph (1)—

15 (i) by redesignating subparagraphs
16 (A) through (D) as subparagraphs (B)
17 through (E), respectively, and inserting be-
18 fore such subparagraphs (as so redesign-
19 nated) the following:

20 “(A) the development of model sequences
21 of courses for vocational and technical content
22 areas that—

23 “(i) incorporate both secondary and
24 postsecondary education elements;

1 “(ii) include rigorous and challenging
2 academic content and vocational and tech-
3 nical content in a coordinated, nonduplica-
4 tive progression of courses that align sec-
5 ondary education with postsecondary edu-
6 cation to adequately prepare students to
7 succeed in postsecondary education;

8 “(iii) lead to a postsecondary 1-year
9 certificate, associate or baccalaureate de-
10 gree, or a proficiency credential in conjunc-
11 tion with a secondary school diploma; and

12 “(iv) may be adopted by local edu-
13 cational agencies and postsecondary insti-
14 tutions to be offered as an option to stu-
15 dents (and their parents as appropriate),
16 when choosing future coursework;”;

17 (ii) in subparagraph (B) (as so redes-
18 ignated), by inserting “and how the eligible
19 agency will distribute information identi-
20 fying eligible recipients that offer elements
21 of the model sequences of courses” before
22 the semicolon;

23 (iii) by amending subparagraph (C)
24 (as so redesignated) to read as follows:

1 “(C) the criteria that will be used by the
2 eligible agency to evaluate and approve eligible
3 recipients for funds under this title, including
4 criteria to assess the extent to which the local
5 plan will promote continuous and substantial
6 improvement in academic achievement and tech-
7 nical skill attainment;”;

8 (iv) in subparagraph (D) (as so redes-
9 igned)—

10 (I) by inserting “, both academi-
11 cally and technically,” after “stu-
12 dents”; and

13 (II) by striking “; and” and in-
14 serting “, and how participating stu-
15 dents will be made aware of such op-
16 portunities;”;

17 (v) in subparagraph (E) (as so redes-
18 igned), by inserting “aligned with rig-
19 orous and challenging academic content”
20 before the semicolon; and

21 (vi) by inserting after subparagraph
22 (E) (as so redesignated) the following:

23 “(F) the process through which the eligible
24 agency will develop the secondary or postsec-

1 ondary elements of the model sequences of
2 courses described in subparagraph (A);

3 “(G) the role that any eligible recipients
4 successfully implementing the activities de-
5 scribed in section 135(b)(3) will play in assist-
6 ing other eligible recipients in establishing
7 agreements and plans for coordinating the of-
8 fering of model sequences of courses to students
9 at both the secondary and postsecondary levels;

10 “(H) how funds will be used effectively to
11 link secondary and postsecondary academic and
12 vocational and technical education in a manner
13 that increases student academic and vocational
14 and technical achievement; and

15 “(I) how the eligible agency will report the
16 integration of rigorous and challenging aca-
17 demics in vocational and technical education
18 programs in order to adequately evaluate the
19 quality of such integration;”;

20 (B) by amending paragraph (2) to read as
21 follows:

22 “(2) describes how comprehensive professional
23 development (including initial teacher preparation
24 and activities that support recruitment) for voca-
25 tional and technical, academic, guidance, and admin-

1 istrative personnel will be provided, especially profes-
2 sional development that—

3 “(A) promotes the integration of rigorous
4 and challenging academic and vocational and
5 technical education curriculum development;

6 “(B) increases the percentage of teachers
7 that meet teacher certification or licensing re-
8 quirements;

9 “(C) increases the academic and industry
10 knowledge of vocational and technical education
11 teachers; and

12 “(D) encourages applied learning that con-
13 tributes to the academic and vocational and
14 technical knowledge of the student;”;

15 (C) in paragraph (3), by inserting “aca-
16 demic and vocational and technical” after “par-
17 ents,”;

18 (D) in paragraph (5)(A)—

19 (i) by inserting “(especially as per-
20 taining to math, science, and technology)”
21 after “academic and technical skills”; and

22 (ii) by striking “core academic, and
23 vocational and technical, subjects” and in-
24 serting “core academic subjects (as defined
25 in section 9101(11) of the Elementary and

1 Secondary Education Act of 1965 (20
2 U.S.C. 7801(11))), and vocational and
3 technical subjects”;

4 (E) in paragraph (11), by inserting “and
5 technology” after “equipment”;

6 (F) by striking paragraph (19) and redesi-
7 gnating paragraphs (12) through (18) as para-
8 graphs (13) through (19), respectively;

9 (G) by inserting after paragraph (11) the
10 following:

11 “(12) describes how the eligible agency will en-
12 sure that any entity in the State that purchases
13 equipment with funds under this Act will dispose of
14 that equipment in such a manner as to ensure that
15 any personally identifiable information contained in
16 that equipment will be totally destroyed prior to, or
17 as part of, the disposition;”;

18 (H) in paragraph (18) (as so redesign-
19 ated), by striking “training and employment”
20 and inserting “fields”; and

21 (I) by redesignating paragraphs (20) and
22 (21) as paragraphs (22) and (23), respectively,
23 and inserting after paragraph (19) (as so redesi-
24 gnated) the following:

1 “(20) describes how the eligible agency will
2 award grants, on a competitive basis or on the basis
3 of a formula determined by the eligible agency, using
4 funds described in section 112 (a) (1) for activities
5 described in section 135(b)(3);

6 “(21) describes how the eligible agency will
7 carry out measurable, sustainable, and coordinated
8 tech-prep activities in the State (as described in sec-
9 tion 135(b)(3)), with funds allocated under section
10 112(a), that are developed in consultation with the
11 entities described in subsection (b)(1) and that effec-
12 tively prepare students for post-secondary education
13 or employment in high-demand occupations through
14 a seamless program of study consisting of appro-
15 priate advanced academic and technical courses that
16 include a minimum of 2 years of secondary school
17 preceding graduation and a minimum of 2 years of
18 higher education or an apprenticeship program of at
19 least 2 years following secondary instruction;” and
20 (4) by striking subsections (d) and (f) and re-
21 designating subsection (e) as subsection (d).

22 **SEC. 13. IMPROVEMENT PLANS.**

23 Section 123 (20 U.S.C. 2343) is amended to read as
24 follows:

1 **“SEC. 123. IMPROVEMENT PLANS.**

2 “(a) STATE PROGRAM IMPROVEMENT.—

3 “(1) PLAN.—If a State fails to meet the agreed
4 upon State adjusted levels of performance required
5 under section 113(b)(3), the eligible agency shall de-
6 velop and implement a program improvement plan
7 (with special consideration to performance gaps
8 identified under section 113(c)(2)) in consultation
9 with the appropriate agencies, individuals, and orga-
10 nizations for the first program year succeeding the
11 program year in which the eligible agency failed to
12 meet the State adjusted levels of performance, in
13 order to avoid a sanction under paragraph (3).

14 “(2) TECHNICAL ASSISTANCE.—If the Sec-
15 retary determines that an eligible agency is not
16 properly implementing the eligible agency’s respon-
17 sibilities under section 122, or is not making sub-
18 stantial progress in meeting the purposes of this
19 Act, based on the State’s adjusted levels of perform-
20 ance, the Secretary shall work with the eligible agen-
21 cy to implement improvement activities consistent
22 with the requirements of this Act.

23 “(3) SUBSEQUENT ACTION.—

24 “(A) IN GENERAL.—If an eligible agency
25 fails to meet the State adjusted levels of per-
26 formance and the purposes of this Act, has not

1 implemented an improvement plan as described
2 in paragraph (1), has shown no improvement
3 within 1 year after implementing an improve-
4 ment plan as described in paragraph (1), or has
5 failed to meet the State adjusted levels of per-
6 formance and the purposes of this Act for 2 or
7 more consecutive years, the Secretary may,
8 after notice and opportunity for a hearing,
9 withhold from the eligible agency all, or a por-
10 tion of, the eligible agency's allotment under
11 this title.

12 “(B) WAIVER FOR EXCEPTIONAL CIR-
13 CUMSTANCES.—The Secretary may waive the
14 sanction in subparagraph (A) due to exceptional
15 or uncontrollable circumstances, such as a nat-
16 ural disaster or a precipitous and unforeseen
17 decline in the financial resources of the State.

18 “(4) FUNDS RESULTING FROM REDUCED AL-
19 LOTMENTS.—

20 “(A) IN GENERAL.—The Secretary shall
21 use funds withheld under paragraph (3) for a
22 State served by an eligible agency, to provide
23 (through alternative arrangements) services and
24 activities within the State to meet the purposes
25 of this Act.

1 “(B) REDISTRIBUTION.—If the Secretary
2 cannot satisfactorily use funds withheld under
3 paragraph (3), then the amount of funds re-
4 tained by the Secretary as a result of a reduc-
5 tion in an allotment made under paragraph (3)
6 shall be redistributed to other eligible agencies
7 in accordance with section 111.

8 “(b) LOCAL PROGRAM IMPROVEMENT.—

9 “(1) LOCAL EVALUATION.—Each eligible agen-
10 cy shall evaluate annually, using the local adjusted
11 levels of performance described in section 113(b)(4),
12 the vocational and technical education activities of
13 each eligible recipient receiving funds under this
14 title.

15 “(2) PLAN.—

16 “(A) IN GENERAL.—If, after reviewing the
17 evaluation, the eligible agency determines that
18 an eligible recipient is not making substantial
19 progress in achieving the local adjusted levels of
20 performance, or that an eligible recipient dem-
21 onstrates under section 113(b)(4)(C) persistent
22 or a widening of performance gaps between
23 multiple categories of students served by the eli-
24 gible recipient in comparison to all students in

1 the State served under the Act, the eligible
2 agency shall—

3 “(i) conduct an assessment of the
4 educational needs that the eligible recipient
5 shall address to overcome local perform-
6 ance deficiencies;

7 “(ii) enter into an improvement plan
8 agreement with an eligible recipient based
9 on the results of the assessment, for the
10 first program year succeeding the program
11 year in which the eligible recipient failed to
12 meet the local adjusted levels of perform-
13 ance, which plan shall demonstrate how
14 the local performance deficiencies will be
15 corrected and include strategies for profes-
16 sional development and instructional and
17 other programmatic innovations of dem-
18 onstrated effectiveness, giving special con-
19 sideration to performance gaps identified
20 under section 113(b)(4)(C); and

21 “(iii) conduct regular evaluations of
22 the progress being made toward reaching
23 the local adjusted levels of performance as
24 described in section 113(b)(4) and

1 progress on implementing the improvement
2 plan.

3 “(B) CONSULTATION.—The eligible agency
4 shall conduct the activities described in para-
5 graph (2) in consultation with teachers, par-
6 ents, other school staff, appropriate agencies,
7 and other appropriate individuals and organiza-
8 tions.

9 “(3) TECHNICAL ASSISTANCE.—If the eligible
10 agency determines that an eligible recipient is not
11 properly implementing the eligible recipient’s respon-
12 sibilities under section 134, or is not making sub-
13 stantial progress in meeting the purpose of this Act,
14 based on the local adjusted levels of performance,
15 the eligible agency shall provide technical assistance
16 to the eligible recipient to assist such recipient in
17 carrying out the improvement activities consistent
18 with the requirements of this Act.

19 “(4) SUBSEQUENT ACTION.—

20 “(A) IN GENERAL.—If an eligible recipient
21 fails to meet the local adjusted levels of per-
22 formance as described in section 113(b)(4) and
23 the purposes of this Act, has not implemented
24 an improvement plan as described in paragraph
25 (2), has shown no improvement within 1 year

1 after implementing an improvement plan as de-
2 scribed in paragraph (2), or has failed to meet
3 the local adjusted levels of performance and the
4 purposes of this Act for 2 or more consecutive
5 years, the eligible agency may, after notice and
6 opportunity for a hearing, withhold from the el-
7 igible recipient all, or a portion of, the eligible
8 recipient's allotment under this title.

9 “(B) WAIVER FOR EXCEPTIONAL CIR-
10 CUMSTANCES.—The eligible agency may waive
11 the sanction under this paragraph due to excep-
12 tional or uncontrollable circumstances such as a
13 natural disaster or a precipitous and unforeseen
14 decline in the financial resources of the State.

15 “(5) FUNDS RESULTING FROM REDUCED AL-
16 LOTMENTS.—The eligible agency shall use funds
17 withheld under paragraph (4) to continue to provide
18 (through alternative arrangements) services and ac-
19 tivities in the area served by such recipient to meet
20 the purpose of this Act.”.

21 **SEC. 14. STATE LEADERSHIP ACTIVITIES.**

22 Section 124 (20 U.S.C. 2344) is amended—

23 (1) in subsection (b)—

24 (A) in paragraph (1), by striking “learn-
25 ing” and inserting “education”;

1 (B) in paragraph (2)—

2 (i) by inserting “, and the required
3 math and science education,” after “use of
4 technology in vocational and technical edu-
5 cation”; and

6 (ii) in subparagraph (B)—

7 (I) by inserting “(including the
8 math and science knowledge that pro-
9 vides a strong basis for such skills)”
10 after “technical skills”; and

11 (II) by striking “and tele-
12 communications field” and inserting
13 “fields, including nontraditional
14 fields”;

15 (C) in paragraph (3)—

16 (i) by inserting “at the secondary and
17 postsecondary levels” after “academic,
18 guidance, and administrative personnel”;

19 (ii) by redesignating subparagraphs
20 (A) through (D) as subparagraphs (C)
21 through (F), respectively, and inserting be-
22 fore such subparagraphs (as so redesign-
23 nated) the following:

24 “(A) will provide inservice and preservice
25 training for vocational and technical education

1 teachers in the integration and use of rigorous
2 and challenging academics with vocational and
3 technical subjects;

4 “(B) are high quality, sustained, intensive,
5 and classroom-focused in order to have a posi-
6 tive and lasting impact on classroom instruction
7 and the teacher’s performance in the classroom,
8 and are not 1-day or short-term workshops or
9 conferences;”;

10 (iii) in subparagraph (C) (as so redesi-
11 gnated)—

12 (I) by inserting “scientifically
13 based” after “based on”; and

14 (II) by striking “; and” and in-
15 serting a semicolon;

16 (iv) in subparagraph (D) (as so redesi-
17 gnated), by striking “assist students in
18 meeting” and inserting “improve student
19 achievement in order to meet”; and

20 (v) by amending subparagraph (E)
21 (as so redesignated) to read as follows:

22 “(E) will support education programs for
23 teachers of vocational and technical education
24 in public schools and other public school per-
25 sonnel who are involved in the direct delivery of

1 educational services to vocational and technical
2 education students to ensure that teachers and
3 personnel—

4 “(i) stay current with the needs, ex-
5 pectations, and methods of industry;

6 “(ii) meet teacher certification or li-
7 censing requirements, especially in core
8 academic subjects as defined in section
9 9101(11) of the Elementary and Sec-
10 ondary Education Act of 1965 (20 U.S.C.
11 7801(11));

12 “(iii) effectively develop integrated
13 rigorous and challenging academic and vo-
14 cational and technical education cur-
15 riculum;

16 “(iv) develop a high level of academic
17 and industry knowledge and skills nec-
18 essary to provide effective instruction in
19 vocational and technical education; and

20 “(v) effectively use applied learning
21 that contributes to the academic and voca-
22 tional and technical knowledge of the stu-
23 dent; and”;

24 (D) in paragraph (4), by striking “integra-
25 tion of academics” and all that follows through

1 “core academic,” and inserting “provision of
2 rigorous and challenging academics that are in-
3 tegrated with vocational and technical education
4 to ensure achievement in the core academic sub-
5 jects (as defined in section 9101(11) of the Ele-
6 mentary and Secondary Education Act of 1965
7 (20 U.S.C. 7801(11))),”;

8 (E) in paragraph (5), by striking “training
9 and employment” and inserting “fields”;

10 (F) in paragraph (6), by inserting “and
11 complete a model sequence of courses, as de-
12 scribed in section 122(c)(1)(A)” after “tech-
13 nical skills”;

14 (G) in paragraph (7), by striking “; and”
15 and inserting a semicolon;

16 (H) in paragraph (8), by striking the pe-
17 riod and inserting “; and”; and

18 (I) by inserting after paragraph (8) the
19 following:

20 “(9) technical assistance for eligible recipi-
21 ents.”; and

22 (2) in subsection (c)—

23 (A) by striking paragraph (1), and redesign-
24 ating paragraphs (2) through (10) as para-
25 graphs (1) through (9), respectively, and para-

1 graphs (11) and paragraphs (13) and (14), re-
2 spectively;

3 (B) in paragraph (9) (as so redesignated),
4 by inserting “that prepare individuals academi-
5 cally and technically for current and emerging
6 occupations in demand” after “education
7 courses”; and

8 (C) by inserting after paragraph (9) (as so
9 redesignated) the following:

10 “(10) awarding incentive grants to eligible re-
11 cipients for exemplary performance in carrying out
12 programs under this Act, which awards shall be
13 based on—

14 “(A) eligible recipients exceeding chal-
15 lenging performance measures established
16 under section 113(b) in a manner that reflects
17 sustained or significant improvement;

18 “(B) eligible recipients effectively devel-
19 oping connections between secondary education
20 and postsecondary education and training;

21 “(C) the adoption and integration of rig-
22 orous and challenging academic and technical
23 coursework;

24 “(D) an eligible recipient’s progress in hav-
25 ing special populations participating in voca-

1 tional and technical education programs meet
2 local adjusted levels of performance; or

3 “(E) other factors relating to the perform-
4 ance of the eligible recipient under this Act as
5 the eligible agency determines are appropriate;

6 “(11) providing for activities to support entre-
7 preneurship education and training;

8 “(12) support for initiatives to facilitate the
9 transition of sub-baccalaureate career and technical
10 education students into baccalaureate degree pro-
11 grams, including—

12 “(A) statewide articulation agreements be-
13 tween sub-baccalaureate degree granting career
14 and technical postsecondary educational institu-
15 tions and baccalaureate degree granting post-
16 secondary educational institutions;

17 “(B) postsecondary dual and concurrent
18 enrollment program;

19 “(C) academic and financial aid coun-
20 seling; and

21 “(D) other initiatives to—

22 “(i) encourage the pursuit of a
23 baccalaureate degree; and

24 “(ii) overcome barriers to participa-
25 tion in baccalaureate degree programs, in-

1 cluding geographic and other barriers af-
2 fecting rural students and special popu-
3 lations;”.

4 **SEC. 15. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL**
5 **PROGRAMS.**

6 Section 131 (20 U.S.C. 2351) is amended—

7 (1) by striking subsection (a) and redesignating
8 subsections (b) through (i) as subsections (a)
9 through (h), respectively;

10 (2) in subsection (a) (as so redesignated)—

11 (A) in the subsection heading, by striking
12 “Special” and “for Succeeding Fiscal Years”;
13 and

14 (B) by striking “for fiscal year 2000 and
15 succeeding fiscal years”; and

16 (3) in subsection (b) (as so redesignated)—

17 (A) by striking “subsection (b)” and in-
18 serting “subsection (a)”; and

19 (B) by striking “(42 U.S.C. 9902(2))” and
20 inserting “(42 U.S.C. 9902(2))”.

21 **SEC. 16. ELIMINATION OF REDISTRIBUTION RULE.**

22 Section 133 (20 U.S.C. 2353) is amended by striking
23 subsection (b) and redesignating subsections (c) and (d)
24 as subsections (b) and (c), respectively.

1 **SEC. 17. LOCAL PLAN FOR VOCATIONAL AND TECHNICAL**
2 **EDUCATION PROGRAMS.**

3 Section 134(b) (20 U.S.C. 2354(b)) is amended—

4 (1) in paragraph (2), by inserting “and local”
5 after “State”;

6 (2) in paragraph (3)—

7 (A) by redesignating subparagraphs (A)
8 through (C) as subparagraphs (B) through (D),
9 respectively, and inserting before such subpara-
10 graphs the following:

11 “(A) offer the appropriate courses of at
12 least one of the model sequences of courses de-
13 scribed in section 124(e)(1), as appropriate to
14 the eligible recipient responsible for that ele-
15 ment of the sequence;”;

16 (B) in subparagraph (B) (as so redesign-
17 ated)—

18 (i) by inserting “rigorous and chal-
19 lenging” after “integration of”; and

20 (ii) by inserting “subjects (as defined
21 by section 9101(11) of the Elementary and
22 Secondary Education Act of 1965 (20
23 U.S.C. 7801(11)))” after “core academic”;

24 and

1 (C) in subparagraph (D) (as so redesignig-
2 nated), by inserting “rigorous and” after
3 “taught to the same”;

4 (3) by redesignating paragraphs (4) through
5 (10) as paragraphs (5) through (11), respectively,
6 and inserting after paragraph (3) the following:

7 “(4) describe how comprehensive professional
8 development (including initial teacher preparation)
9 for vocational and technical, academic, guidance,
10 and administrative personnel will be provided that
11 promotes the integration of rigorous and challenging
12 academic and technical education (including cur-
13 rriculum development);”;

14 (4) in paragraph (5) (as so redesignated)—

15 (A) by inserting “academic and vocational
16 and technical” after “students,”; and

17 (B) by inserting “(including the eligible re-
18 cipients that offer elements of the model se-
19 quence of courses)” after “such individuals and
20 entities”; and

21 (5) in paragraph (8) (as so redesignated)—

22 (A) in subparagraph (A), by striking “;
23 and” and inserting a semicolon;

24 (B) in subparagraph (B), by inserting
25 “and” after the semicolon; and

1 (C) by inserting after subparagraph (B)
2 the following:

3 “(C) will provide activities to prepare spe-
4 cial populations, including single parents and
5 displaced homemakers, for high skill, high wage
6 occupations that will lead to self-sufficiency;”.

7 **SEC. 18. LOCAL USE OF FUNDS.**

8 Section 135 (20 U.S.C. 2355) is amended—

9 (1) in subsection (b)—

10 (A) in paragraph (1), by striking “to en-
11 sure learning in the core academic” and insert-
12 ing “as established in the State-developed
13 model sequences of courses described in section
14 122(c)(1)(A) to ensure learning in the core aca-
15 demic subjects (as defined by section 9101(11)
16 of the Elementary and Secondary Education
17 Act of 1965 (20 U.S.C. 7801(11)))”;

18 (B) by striking paragraph (8);

19 (C) by redesignating paragraphs (2)
20 through (7) as paragraphs (4) through (9), re-
21 spectively, and inserting after paragraph (1) the
22 following:

23 “(2) link secondary vocational and technical
24 education and postsecondary vocational and tech-
25 nical education, including offering model sequences

1 of courses and implementing tech-prep programs
2 consistent with the activities described in paragraph
3 (3);

4 “(3) support tech-prep programs (if the eligible
5 recipient receives the funds from the eligible agency
6 under section 112(a)(1)) that—

7 “(A) are carried out under an articulation
8 agreement between the participants in a consor-
9 tium, which shall include—

10 “(i) a local educational agency, an in-
11 termediate educational agency or area vo-
12 cational and technical education school
13 serving secondary school students, or a
14 secondary school funded by the Bureau of
15 Indian Affairs; and

16 “(ii)(I) a nonprofit institution of high-
17 er education that offers—

18 “(aa) a 2- or 4-year degree
19 program, or a 2-year certificate
20 program, and is qualified as an
21 institution of higher education
22 pursuant to section 102 of the
23 Higher Education Act of 1965
24 (20 U.S.C. 1002) (except those
25 institutions described in section

1 102(a)(1)(C) of such Act), in-
2 cluding an institution receiving
3 assistance under the Tribally
4 Controlled College or University
5 Assistance Act of 1978 (25
6 U.S.C. 1801 et seq.) and a trib-
7 ally controlled postsecondary vo-
8 cational and technical institution;
9 or

10 “(bb) a 2-year apprentice-
11 ship program that follows sec-
12 ondary instruction, if such non-
13 profit institution of higher edu-
14 cation is not prohibited from re-
15 ceiving assistance under part B
16 of title IV of the Higher Edu-
17 cation Act of 1965 (20 U.S.C.
18 1071 et seq.) pursuant to the
19 provisions of section 435(a)(3) of
20 such Act (20 U.S.C. 1083(a)); or

21 “(II) a proprietary institution of high-
22 er education that offers a 2-year associate
23 degree program and is qualified as an in-
24 stitution of higher education pursuant to
25 section 102 of the Higher Education Act

1 of 1965 (20 U.S.C. 1002), if such propri-
2 etary institution of higher education is not
3 subject to a default management plan re-
4 quired by the Secretary,

5 and may include nonprofit organizations that
6 provide eligible recipients with technology and
7 programs to enhance math and science skills,
8 employers, and labor organizations;

9 “(B) consist of a minimum of 2 years of
10 secondary school preceding graduation and a
11 minimum of 2 years of higher education, or an
12 apprenticeship program of at least 2 years, fol-
13 lowing secondary instruction;

14 “(C) meet academic standards developed
15 by the State, including standards developed
16 under section 1111 of the Elementary and Sec-
17 ondary Education Act of 1965 (20 U.S.C.
18 6311) for secondary students, and support pro-
19 ficiency in mathematics, science, reading, writ-
20 ing, communications, and technologies;

21 “(D) are comprised of model sequences of
22 courses that integrate rigorous and challenging
23 academics and vocational and technical edu-
24 cation;

1 “(E) provide technical preparation in a ca-
2 reer field such as engineering technology; ap-
3 plied science; a mechanical, industrial, or prac-
4 tical art or trade; agriculture; health occupa-
5 tions; business; applied economics; advanced
6 manufacturing; or other high-skill, high-wage,
7 high-demand occupations as determined by the
8 State;

9 “(F) use, if appropriate and available,
10 work-based or worksite learning in conjunction
11 with academic and vocational and technical edu-
12 cation;

13 “(G) use educational technology and dis-
14 tance learning, as appropriate, to involve all the
15 consortium partners more fully in the develop-
16 ment and operation of programs;

17 “(H) facilitate and promote close working
18 relationships among eligible recipients to ensure
19 that programs within a geographic area are
20 closely integrated with tech-prep program ac-
21 tivities;

22 “(I) are sustainable and use performance
23 indicator data, described in section 113, to in-
24 form program quality;

1 “(J) include academic and career coun-
2 seling for participants that provides information
3 to students (and parents, as appropriate) re-
4 garding tech-prep programs and supports stu-
5 dent progress in completing tech-prep pro-
6 grams;

7 “(K) include in-service training for teach-
8 ers that—

9 “(i) provides for joint training for
10 teachers in tech-prep programs; and

11 “(ii) is designed to ensure that teach-
12 ers and administrators stay current with
13 the needs, expectations, and methods of
14 business and all aspects of an industry;
15 and

16 “(L) provide students with transferable
17 credit between the consortium members, as de-
18 scribed in subparagraph (A), and may include
19 programs that allow secondary programs to be
20 co-located on postsecondary campuses;”;

21 (D) in paragraph (5) (as so redesign-
22 nated)—

23 (i) by inserting “, and the related
24 math and science education” after “use of

1 technology in vocational and technical edu-
2 cation”;

3 (ii) in subparagraph (B)—

4 (I) by inserting “(including the
5 math and science knowledge that pro-
6 vides a strong basis for such skills)”
7 after “technical skills”; and

8 (II) by striking “and tele-
9 communications field” and inserting
10 “fields”; and

11 (iii) in subparagraph (C)—

12 (I) by striking “work” and in-
13 serting “collaborate”; and

14 (II) by inserting “that improve
15 the math and science knowledge of
16 students” after “mentoring pro-
17 grams”;

18 (E) in paragraph (6) (as so redesign-
19 nated)—

20 (i) by striking “teachers,” and insert-
21 ing “secondary and postsecondary teach-
22 ers, instructors,”; and

23 (ii) in subparagraph (A), by striking
24 “in effective teaching skills based on re-
25 search” and inserting “in effective integra-

1 tion of rigorous and challenging academic
2 and vocational and technical education, in
3 effective teaching skills based on scientif-
4 ically based research”; and

5 (F) by inserting after paragraph (9) (as so
6 redesignated) the following:

7 “(10) provide activities to prepare special popu-
8 lations, including single parents and displaced home-
9 makers, for high skill, high wage occupations that
10 will lead to self sufficiency.”; and

11 (2) in subsection (c)—

12 (A) in paragraph (2), by inserting “, re-
13 garding the range of postsecondary options
14 available, including for adult students who are
15 changing careers or updating skills” before the
16 semicolon;

17 (B) in paragraph (5), by inserting “, in-
18 cluding the establishment and operation of spe-
19 cial arrangements with industry partners that
20 allow qualified industry professionals to serve as
21 faculty in postsecondary programs” before the
22 semicolon;

23 (C) in paragraph (8), by striking “aides”
24 and inserting “aids and publications”;

1 (D) in paragraph (9), by inserting “that
2 address the integration of academic and voca-
3 tional and technical education and” after
4 “teacher preparation programs”;

5 (E) by redesignating paragraphs (10)
6 through (14) as paragraphs (12) through (16),
7 and paragraph (15) as paragraph (20), respec-
8 tively, and inserting after paragraph (9) the fol-
9 lowing:

10 “(10) to develop and expand postsecondary pro-
11 gram offerings that are accessible by students, in-
12 cluding the use of distance education;

13 “(11) to provide activities to support entrepre-
14 neurship education and training;”;

15 (F) in paragraph (12) (as so redesign-
16 ated), by inserting “, including development of
17 new proposed model sequences of courses for
18 consideration by the eligible agency and courses
19 that prepare individuals academically and tech-
20 nically for current and emerging occupations
21 that are in demand, and dual enrollment oppor-
22 tunities by which secondary vocational and
23 technical education students could obtain post-
24 secondary credit to count towards an associate
25 or baccalaureate degree” before the semicolon;

1 (G) by amending paragraph (16) (as so re-
2 designated) to read as follows:

3 “(16) to support training in nontraditional
4 fields;” and

5 (H) by inserting after paragraph (16) (as
6 so redesignated) the following:

7 “(17) to provide accurate information relating
8 to the availability of supportive services available in
9 an area served by the eligible recipient, and referral
10 to such services, as appropriate;

11 “(18) to support the activities described in sub-
12 section (b)(3);

13 “(19) for programs that assist in the training
14 of automotive technicians in diesel retrofitting, hy-
15 brid, hydrogen, and alternative fuel automotive tech-
16 nologies; and”.

17 **SEC. 19. REPEAL OF TECH-PREP EDUCATION ACT.**

18 Title II (20 U.S.C. 2071 et seq.) is repealed.

19 **SEC. 20. GENERAL PROVISIONS.**

20 (a) REDESIGNATION OF TITLE III.—

21 (1) REDESIGNATION.—Title III (20 U.S.C.
22 2391 et seq.) is amended—

23 (A) by striking section 318;

24 (B) by redesignating such title as title II
25 of such Act; and

1 (C) by redesignating sections 311 through
 2 317 as section 211 through 217 and sections
 3 321 through 325 as sections 221 through 225,
 4 respectively.

5 (2) TABLE OF CONTENTS AMENDMENT.—The
 6 table of contents in section 1(b) is amended—

7 (A) by striking the items relating to title
 8 III; and

9 (B) by amending the items relating to title
 10 II to read as follows:

“TITLE II—GENERAL PROVISIONS

“PART A—FEDERAL ADMINISTRATIVE PROVISIONS

“Sec. 211. Fiscal requirements.

“Sec. 212. Authority to make payments.

“Sec. 213. Construction.

“Sec. 214. Voluntary selection and participation.

“Sec. 215. Limitation for certain students.

“Sec. 216. Federal laws guaranteeing civil rights.

“Sec. 217. Participation of private school children and personnel.

“PART B—STATE ADMINISTRATIVE PROVISIONS

“Sec. 221. Joint funding.

“Sec. 222. Prohibition on use of funds to induce out-of-State relocation of busi-
 nesses.

“Sec. 223. State administrative costs.

“Sec. 224. Limitation on Federal regulations.

“Sec. 225. Student assistance and other Federal programs.”.

11 (b) FISCAL REQUIREMENTS.—Section 211(b) (20
 12 U.S.C. 2391(b)) (as so redesignated) is amended by in-
 13 serting after paragraph (2) the following:

14 “(3) DEFINITION.—For purposes of this sub-
 15 section, the term ‘preceding fiscal year’ means the
 16 Federal fiscal year or the 12-month fiscal period

1 used by a State for official reporting purposes, prior
2 to the beginning of the Federal fiscal year in which
3 funds are available for obligation by the Secretary.”.

4 (c) PARTICIPATION OF PRIVATE SCHOOL CHILDREN
5 AND PERSONNEL.—Section 217 (as so redesignated) is
6 amended to read as follows:

7 **“SEC. 217. PARTICIPATION OF PRIVATE SCHOOL CHILDREN**
8 **AND PERSONNEL.**

9 “(a) PARTICIPATION ON EQUITABLE BASIS.—

10 “(1) IN GENERAL.—To the extent consistent
11 with the number of children in the school district of
12 a local educational agency that is eligible to receive
13 funds under this Act, or that serves the area in
14 which a program assisted under this Act is located,
15 who are enrolled in private nonprofit elementary
16 schools and secondary schools, or, with respect to in-
17 structional or personnel training programs funded
18 by an eligible agency, the local educational agency,
19 after consultation with appropriate private school
20 officials—

21 “(A) shall provide, on an equitable basis
22 and as may be necessary, for the benefit of
23 such children in such schools, secular, neutral,
24 and nonideological services (or other benefits),
25 materials, and equipment, including the partici-

1 pation of the teachers of such children (and
2 other educational personnel serving such chil-
3 dren) in training programs; or

4 “(B) if such services, materials, and equip-
5 ment are not feasible or necessary in one or
6 more such private schools (as determined by the
7 local educational agency after consultation with
8 the appropriate private school officials), shall
9 provide such other arrangements as will assure
10 equitable participation of such children in the
11 purposes and benefits of this Act.

12 “(2) APPLICATION OF REQUIREMENTS.—The
13 requirements of this section relating to the participa-
14 tion of children, teachers, and other personnel serv-
15 ing such children shall apply to programs carried
16 out under this Act by an eligible agency or local edu-
17 cational agency, whether directly or through grants
18 to, or contracts with, other public or private agen-
19 cies, institutions, or organizations.

20 “(b) EQUAL EXPENDITURES.—

21 “(1) IN GENERAL.—Expenditures for programs
22 under subsection (a) shall be equal (consistent with
23 the number of children to be served) to expenditures
24 for programs under this Act for children enrolled in
25 the public schools of the local educational agency.

1 “(2) CONCENTRATED PROGRAMS.—When funds
2 available to a local educational agency under this
3 Act are used to concentrate programs on a par-
4 ticular group, attendance area, or grade or age level,
5 the local educational agency shall, after consultation
6 with the appropriate private school officials, assure
7 the equitable participation in both the purposes and
8 benefits of such programs for children enrolled in
9 private schools who are included within the group,
10 attendance area, or grade or age level selected for
11 such concentration, taking into account the needs of
12 the individual children and other factors that relate
13 to the expenditures referred to in paragraph (1).

14 “(c) ADMINISTRATIVE REQUIREMENTS.—

15 “(1) FUNDS, MATERIALS AND EQUIPMENT.—

16 “(A) FUNDS.—The control of funds ex-
17 pended under this section shall be administered
18 by a public agency.

19 “(B) MATERIALS AND EQUIPMENT.—The
20 title to materials and equipment provided under
21 this section, shall remain with a public agency
22 for the uses and purposes provided in this Act.

23 “(2) PROVISION OF SERVICES.—Services pro-
24 vided under this Act shall be provided by employees
25 of a public agency or through contract by such a

1 public agency with a person, association, agency, or-
2 ganization, institution or corporation that, in the
3 provision of such services, is independent of the pri-
4 vate school and of any religious organizations, and
5 such employment or contract shall be under the con-
6 trol and supervision of such a public agency. The
7 funds utilized under this section shall not be com-
8 mingled with State or local funds.

9 “(3) TIMING AND CONTENT OF CONSULTA-
10 TION.—The consultation required under this section
11 shall include meetings of agency and private school
12 officials and shall occur before the eligible agency
13 and local educational agency makes any decision
14 that affects the opportunities of eligible private
15 school children to participate in programs under this
16 Act. Such meetings shall include a discussion of
17 service delivery mechanisms (including third party
18 contractors) and shall continue throughout imple-
19 mentation and assessment of services under this Act.

20 “(d) WAIVER AND BYPASS PROCEDURES.—

21 “(1) STATE PROHIBITION.—If an eligible agen-
22 cy or local educational agency is prohibited, by rea-
23 son of any provision of law, from providing for the
24 participation in programs of children enrolled in pri-
25 vate elementary schools and secondary schools as re-

1 quired by subsections (a) through (c), the Secretary
2 shall waive such requirements for the agency in-
3 volved and shall arrange for the provision of services
4 to such children through arrangements that shall be
5 subject to the requirements of this section.

6 “(2) FAILURE TO COMPLY.—If the Secretary
7 determines that an eligible agency or a local edu-
8 cational agency has substantially failed, or is unwill-
9 ing, to provide for the participation on an equitable
10 basis of children enrolled in private elementary
11 schools and secondary schools as required by sub-
12 sections (a) through (c), the Secretary may waive
13 such requirements and shall arrange for the provi-
14 sion of services to such children through arrange-
15 ments that shall be subject to the requirements of
16 this section.

17 “(3) PAYMENT FROM STATE ALLOTMENT.—
18 When the Secretary arranges for services under this
19 subsection, the Secretary shall, after consultation
20 with the appropriate public school and private school
21 officials, pay the cost of such services, including the
22 administrative costs of arranging for those services,
23 from the appropriate allotment of the eligible agency
24 under this Act.

1 “(4) DURATION OF DETERMINATION.—Any de-
2 termination by the Secretary under this section shall
3 continue in effect until the Secretary determines
4 that there will no longer be any failure or inability
5 on the Act of the eligible agency or local educational
6 agency to meet the requirements of subsections (a)
7 through (c).

8 “(5) REVIEW OF DETERMINATION.—The Sec-
9 retary shall not take any final action under this sec-
10 tion until the eligible agency and the local edu-
11 cational agency affected by such action have had an
12 opportunity, for not less than 45 days after receiving
13 written notice thereof, to submit written objections
14 and to appear before the Secretary or the Sec-
15 retary’s designee to show cause why that action
16 should not be taken.

17 “(e) WITHHOLDING OF ALLOTMENT OR ALLOCA-
18 TION.—Pending final resolution of any investigation or
19 complaint that could result in a waiver under subsection
20 (d)(1) or (d)(2), the Secretary may withhold from the al-
21 lotment or allocation of the affected eligible agency or local
22 educational agency the amount estimated by the Secretary
23 to be necessary to pay the cost of services to be provided
24 by the Secretary under such subsection.

1 “(f) PRIOR DETERMINATION.—Any bypass deter-
2 mination by the Secretary under Title I or Title IX of
3 the Elementary and Secondary Education Act of 1965
4 shall, to the extent consistent with the purposes of this
5 Act, apply to programs under this Act until such deter-
6 minations terminate or expire.”.

Passed the House of Representatives May 4, 2005.

Attest:

Clerk.