

# [Committee Print]

(SHOWING THE TEXT OF H.R. 4496 AS AMENDED BY THE  
SUBCOMMITTEE ON EDUCATION REFORM, JULY 14, 2004)

108TH CONGRESS  
2D SESSION

# H. R. 4496

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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## IN THE HOUSE OF REPRESENTATIVES

Mr. CASTLE (for himself, Mr. BOEHNER, and Mr. WILSON of South Carolina)  
introduced the following bill; which was referred to the Committee on  
Education and the Workforce

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# A BILL

To amend the Carl D. Perkins Vocational and Technical  
Education Act of 1998 to strengthen and improve pro-  
grams 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,*

3 **SECTION 1. SHORT TITLE.**

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



1 **SEC. 2. REFERENCES.**

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

8 **SEC. 3. PURPOSES AND DEFINITIONS.**

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

12       (b) **DEFINITIONS.**—Section 3 of the Carl D. Perkins  
13 Vocational and Technical Education Act of 1998 (20  
14 U.S.C. 2302) is amended—

15           (1) by striking paragraph (26) and redesignig-  
16 nating paragraphs (21) through (25) as paragraphs  
17 (23) through (27), and paragraphs (27) through  
18 (30) as paragraphs (29) through (32), respectively;

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

22           “(4) **ARTICULATION AGREEMENT.**—The term  
23 ‘articulation agreement’ means a written commit-  
24 ment, approved annually and facilitated by the lead  
25 administrators of the secondary and postsecondary  
26 consortia members as described in section



1 135(b)(3)(A), to a program designed to provide stu-  
2 dents with a nonduplicative sequence of progressive  
3 achievements leading to degrees, certificates, or cre-  
4 dentials in a tech-prep education program linked  
5 through credit transfer agreements.”;

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

9 (4) in paragraph (6) (as so redesignated), by  
10 striking “section 5206” and inserting “section  
11 5210”;

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

13 (A) by striking “method of instruction”  
14 and inserting “method”; and

15 (B) by inserting “rigorous and chal-  
16 lenging” after “required”;

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

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

21 (A) in the paragraph heading, by striking  
22 “TRAINING AND EMPLOYMENT” and inserting  
23 “FIELDS”; and

24 (B) by striking “training and employment”  
25 and inserting “fields”;



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

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

6 “(22) SCIENTIFICALLY BASED RESEARCH.—  
7 The term ‘scientifically based research’ has the  
8 meaning given that term in section 9101(37) of the  
9 Elementary and Secondary education Act of 1965  
10 (20 U.S.C. 780137).”;

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

12 (A) in subparagraph (C), by striking  
13 “training and employment” and inserting  
14 “fields”;

15 (B) in subparagraph (E), by striking  
16 “and”;

17 (C) in subparagraph (F)—

18 (i) by striking “individuals with other  
19 barriers to educational achievement, in-  
20 cluding”; and

21 (ii) by striking the period and insert-  
22 ing “; and”; and

23 (D) by inserting after subparagraph (F)  
24 the following:



1           “(G) individuals with other barriers to edu-  
2           cational achievement, as determined by the  
3           State.”;

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

6           “(28) SUPPORTIVE SERVICES.—The term ‘sup-  
7           portive services’ means services such as transpor-  
8           tation, child care, dependent care, and needs-based  
9           payments, that are necessary to enable an individual  
10          to participate in activities authorized under this  
11          Act.”;

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

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

15                (A) by inserting “of subsection (a)” after  
16                “paragraph (2)”; and

17                (B) by striking “paragraph (5)(A) of such  
18                section” and inserting “paragraph (5)(A) of  
19                such subsection”; and

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

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

23                    “(i) provides individuals with the rig-  
24                    orous and challenging academic and tech-  
25                    nical knowledge and skills the individuals



1 need to prepare for further education and  
2 for careers (other than careers requiring a  
3 master's or doctoral degree) in current or  
4 emerging employment sectors;

5 “(ii) may include the provision of  
6 skills or courses necessary to enroll in a se-  
7 quence of courses that meet the require-  
8 ments of this subparagraph; and

9 “(iii) provides, at the postsecondary  
10 level, for a 1-year certificate, an associate  
11 degree, or industry recognized credential;  
12 and”.

13 **SEC. 4. TRANSITION PROVISIONS.**

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

15 (1) by striking “the Carl D. Perkins Vocational  
16 and Applied Technology Education Act” and insert-  
17 ing “the Carl D. Perkins Vocational and Technical  
18 Education Act of 1998’ ”; and

19 (2) by striking “the Carl D. Perkins Vocational  
20 and Applied Technology Education Amendments of  
21 1998” and inserting “the Vocational and Technical  
22 Education for the Future Act”.

23 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

24 Section 8 (20 U.S.C. 2307) is amended by striking  
25 “, and title II) such sums” and all that follows and insert-



1 ing “) \$1,307,000,000 for fiscal year 2005 and such sums  
2 as may be necessary for each of fiscal years 2006 through  
3 2010.”.

4 **SEC. 6. PROHIBITIONS.**

5 The Carl D. Perkins Vocational and Technical Edu-  
6 cation Act of 1998 (20 U.S.C. 2301 et seq.) is amended  
7 by adding after section 8 the following new section:

8 **“SEC. 9 PROHIBITIONS.**

9 “(a) LOCAL CONTROL.—Nothing in this Act shall be  
10 construed to authorize an officer or employee of the Fed-  
11 eral government to mandate, direct, or control a State,  
12 local educational agency, or school’s curriculum, program  
13 of instruction, or allocation of State or local resources, or  
14 mandate a State or any subdivision thereof to spend any  
15 funds or incur any costs not paid for under this Act.

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

21 “(c) PROHIBITION ON REQUIRING FEDERAL AP-  
22 PROVAL OR CERTIFICATION OF STANDARDS.—Notwith-  
23 standing any other provision of Federal law, no State shall  
24 be required to have academic content or student academic  
25 achievement standards approved or certified by the Fed-



1 eral government, in order to receive assistance under this  
2 Act.

3 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
4 tion shall be construed to affect requirements under sec-  
5 tion 113.”.

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

7 (a) ALLOTMENT FOR NATIONAL ACTIVITIES FOR  
8 2005.—Section 111(a)(1) is amended to read as follows:

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

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

13 “(B) 1.50 percent to carry out section 116,  
14 of which—

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

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

19 “(C) 0.54 percent to carry out section  
20 114(d).”.

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

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



1 it appears and inserting “(or in the case of fiscal  
2 year 2005 only, under this section and under title II  
3 of this Act, as such section and title were in effect  
4 on the day before the date of enactment of the Voca-  
5 tional and Technical Education for the Future  
6 Act)”;

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

9 “(A) IN GENERAL.—No State shall receive  
10 an allotment under this section for a fiscal year  
11 that is less than the allotment the State re-  
12 ceived for fiscal year 2004 under this section  
13 and under title II of this Act (as such section  
14 and title were in effect on the day before the  
15 date of enactment of the Vocational and Tech-  
16 nical Education for the Future Act).”.

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

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

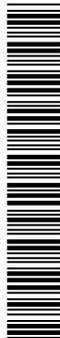
21 “(a) ALLOCATION FORMULA.—From the amount al-  
22 lotted to each State under section 111 for a fiscal year,  
23 the State board (hereinafter referred to as the ‘eligible  
24 agency’) shall allocate such amount as follows:



1           “(1) Subject to paragraph (4), not less than 88  
2           percent shall be made available for distribution  
3           under section 131 or 132, of which the eligible agen-  
4           cy shall first make available for the activities de-  
5           scribed in section 135(b)(3) not less than the  
6           amount allotted in fiscal year 2004 to such eligible  
7           agency under title II of this Act (as such title was  
8           in effect on the day before the date of enactment of  
9           the Vocational and Technical Education for the Fu-  
10          ture Act), reduced by the percentage by which the  
11          amount allotted to the State under section 111 for  
12          the fiscal year is less than the amount allotted under  
13          such section to such State for fiscal year 2004. Of  
14          the remainder of the 88 percent, not more than 10  
15          percent may be used in accordance with subsection  
16          (c).

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

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



1 tions and institutions that serve individuals  
2 with disabilities; and

3 “(B) not less than \$60,000 and not more  
4 than \$150,000 shall be available for services  
5 that prepare individuals for nontraditional  
6 training and employment.

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

11 “(A) developing the State plan;

12 “(B) reviewing the local plan;

13 “(C) monitoring and evaluating program  
14 effectiveness;

15 “(D) assuring compliance with all applica-  
16 ble Federal laws; and

17 “(E) providing technical assistance.

18 “(4) If the amount allocated for any fiscal year  
19 under paragraph (2) shall be less than the amount  
20 allocated under such paragraph for fiscal year 2004,  
21 additional amounts may be made available from the  
22 amount allocated under paragraph (1) for the pur-  
23 poses described in paragraph (2). If such additional  
24 amounts are made available under this paragraph,  
25 the total allocation for the purposes described in



1 paragraph (2) shall not exceed the amount allocated  
2 under paragraph (2) for fiscal year 2004.”; and

3 (2) in subsection (c)—

4 (A) in paragraph (1)—

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

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

9 (iii) by striking subparagraph (D);  
10 and

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

13 **SEC. 8. ACCOUNTABILITY.**

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

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

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

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

22 (1) in paragraph (2)—

23 (A) by redesignating subparagraphs (B)  
24 through (D) as subparagraphs (C) through (E),  
25 respectively;



1 (B) in subparagraph (A)—

2 (i) in the subparagraph heading, by  
3 inserting “FOR SECONDARY STUDENTS”  
4 after “PERFORMANCE”;

5 (ii) by inserting “of secondary stu-  
6 dents that are, to the extent practicable,  
7 valid and reliable and that” after “indica-  
8 tors of performance”;

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

16 (iv) in clause (ii)—

17 (I) by striking “or its recognized  
18 equivalent” and inserting “or the  
19 General Educational Development cre-  
20 dential (including recognized alter-  
21 native standards for individuals with  
22 disabilities),”; and

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



1 (v) in clause (iii), by striking “Place-  
2 ment” and inserting “Student graduation  
3 rates (as described in section  
4 1111(b)(2)(C)(vi) of the Elementary and  
5 Secondary Education Act of 1965 (20  
6 U.S.C. 6311(b)(2)(C)(vi)), placement”;  
7 and

8 (vi) in clause (iv), by striking “train-  
9 ing and employment” and inserting  
10 “fields”;

11 (C) by inserting after subparagraph (A)  
12 the following:

13 “(B) CORE INDICATORS OF PERFORMANCE  
14 FOR POSTSECONDARY STUDENTS.—Each eligi-  
15 ble agency shall identify in the State plan core  
16 indicators of performance of postsecondary stu-  
17 dents that are, to the extent practicable, valid  
18 and reliable, and that include, at a minimum,  
19 measures of each of the following:

20 “(i) Student attainment of challenging  
21 academic and vocational and technical skill  
22 proficiencies.

23 “(ii) Student retention in postsec-  
24 ondary education, attainment of an asso-  
25 ciate degree or postsecondary credential, or



1 transfer to a baccalaureate degree pro-  
2 gram.

3 “(iii) Placement in military service or  
4 placement or retention in employment.

5 “(iv) Student participation in and  
6 completion of vocational and technical edu-  
7 cation programs in nontraditional fields.”;

8 (D) in subparagraph (C) (as so redesign-  
9 dated), by striking “under the title” and insert-  
10 ing “under this title”; and

11 (E) in subparagraph (D) (as so redesign-  
12 dated), by inserting “vocational and technical  
13 education” after “has developed State”; and

14 (2) in paragraph (3)—

15 (A) by amending the paragraph heading to  
16 read as follows:

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

18 and

19 (B) in subparagraph (A)—

20 (i) in clause (i)—

21 (I) by striking “paragraph  
22 (2)(A)” and inserting “subparagraphs  
23 (A) and (B) of paragraph (2)”; and

24 (II) in subclause (II), by striking  
25 “to continually” and all that follows



1 through “performance”, and inserting  
2 “to make continuous and substantial  
3 improvement in the academic and vo-  
4 cational and technical achievement”;

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

7 “(iv) AGREEMENT ON STATE AD-  
8 JUSTED LEVELS OF PERFORMANCE FOR  
9 SUBSEQUENT YEARS.—

10 “(I) 3RD AND 4TH PROGRAM  
11 YEARS.—Prior to the third program  
12 year covered by the State plan, the  
13 Secretary and each eligible agency  
14 shall reach agreement on the State  
15 adjusted levels of performance for  
16 each of the core indicators of perform-  
17 ance for the third and fourth pro-  
18 grams years covered by the State  
19 plan, taking into account the factors  
20 described in clause (vi).

21 “(II) 5TH AND 6TH PROGRAM  
22 YEARS.—Prior to the fifth program  
23 year covered by the State plan, the  
24 Secretary and each eligible agency  
25 shall reach agreement on the State



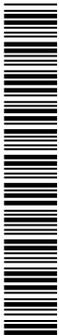
1 adjusted levels of performance for  
2 each of the core indicators of perform-  
3 ance for the fifth and sixth programs  
4 years covered by the State plan, tak-  
5 ing into account the factors described  
6 in clause (vi).

7 “(III) AGREEMENTS INCOR-  
8 PORATED INTO STATE PLAN.—The  
9 State adjusted levels of performance  
10 agreed to under this clause shall be  
11 considered the State adjusted levels of  
12 performance for the State for such  
13 years and shall be incorporated into  
14 the State plan.”;

15 (iii) in clause (vi)(II), by inserting  
16 “and substantial” after “continuous”; and  
17 (iv) in clause (vii), by striking “under  
18 clause (iii) or (iv)” and inserting “under  
19 clause (iii) or (v)”.

20 (c) LOCAL LEVELS OF PERFORMANCE.—Section  
21 113(b) is further amended by adding at the end the fol-  
22 lowing:

23 “(4) LOCAL LEVELS OF PERFORMANCE.—



1           “(A) LOCAL ADJUSTED LEVELS OF PER-  
2           FORMANCE FOR CORE INDICATORS OF PER-  
3           FORMANCE.—

4           “(i) IN GENERAL.—Each eligible re-  
5           cipient shall establish in the local plan sub-  
6           mitted under section 134, levels of per-  
7           formance for each of the core indicators of  
8           performance described in paragraph (2)(A)  
9           and (B), as appropriate for the eligible re-  
10          cipient, for vocational and technical edu-  
11          cation activities authorized under this title.  
12          The levels of performance established  
13          under this subparagraph shall, at a  
14          minimum—

15                 “(I) be expressed in a percentage  
16                 or numerical form, so as to be objec-  
17                 tive, quantifiable, and measurable;  
18                 and

19                 “(II) require the eligible recipient  
20                 to make continuous and substantial  
21                 improvement in the academic and vo-  
22                 cational and technical achievement of  
23                 vocational and technical education  
24                 students.



1           “(ii) IDENTIFICATION IN THE LOCAL  
2           PLAN.—Each eligible recipient shall iden-  
3           tify, in the local plan submitted under sec-  
4           tion 134, levels of performance for each of  
5           the core indicators of performance for the  
6           first 2 program years covered by the local  
7           plan.

8           “(iii) AGREEMENT ON LOCAL AD-  
9           JUSTED LEVELS OF PERFORMANCE FOR  
10          FIRST 2 YEARS.—The eligible agency and  
11          each eligible recipient shall reach agree-  
12          ment on the levels of performance for each  
13          of the core indicators of performance, for  
14          the first 2 program years covered by the  
15          local plan, taking into account the levels  
16          identified in the local plan under clause (ii)  
17          and the factors described in clause (v). The  
18          levels of performance agreed to under this  
19          clause shall be considered to be the local  
20          adjusted level of performance for the eligi-  
21          ble recipient for such years and shall be in-  
22          corporated into the local plan prior to the  
23          approval of such plan.



1                   “(iv) AGREEMENT ON LOCAL AD-  
2 JUSTED LEVELS OF PERFORMANCE FOR  
3 SUBSEQUENT YEARS.—

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

15                   “(II) 5TH AND 6TH PROGRAM  
16 YEARS.—Prior to the fifth program  
17 year covered by the local plan, the eli-  
18 gible agency and each eligible recipi-  
19 ent shall reach agreement on the local  
20 adjusted levels of performance for  
21 each of the core indicators of perform-  
22 ance for the fifth and sixth program  
23 years covered by the local plan, taking  
24 into account the factors described in  
25 clause (v).

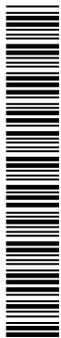


1                   “(III) AGREEMENTS INCOR-  
2                   PORATED INTO LOCAL PLAN.—The  
3                   local adjusted levels of performance  
4                   agreed to under this clause shall be  
5                   considered to be the local adjusted  
6                   levels of performance for the eligible  
7                   recipient for such years and shall be  
8                   incorporated into the local plan.

9                   “(v) FACTORS.—The agreement de-  
10                  scribed in clause (iii) or (iv) shall take into  
11                  account—

12                   “(I) how the levels of perform-  
13                   ance involved compare with the local  
14                   adjusted levels of performance estab-  
15                   lished for other eligible recipients tak-  
16                   ing into account factors including the  
17                   characteristics of participants when  
18                   the participants entered the program  
19                   and the services or instruction to be  
20                   provided; and

21                   “(II) the extent to which such  
22                   levels of performance promote contin-  
23                   uous and substantial improvement on  
24                   the indicators of performance by such  
25                   eligible recipient.



1                   “(vi) REVISIONS.—If unanticipated  
2                   circumstances arise with respect to an eli-  
3                   gible recipient resulting in a significant  
4                   change in the factors described in clause  
5                   (v)(II), the eligible recipient may request  
6                   that the local adjusted levels of perform-  
7                   ance agreed to under clause (iii) or (iv) be  
8                   revised. The eligible agency shall issue ob-  
9                   jective criteria and methods for making  
10                  such revisions.

11                  “(B) LEVELS OF PERFORMANCE FOR AD-  
12                  DITIONAL INDICATORS.—Each eligible recipient  
13                  may identify in the local plan, local levels of  
14                  performance for any additional indicators of  
15                  performance. Such levels shall be considered to  
16                  be the local levels of performance for purposes  
17                  of this title.

18                  “(C) LOCAL REPORT.—

19                         “(i) CONTENT OF REPORT.—Each eli-  
20                         gible recipient that receives an allotment  
21                         under section 111 shall annually prepare  
22                         and submit to the eligible agency a report,  
23                         regarding—

24                                 “(I) the progress of such recipi-  
25                                 ent in achieving the local adjusted lev-



1                   els of performance on the core indica-  
2                   tors of performance; and

3                   “**(II)** in the case of an eligible re-  
4                   cipient that receives funds described  
5                   in section 112(a) for activities de-  
6                   scribed in section 135(b)(3), the  
7                   progress in achieving the local ad-  
8                   justed levels of performance on the  
9                   core indicators with respect to tech  
10                  prep program participants.

11                  “(ii) **DISAGGREGATION OF DATA.**—  
12                  Each eligible recipient shall—

13                  “(I) disaggregate data for each  
14                  of the indicators of performance under  
15                  section 113(b)(2) for the categories of  
16                  students enumerated under section  
17                  1111(b)(2)(C)(v)(II) of the Elemen-  
18                  tary and Secondary Education Act of  
19                  1965 that are served under this Act;  
20                  and

21                  “(II) identify and quantify any  
22                  disparities or gaps in performance be-  
23                  tween any such category of students  
24                  and the performance of all students



1 served by the eligible recipient under  
2 the Act.

3 “(iii) RULES FOR REPORTING OF  
4 DATA.—The disaggregation of data under  
5 clause (ii) shall be required except in a  
6 case in which the number of students in a  
7 category is insufficient to yield statistically  
8 reliable information or in which the results  
9 would reveal personally identifiable infor-  
10 mation about an individual student.

11 “(iv) AVAILABILITY.—The report de-  
12 scribed in clause (i) shall be made available  
13 to the public through a variety of formats,  
14 including electronically or through the  
15 Internet.”.

16 (d) STATE REPORT.—Section 113(c) (20 U.S.C.  
17 2323(c)) is amended—

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

21 “(2) DISAGGREGATION OF DATA.—Each eligible  
22 agency under this subsection shall—

23 “(A) disaggregate data for each of the in-  
24 dicators of performance under section 113(b)(2)  
25 for the categories of students enumerated under



1 section 1111(b)(2)(C)(v)(II) of the Elementary  
2 and Secondary Education Act of 1965 that are  
3 served under this Act; and

4 “(B) identify and quantify any disparities  
5 or gaps in performance between any such cat-  
6 egory of students and the performance of all  
7 students served by the eligible agency under the  
8 Act.

9 “(3) RULES FOR REPORTING OF DATA.—The  
10 disaggregation of data under paragraph (2) shall be  
11 required except in a case in which the number of  
12 students in a category is insufficient to yield statis-  
13 tically reliable information or in which the results  
14 would reveal personally identifiable information  
15 about an individual student.”; and

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

17 (A) by striking “special populations” and  
18 inserting “each of the populations described in  
19 section 3(25) and the populations described in  
20 section 1111(h)(1)(C)(i) of the Elementary and  
21 Secondary Education Act of 1965 (20 U.S.C.  
22 6311(h)(1)(C)(i))”; and

23 (B) by striking “have made” and inserting  
24 “has made”.



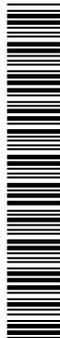
1 **SEC. 9. NATIONAL ACTIVITIES.**

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

6 (b) EVALUATION AND ASSESSMENT.—Section 114(c)  
7 (20 U.S.C. 2324(c)) is amended—

8 (1) by amending paragraph (2) to read as fol-  
9 lows:

10 “(2) INDEPENDENT ADVISORY PANEL.—The  
11 Secretary shall appoint an independent advisory  
12 panel, consisting of academic and vocational and  
13 technical education educators, administrators, ex-  
14 perts in evaluation, research, and assessment, rep-  
15 resentatives of labor organizations, businesses, par-  
16 ents, guidance and counseling professionals, and  
17 other individuals with relevant expertise, to advise  
18 the Secretary on the implementation of the assess-  
19 ment described in paragraph (3), including the  
20 issues to be addressed and the methodology of the  
21 studies involved to ensure the assessment adheres to  
22 the highest standards of quality. The advisory panel  
23 shall transmit to the Secretary and to Congress an  
24 independent analysis of the findings and rec-  
25 ommendations resulting from such assessment. The  
26 Federal Advisory Committee Act (5 U.S.C. App.)



1 shall not apply to the panel established under this  
2 subsection.”;

3 (2) in paragraph (3)—

4 (A) in subparagraph (A), by inserting “the  
5 implementation of the” after “and assessment  
6 of”;

7 (B) in subparagraph (B)—

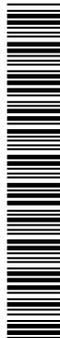
8 (i) by inserting “but shall not be lim-  
9 ited to” after “paragraph (1) shall in-  
10 clude”;

11 (ii) by striking clauses (i), (ii), (iv),  
12 and (vii) and redesignating clauses (iii),  
13 (v), (vi), and (viii) as clauses (i) through  
14 (iv), respectively;

15 (iii) in clause (i) (as so redesignated),  
16 by striking “, and academic, curricula in  
17 vocational and technical education pro-  
18 grams,” and inserting “education (such as  
19 meeting State established teacher certifi-  
20 cation or licensing requirements)”;

21 (iv) in clause (ii) (as so redesi-  
22 gnated)—

23 (I) by striking “and employment  
24 outcomes” and all that follows  
25 through “including analyses of” and



1 inserting “and vocational and tech-  
2 nical education achievement and em-  
3 ployment outcomes of vocational and  
4 technical education students, includ-  
5 ing analyses of”;

6 (II) in subclause (I), by striking  
7 “and tech-prep students”;

8 (III) in subclause (II), by insert-  
9 ing “rigorous and challenging” after  
10 “integration of”; and

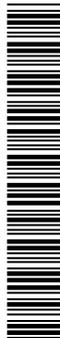
11 (IV) in subclause (III), by insert-  
12 ing “, particularly those in which  
13 math and science skills are critical,”  
14 after “high-skill careers”; and

15 (C) in subparagraph (C)—

16 (i) in clause (i)—

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

23 (II) by striking “2002” and in-  
24 serting “2008” both places it appears;  
25 and



1                   (ii) in clause (ii), by striking “the  
2                   Committee on Education and the Work-  
3                   force of the House of Representatives, the  
4                   Committee on Labor and Human Re-  
5                   sources of the Senate,” and inserting  
6                   “Congress”;

7                   (3) in paragraph (5)(A)—

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

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

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

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

22                  (4) in paragraph (6)—

23                  (A) by striking:

24                  “(6) DEMONSTRATION AND DISSEMINATION.—



1                   “(A) DEMONSTRATION PROGRAM.—The”,  
2                   and inserting:  
3                   “(6) DEMONSTRATION PROGRAM.—The”; and  
4                   (B) by striking subparagraph (B); and  
5                   (5) in paragraph (8), by striking “this section”  
6                   and all that follows and inserting “subsections (a),  
7                   (b), and (c) of this section, such sums as may be  
8                   necessary for each of fiscal years 2005 through  
9                   2010.”

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

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

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

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



1           “(A) an eligible agency’s success in effec-  
2           tively developing connections between secondary  
3           education and postsecondary education and  
4           training;

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

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

12          “(3) USE OF FUNDS.—The funds awarded to  
13          an eligible agency under this subsection may be used  
14          to carry out any activities authorized under section  
15          124, including demonstrations of innovative pro-  
16          grams.”.

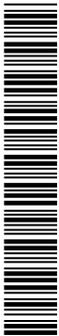
17 **SEC. 10. OUTLYING AREAS, NATIVE AMERICAN PROGRAMS,**  
18 **AND TRIBALLY CONTROLLED INSTITUTIONS.**

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

21 **“SEC. 115. ASSISTANCE FOR OUTLYING AREAS.**

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

24                  “(1) make a grant in the amount of \$660,000  
25          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);

7 (2) in subsection (b)—

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

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

12 (C) by amending paragraph (5) to read as  
13 follows:

14 “(5) REGULATIONS.—If the Secretary promul-  
15 gates any regulations applicable to subsection (b)(2),  
16 the Secretary shall confer with, and allow participa-  
17 tion by, representatives of Indian tribes, tribal orga-  
18 nizations, and individual tribal members.”; and

19 (3) in subsection (c)(2)(A), by inserting “post-  
20 secondary” after “enrolled in”.

21 (c) NEEDS ESTIMATE FOR TRIBALLY CONTROLLED  
22 INSTITUTIONS.—Section 117 (20 U.S.C. 2327) is  
23 amended—



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

4 (2) in subsection (h) (as s redesignated)—

5 (A) by striking “1999” and inserting  
6 “2005”; and

7 (B) by striking “4 succeeding fiscal years”  
8 and inserting “5 succeeding fiscal years”.

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

11 (1) by amending subsection (b) to read as fol-  
12 lows:

13 “(b) STATE LEVEL ACTIVITIES.—

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

19 “(2) APPLICATION.—The jointly designated  
20 agency shall submit an application to the Secretary  
21 at the same time the State submits its state plan  
22 under section 122. The application shall be in such  
23 a manner and be accompanied by such information  
24 as the Secretary may reasonably require. At a min-  
25 imum, the application shall describe how the jointly



1 designated agency will assist the eligible agency in  
2 meeting its adjusted levels of performance under sec-  
3 tion 113(b).

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

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

13 “(B) to make available to students, par-  
14 ents, teachers, administrators, and counselors,  
15 and to improve accessibility with respect to, in-  
16 formation and planning resources that relate  
17 academic and vocational and technical edu-  
18 cational preparation to career goals and expec-  
19 tations;

20 “(C) to equip teachers, administrators, and  
21 counselors with the knowledge, skills, and occu-  
22 pational information needed to assist students  
23 and parents with educational and other postsec-  
24 ondary opportunities and education financing;



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

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

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

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

18           (3) in subsection (f), by striking “1999 through  
19 2003” and inserting “2005 through 2010”.

20 **SEC. 11. STATE ADMINISTRATION.**

21           Section 121 (20 U.S.C. 2341) is amended to read as  
22 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.**

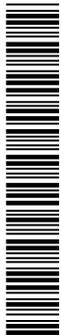
17       Section 122 (20 U.S.C. 2342) is amended—

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                   ated) 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;

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

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

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

20          (iii) by amending subparagraph (C)  
21          (as so redesignated) to read as follows:

22          “(C) the criteria that will be used by the  
23          eligible agency to evaluate and approve eligible  
24          recipients for funds under this title, including  
25          criteria to assess the extent to which the local



1 plan will promote continuous and substantial  
2 improvement in academic achievement and tech-  
3 nical skill attainment;”;

4 (iv) in subparagraph (D) (as so redesi-  
5 gnated)—

6 (I) by inserting “, both academi-  
7 cally and technically,” after “stu-  
8 dents”; and

9 (II) by striking “; and” and in-  
10 sserting “, and how participating stu-  
11 dents will be made aware of such op-  
12 portunities;”;

13 (v) in subparagraph (E) (as so redesi-  
14 gnated), by striking the period and insert-  
15 ing “aligned with rigorous and challenging  
16 academic content;”; and

17 (vi) by inserting after subparagraph  
18 (E) (as so redesignated) the following:

19 “(F) the process by which, for vocational  
20 and technical education programs carried out  
21 under this Act, the eligible agency will develop  
22 the secondary or postsecondary elements of the  
23 model sequences of courses identified by the eli-  
24 gible agency, with an emphasis on rigorous and  
25 challenging academic and technical content



1 that, through a progression of courses, leads to  
2 a postsecondary 1-year certificate, associate's or  
3 baccalaureate degree, or a proficiency credential  
4 in conjunction with a secondary school diploma;

5 “(G) the role that any eligible recipients  
6 implementing the activities described in section  
7 135(b)(3) will play in assisting local educational  
8 agencies and postsecondary educational institu-  
9 tions in establishing agreements and plans for  
10 coordinating the offering of model sequences of  
11 courses to students at both the secondary and  
12 postsecondary levels; and

13 “(H) how funds will be used effectively to  
14 link secondary and postsecondary academic and  
15 vocational and technical education in a manner  
16 that increases student academic and vocational  
17 and technical achievement.”;

18 (B) by amending paragraph (2) to read as  
19 follows:

20 “(2) describes how comprehensive professional  
21 development (including initial teacher preparation  
22 and activities that support recruitment) for voca-  
23 tional and technical, academic, guidance, and admin-  
24 istrative personnel will be provided, especially profes-  
25 sional development that—



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

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

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

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

13          (C) in paragraph (3), by inserting “aca-  
14 demic and technical” after “parents,”;

15          (D) in paragraph (5)(A)—

16           (i) by inserting “(especially as per-  
17 taining to math, science, and technology)”  
18 after “academic and technical skills”; and

19           (ii) by striking “core academic, and  
20 vocational and technical, subjects” and in-  
21 sserting “core academic subjects (as defined  
22 in section 9101(11) of the Elementary and  
23 Secondary Education Act of 1965 (20  
24 U.S.C. 7801(11))), and vocational and  
25 technical subjects”;



1 (E) in paragraph (17), by striking “train-  
2 ing and employment” and inserting “fields”;  
3 and

4 (F) by striking paragraph (19), redesign-  
5 nating paragraphs (20) and (21) as paragraphs  
6 (21) and (22), respectively, and inserting after  
7 paragraph (18) the following:

8 “(19) describes how the eligible agency will  
9 award grants, on a competitive basis or on the basis  
10 of a formula determined by the eligible agency, using  
11 funds described in section 112 (a) (1) for activities  
12 described in section 135(b)(3);

13 “(20) describes how the eligible agency will  
14 carry out measurable, sustainable, and coordinated  
15 tech-prep activities in the State (as described in sec-  
16 tion 135(b)(3)) with funds allocated under section  
17 112(a) that are developed in consultation with the  
18 entities described in subsection (b)(1) and that effec-  
19 tively prepare students for post-secondary education  
20 or employment in high demand occupations through  
21 a seamless program of study consisting of appro-  
22 priate advanced academic and technical courses that  
23 include a minimum of 2 years of secondary school  
24 preceding graduation and a minimum of 2 years of



1 higher education or an apprenticeship program of at  
2 least 2 years following secondary instruction;” and  
3 (4) by striking subsections (d) and (f) and re-  
4 designating subsection (e) as subsection (d).

5 **SEC. 13. IMPROVEMENT PLANS.**

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

8 **“SEC. 123. IMPROVEMENT PLANS.**

9 “(a) STATE PROGRAM IMPROVEMENT.—

10 “(1) PLAN.—If a State fails to meet the State  
11 adjusted levels of performance required under sec-  
12 tion 113(b)(3), the eligible agency shall develop and  
13 implement a program improvement plan (with spe-  
14 cial consideration to performance gaps identified  
15 under section 113(c)(2)) in consultation with the ap-  
16 propriate agencies, individuals, and organizations for  
17 the first program year succeeding the program year  
18 in which the eligible agency failed to meet the State  
19 adjusted levels of performance, in order to avoid a  
20 sanction under paragraph (3).

21 “(2) TECHNICAL ASSISTANCE.—If the Sec-  
22 retary determines that an eligible agency is not  
23 properly implementing the eligible agency’s respon-  
24 sibilities under section 122, or is not making sub-  
25 stantial progress in meeting the purpose of this Act,



1 based on the State's adjusted levels of performance,  
2 the Secretary shall work with the eligible agency to  
3 implement improvement activities consistent with the  
4 requirements of this Act.

5 “(3) SUBSEQUENT ACTION.—

6 “(A) IN GENERAL.—If an eligible agency  
7 fails to meet the State adjusted levels of per-  
8 formance, has not implemented an improvement  
9 plan as described in paragraph (1), has shown  
10 no improvement within 1 year after imple-  
11 menting an improvement plan as described in  
12 paragraph (1), or has failed to meet the State  
13 adjusted levels of performance for 2 or more  
14 consecutive years, the Secretary may, after no-  
15 tice and opportunity for a hearing, withhold  
16 from the eligible agency all, or a portion of, the  
17 eligible agency's allotment under this title.

18 “(B) WAIVER FOR EXCEPTIONAL CIR-  
19 CUMSTANCES.—The Secretary may waive the  
20 sanction in subparagraph (A) due to exceptional  
21 or uncontrollable circumstances such as a nat-  
22 ural disaster or a precipitous and unforeseen  
23 decline in the financial resources of the State.

24 “(4) FUNDS RESULTING FROM REDUCED AL-  
25 LOTMENTS.—



1           “(A) IN GENERAL.—The Secretary shall  
2           use funds withheld under paragraph (3) for a  
3           State served by an eligible agency, to provide  
4           (through alternative arrangements) services and  
5           activities within the State to meet the purposes  
6           of this Act.

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

14          “(b) LOCAL PROGRAM IMPROVEMENT.—

15                 “(1) LOCAL EVALUATION.—Each eligible agen-  
16                 cy shall evaluate annually, using the local adjusted  
17                 levels of performance described in section 113(b)(4),  
18                 the vocational and technical education activities of  
19                 each eligible recipient receiving funds under this  
20                 title.

21                 “(2) PLAN.—

22                         “(A) IN GENERAL.—If, after reviewing the  
23                         evaluation, the eligible agency determines that  
24                         an eligible recipient is not making substantial  
25                         progress in achieving the local adjusted levels of



1 performance, or that an eligible recipient dem-  
2 onstrates under section 113(b)(4)(C) a wid-  
3 ening of performance gaps between multiple  
4 categories of students served by the eligible re-  
5 cipient in comparison to all students in the  
6 State served under the Act, the eligible agency  
7 shall—

8 “(i) conduct an assessment of the  
9 educational needs that the eligible recipient  
10 shall address to overcome local perform-  
11 ance deficiencies;

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



1           “(iii) conduct regular evaluations of  
2           the progress being made toward reaching  
3           the local adjusted levels of performance as  
4           described in section 113(b)(4) and  
5           progress on implementing the improvement  
6           plan itself.

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

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

23          “(4) SUBSEQUENT ACTION.—

24                 “(A) IN GENERAL.—If an eligible recipient  
25                 fails to meet the local adjusted levels of per-



1 formance as described in section 113(b)(4), has  
2 not implemented an improvement plan as de-  
3 scribed in paragraph (2), has shown no im-  
4 provement within 1 year after implementing an  
5 improvement plan as described in paragraph  
6 (2), or has failed to meet the local adjusted lev-  
7 els of performance for 2 or more consecutive  
8 years, the eligible agency may, after notice and  
9 opportunity for a hearing, withhold from the el-  
10 igible recipient all, or a portion of, the eligible  
11 recipient's allotment under this title.

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

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

24 **SEC. 14. STATE LEADERSHIP ACTIVITIES.**

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



1 (1) in subsection (b)—

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

4 (B) in paragraph (2)—

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

9 (ii) in subparagraph (B)—

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

14 (II) by striking “and tele-  
15 communications field” and inserting  
16 “fields, including nontraditional  
17 fields”;

18 (C) in paragraph (3)—

19 (i) by inserting “at the secondary and  
20 postsecondary levels” after “academic,  
21 guidance, and administrative personnel”;

22 (ii) by redesignating subparagraphs  
23 (A) through (D) as subparagraphs (C)  
24 through (F), respectively, and inserting be-



1 fore such subparagraphs (as so redesignated) the following:

2  
3 “(A) will provide inservice and preservice  
4 training for vocational and technical education  
5 teachers in the integration and use of rigorous  
6 and challenging academics with vocational and  
7 technical subjects;

8 “(B) are high quality, sustained, intensive,  
9 and classroom-focused in order to have a positive  
10 and lasting impact on classroom instruction  
11 and the teacher’s performance in the classroom,  
12 and are not 1 day or short-term workshops or  
13 conferences;”;

14 (iii) in subparagraph (C) (as so redesignated)—

15  
16 (I) by inserting “scientifically  
17 based” after “based on”; and

18 (II) by striking “; and” and inserting a semicolon;

19  
20 (iv) in subparagraph (D) (as so redesignated), by striking “assist students in  
21 meeting” and inserting “improve student  
22 achievement in order to meet”; and

23  
24 (v) by amending subparagraph (E)  
25 (as so redesignated) to read as follows:



1           “(E) will support education programs for  
2 teachers of vocational and technical education  
3 in public schools and other public school per-  
4 sonnel who are involved in the direct delivery of  
5 educational services to vocational and technical  
6 education students to ensure that teachers and  
7 personnel—

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

10           “(ii) meet teacher certification or li-  
11 censing requirements, especially in core  
12 academic subjects as defined in section  
13 9101(11) of the Elementary and Sec-  
14 ondary Education Act of 1965 (20 U.S.C.  
15 7801(11));

16           “(iii) effectively develop integrated  
17 rigorous and challenging academic and vo-  
18 cational and technical education cur-  
19 riculum;

20           “(iv) develop a high level of academic  
21 and industry knowledge and skills of voca-  
22 tional and technical education; and

23           “(v) effectively use applied learning  
24 that contributes to the academic and voca-



1 tional and technical knowledge of the stu-  
2 dent.”;

3 (D) in paragraph (4), by striking “integra-  
4 tion of academics” and all that follows through  
5 “core academic,” and inserting “provision of  
6 rigorous and challenging academics that are in-  
7 tegrated with vocational and technical education  
8 to ensure achievement in the core academic sub-  
9 jects (as defined in section 9101(11) of the Ele-  
10 mentary and Secondary Education Act of 1965  
11 (20 U.S.C. 7801(11))),”;

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

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

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

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

22 (I) by inserting after paragraph (8) the  
23 following:

24 “(9) technical assistance for eligible recipients”;

25 and



1 (2) in subsection (c)—

2 (A) by striking paragraph (1), and redesignig-  
3 nating paragraphs (2) through (10) as para-  
4 graphs (1) through (9), respectively, and para-  
5 graphs (11) and (12) as paragraphs (12) and  
6 (13), respectively;

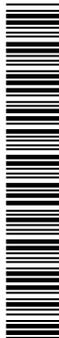
7 (B) in paragraph (9) (as so redesignated),  
8 by inserting “that prepare individuals academi-  
9 cally and technically for current and emerging  
10 occupations in demand” after “education  
11 courses”; and

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

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

18 “(A) eligible recipients exceeding chal-  
19 lenging performance measures established  
20 under section 113(b) that reflect sustained or  
21 significant improvement;

22 “(B) eligible recipients effectively devel-  
23 oping connections between secondary education  
24 and postsecondary education and training;



1           “(C) the adoption and integration of rig-  
2           orous and challenging academic and technical  
3           coursework;

4           “(D) an eligible recipient’s progress in hav-  
5           ing special populations participating in voca-  
6           tional and technical education programs meet  
7           local adjusted levels of performance; or

8           “(E) other factors relating to the perform-  
9           ance of the eligible recipient under this Act as  
10          the eligible agency determines are appropriate.

11          “(11) providing for activities to support entre-  
12          preneurship education and training;”.

13 **SEC. 15. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL**  
14 **PROGRAMS.**

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

16           (1) by striking subsection (a) and redesignating  
17           subsections (b) through (i) as subsections (a)  
18           through (h), respectively;

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

20           (A) in the subsection heading, by striking  
21           “SPECIAL” and “FOR SUCCEEDING FISCAL  
22           YEARS”; and

23           (B) by striking “for fiscal year 2000 and  
24           succeeding fiscal years”; and

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



1 (A) by striking “subsection (b)” and in-  
2 serting “subsection (a)”; and

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

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

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

9 **SEC. 17. LOCAL PLAN FOR VOCATIONAL AND TECHNICAL**  
10 **EDUCATION PROGRAMS.**

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

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

14 (2) in paragraph (3)—

15 (A) by redesignating subparagraphs (A)  
16 through (C) as subparagraphs (B) through (D),  
17 respectively, and inserting before such subpara-  
18 graphs the following:

19 “(A) offer the appropriate courses of at  
20 least one of the model sequences of courses de-  
21 scribed in section 124(c)(1), as appropriate to  
22 the eligible recipient responsible for that ele-  
23 ment of the sequence;”;

24 (B) in subparagraph (B) (as so redesign-  
25 nated)—



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

3 (ii) by inserting “subjects (as defined  
4 by section 9101(11) of the Elementary and  
5 Secondary Education Act of 1965 (20  
6 U.S.C. 7801(11)))” after “core academic”;  
7 and

8 (C) in subparagraph (D) (as so redesign-  
9 nated), by inserting “rigorous and” after  
10 “taught to the same”;

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

14 “(4) describe how comprehensive professional  
15 development (including initial teacher preparation)  
16 for vocational and technical, academic, guidance,  
17 and administrative personnel will be provided that  
18 promotes the integration of rigorous and challenging  
19 academic and technical education (including cur-  
20 riculum development);”;

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

22 (A) by inserting “academic and vocational  
23 and technical” after “students,”; and



1 (B) by inserting “, including the eligible  
2 recipients that offer elements of the model se-  
3 quence of courses” after “of this title”; and  
4 (5) in paragraph (8) (as so redesignated)—

5 (A) in subparagraph (A), by striking “;  
6 and” and inserting a semicolon;

7 (B) in subparagraph (B), by inserting  
8 “and” after the semicolon; and

9 (C) by adding after subparagraph (B) the  
10 following:

11 “(C) will provide activities to prepare spe-  
12 cial populations, including displaced home-  
13 makers, for high skill, high wage occupations  
14 that will lead to self-sufficiency;”.

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

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

17 (1) in subsection (b)—

18 (A) in paragraph (1), by striking “to en-  
19 sure learning in the core academic” and insert-  
20 ing “as established in the State-developed  
21 model sequences of courses described in section  
22 122(c)(1)(A) to ensure learning in the core aca-  
23 demic subjects (as defined by section 9101(11)  
24 of the Elementary and Secondary Education  
25 Act of 1965 (20 U.S.C. 7801(11)))”;



1 (B) by striking paragraph (8);

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

6 “(2) link secondary vocational and technical  
7 education and postsecondary vocational and tech-  
8 nical education, including offering model sequences  
9 of courses and implementing tech-prep programs  
10 consistent with the activities described in paragraph  
11 (3);

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

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

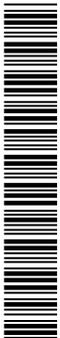
18 “(i) a local educational agency, an in-  
19 termediate educational agency or area vo-  
20 cational and technical education school  
21 serving secondary school students, or a  
22 secondary school funded by the Bureau of  
23 Indian Affairs; and

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



1                   “(aa) a 2 or 4-year degree pro-  
2                   gram, or a 2-year certificate program,  
3                   and is qualified as an institution of  
4                   higher education pursuant to section  
5                   102 of the Higher Education Act of  
6                   1965 (20 U.S.C. 1002) (except those  
7                   institutions described in section  
8                   102(a)(1)(C) of such Act), including  
9                   an institution receiving assistance  
10                  under the Tribally Controlled College  
11                  or University Assistance Act of 1978  
12                  (25 U.S.C. 1801 et seq.) and a trib-  
13                  ally controlled postsecondary voca-  
14                  tional and technical institution; or

15                  “(bb) a 2-year apprenticeship  
16                  program that follows secondary in-  
17                  struction, if such nonprofit institution  
18                  of higher education is not prohibited  
19                  from receiving assistance under part  
20                  B of title IV of the Higher Education  
21                  Act of 1965 (20 U.S.C. 1071 et seq.)  
22                  pursuant to the provisions of section  
23                  435(a)(3) of such Act (20 U.S.C.  
24                  1083(a)); or



1                   “(II) a proprietary institution of  
2                   higher education that offers a 2-year  
3                   associate degree program and is quali-  
4                   fied as an institution of higher edu-  
5                   cation pursuant to section 102 of the  
6                   Higher Education Act of 1965 (20  
7                   U.S.C. 1002), if such proprietary in-  
8                   stitution of higher education is not  
9                   subject to a default management plan  
10                  required by the Secretary,

11                  and may include employers and labor orga-  
12                  nizations;

13                  “(B) consist of a minimum of 2 years of  
14                  secondary school preceding graduation and a  
15                  minimum of 2 years of higher education, or an  
16                  apprenticeship program of at least 2 years fol-  
17                  lowing secondary instruction;

18                  “(C) meet academic standards developed  
19                  by the State, including standards developed  
20                  under section 1111 of the Elementary and Sec-  
21                  ondary Education Act of 1965 (20 U.S.C.  
22                  6311) for secondary students, and support pro-  
23                  ficiency in mathematics, science, reading, writ-  
24                  ing, communications, and technologies;



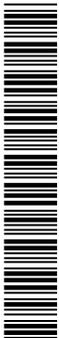
1           “(D) are comprised of model sequences of  
2           courses that integrate rigorous and challenging  
3           academics and vocational and technical edu-  
4           cation;

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

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

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

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



1           “(I) are sustainable and use performance  
2 indicator data, described in section 113, to in-  
3 form program quality;

4           “(J) include academic and career coun-  
5 seling for participants that provide information  
6 to students (and parents, as appropriate) re-  
7 garding tech-prep programs and support stu-  
8 dent progress in completing tech-prep pro-  
9 grams;

10          “(K) include in-service training for teach-  
11 ers that—

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

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

19          “(L) provide students with transferable  
20 credit between the consortium members, as de-  
21 scribed in subparagraph (A), including through  
22 programs that allow secondary programs to be  
23 co-located on postsecondary campuses;”;

24          “(D) in paragraph (5) (as so redesign-  
25 nated)—



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

5 (ii) in subparagraph (B)—

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

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

13 (iii) in subparagraph (C)—

14 (I) by striking “work” and in-  
15 serting “collaborate”; and

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

20 (E) in paragraph (6) (as so redesign-  
21 nated)—

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



1 (ii) in subparagraph (A), by striking  
2 “in effective teaching skills based on re-  
3 search” and inserting “in effective integra-  
4 tion of rigorous and challenging academic  
5 and vocational and technical education, in  
6 effective teaching skills based on scientif-  
7 ically based research”; and

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

10 “(10) provide activities to prepare special popu-  
11 lations, including displaced homemakers, for high  
12 skill, high wage occupations that will lead to self suf-  
13 ficiency.”;

14 (2) in subsection (c)—

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

20 (B) in paragraph (5), by inserting “includ-  
21 ing the establishment and operation of special  
22 arrangements with industry partners that allow  
23 qualified industry professionals to serve as fac-  
24 ulty in postsecondary programs” before the  
25 semicolon;



1 (C) 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 (D) by redesignating paragraphs (10)  
6 through (15) as paragraphs (12) through (17);  
7 and inserting after paragraph (9) the following:  
8 “(10) to develop and expand postsecondary pro-  
9 gram offerings that are accessible by students, in-  
10 cluding the use of distance education;

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

13 (E) in paragraph (12) (as so redesign-  
14 ated), by inserting “, including development of  
15 new proposed model sequences of courses for  
16 consideration by the eligible agency and courses  
17 that prepare individuals academically and tech-  
18 nically for current and emerging occupations  
19 that are in demand” before the semicolon;

20 (F) in paragraph (16) (as so redesign-  
21 ated), by striking “; and” and inserting a  
22 semicolon;

23 (G) in paragraph (17) (as so redesign-  
24 ated), by striking the period and inserting “;  
25 and”; and



1 (H) by inserting after paragraph (17) (as  
2 so redesignated) the following:

3 “(18) to provide accurate information relating  
4 to the availability of supportive services available in  
5 an area served by the eligible recipient , and referral  
6 to such services, as appropriate.”; and

7 (3) in subsection (d), by striking “5 percent”  
8 and inserting “2 percent”.

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

10 Title II of the Carl D. Perkins Vocational and Tech-  
11 nical Education Act of 1998 (20 U.S.C. 2071 et seq.) is  
12 repealed.

13 **SEC. 20. GENERAL PROVISIONS.**

14 (a) **FISCAL REQUIREMENTS.**—Section 311(b) (20  
15 U.S.C. 2391(b)) is amended by inserting after paragraph  
16 (2) the following:

17 “(3) **DEFINITION.**—For purposes of this sub-  
18 section, the term ‘preceding fiscal year’ means the  
19 Federal fiscal year or the 12-month fiscal period  
20 used by a State for official reporting purposes, prior  
21 to the beginning of the Federal fiscal year in which  
22 funds are available for obligation by the Secretary.”.

23 (b) **AUTHORIZATION OF SECRETARY.**—Section 317  
24 (20 U.S.C. 2397) is repealed.

