

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4496
OFFERED BY MR. CASTLE

Strike all after the enacting clause and insert the following:

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 of the Carl D. Perkins
16 Vocational and Technical Education Act of 1998 (20
17 U.S.C. 2302) is amended—



1 (1) by striking paragraph (26) and redesignig-
2 nating paragraphs (21) through (25) as paragraphs
3 (23) through (27), and paragraphs (27) through
4 (30) as paragraphs (29) through (32), respectively;

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

8 “(4) ARTICULATION AGREEMENT.—The term
9 ‘articulation agreement’ means a written commit-
10 ment, agreed upon at the State level or approved an-
11 nually and facilitated by the lead administrators of
12 the secondary and postsecondary consortia members
13 as described in section 135(b)(3)(A), to a program
14 designed to provide students with a nonduplicative
15 sequence of progressive achievements leading to de-
16 grees, certificates, or credentials in a tech-prep edu-
17 cation program linked through credit transfer agree-
18 ments.”;

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

22 (4) in paragraph (6) (as so redesignated), by
23 striking “section 5206” and inserting “section
24 5210”;

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



1 (A) by striking “method of instruction”
2 and inserting “method”; and

3 (B) by inserting “rigorous and chal-
4 lenging” after “required”;

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

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

9 (A) in the paragraph heading, by striking
10 “TRAINING AND EMPLOYMENT” and inserting
11 “FIELDS”;

12 (B) by striking “training and employment”
13 and inserting “fields”; and

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

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

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

21 “(22) SCIENTIFICALLY BASED RESEARCH.—

22 The term ‘scientifically based research’ has the
23 meaning given that term in section 9101(37) of the
24 Elementary and Secondary education Act of 1965
25 (20 U.S.C. 780137)).”;



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

2 (A) in subparagraph (C), by striking
3 “training and employment” and inserting
4 “fields”;

5 (B) in subparagraph (E), by striking
6 “and”;

7 (C) in subparagraph (F)—

8 (i) by striking “individuals with other
9 barriers to educational achievement, in-
10 cluding”; and

11 (ii) by striking the period and insert-
12 ing “; and”; and

13 (D) by inserting after subparagraph (F)
14 the following:

15 “(G) individuals with other barriers to edu-
16 cational achievement, as determined by the
17 State.”;

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

20 “(28) SUPPORTIVE SERVICES.—The term ‘sup-
21 portive services’ means services such as transpor-
22 tation, child care, dependent care, and needs-based
23 payments, that are necessary to enable an individual
24 to participate in activities authorized under this
25 Act.”;



1 (12) in paragraph (29) (as so redesignated), by
2 striking “section 2” and inserting “section 2(a)(4)”;
3 (13) in paragraph (30) (as so redesignated)—
4 (A) by inserting “of subsection (a)” after
5 “paragraph (2)”; and
6 (B) by striking “paragraph (5)(A) of such
7 section” and inserting “paragraph (5)(A) of
8 such subsection”; and
9 (14) by amending paragraph (31)(A) (as so re-
10 designated) to read as follows:

11 “(A) offer a sequence of courses that—
12 “(i) provides individuals with the rig-
13 orous and challenging academic and tech-
14 nical knowledge and skills the individuals
15 need to prepare for further education and
16 for careers (other than careers requiring a
17 master’s or doctoral degree) in current or
18 emerging employment sectors;
19 “(ii) may include the provision of
20 skills or courses necessary to enroll in a se-
21 quence of courses that meet the require-
22 ments of this subparagraph; and
23 “(iii) provides, at the postsecondary
24 level, for a 1-year certificate, an associate



1 degree, or industry recognized credential;
2 and”.

3 **SEC. 4. TRANSITION PROVISIONS.**

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

5 (1) by striking “the Carl D. Perkins Vocational
6 and Applied Technology Education Act” and insert-
7 ing “‘the Carl D. Perkins Vocational and Technical
8 Education Act of 1998’”; and

9 (2) by striking “the Carl D. Perkins Vocational
10 and Applied Technology Education Amendments of
11 1998” and inserting “the Vocational and Technical
12 Education for the Future Act. Each eligible agency
13 shall be assured 1 full fiscal year for transition, to
14 plan for and implement the requirements of this
15 Act”.

16 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

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

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

20 “There is authorized to be appropriated to carry out
21 this Act (other than subsection (a), (b), and (c) of section
22 114, and sections 117 and 118) \$1,307,000,000 for fiscal
23 year 2005 and such sums as may be necessary for each
24 of fiscal years 2006 through 2010.”.



1 **SEC. 6. PROHIBITIONS.**

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

6 **“SEC. 9 PROHIBITIONS.**

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

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

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



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

4 (b) CONFORMING AMENDMENT.—The table of con-
5 tents in section 1(b) is amended by inserting after the item
6 relating to section 8, the following new item:

“Sec. 9. Prohibitions.”.

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

8 (a) ALLOTMENT FOR NATIONAL ACTIVITIES FOR
9 2005.—Section 111(a)(1) is amended to read as follows:

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

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

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

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

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

20 “(C) 0.54 percent to carry out section
21 114(d).”.

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

24 (1) in paragraph (3), by striking “(or in the
25 case of fiscal year 1999” and all that follows



1 through “Applied Amendments of 1998)” each place
2 it appears and inserting “(or in the case of fiscal
3 year 2005 only, under this section and under title II
4 of this Act, as such section and title were in effect
5 on the day before the date of enactment of the Voca-
6 tional and Technical Education for the Future
7 Act)”;

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

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

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

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

22 “(a) ALLOCATION FORMULA.—From the amount al-
23 lotted to each State under section 111 for a fiscal year,
24 the State board (hereinafter referred to as the ‘eligible
25 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 fields.

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 percentage of the total amount allotted under



1 section 111 that is allocated for the purposes de-
2 scribed in paragraph (2) shall not exceed the per-
3 centage of the total amount allotted under section
4 111 for fiscal year 2004 that was allocated under
5 paragraph (2) for fiscal year 2004.”; and

6 (2) in subsection (c)—

7 (A) in paragraph (1)—

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

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

12 (iii) by striking subparagraph (D);

13 and

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

16 **SEC. 8. ACCOUNTABILITY.**

17 (a) **PURPOSE.**—Section 113(a) (20 U.S.C. 2323(a))
18 is amended—

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

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

23 (b) **STATE PERFORMANCE MEASURES.**—Section
24 113(b) (20 U.S.C. 2323(b)) is amended—

25 (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 “or the
22 General Educational Development cre-
23 dential (including recognized alter-
24 native standards for individuals with
25 disabilities)”;



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

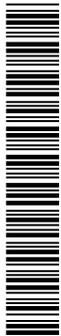
3 (v) by amending clause (iii) to read as
4 follows:

5 “(iii) Student graduation rates (as de-
6 scribed in section 111(b)(2)(C)(vi) of the
7 Elementary and Secondary Education Act
8 of 1965 (20 U.S.C. 6311(b)(2)(C)(vi))),
9 placement in postsecondary education or
10 advanced training, placement in military
11 service, or placement in employment.”; and

12 (vi) in clause (iv), by striking “train-
13 ing and employment” and inserting
14 “fields”;

15 (C) by inserting after subparagraph (A)
16 the following:

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



1 “(i) Student attainment of challenging
2 academic and vocational and technical skill
3 proficiencies.

4 “(ii) Student retention in postsec-
5 ondary education, attainment of an asso-
6 ciate degree or postsecondary credential, or
7 transfer to a baccalaureate degree pro-
8 gram.

9 “(iii) Placement in military service or
10 placement or retention in employment.

11 “(iv) Student participation in and
12 completion of vocational and technical edu-
13 cation programs in nontraditional fields.”;

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

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

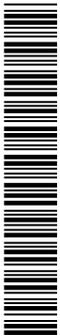
20 (2) in paragraph (3)—

21 (A) by amending the paragraph heading to
22 read as follows:

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

24 and

25 (B) in subparagraph (A)—



1 (i) in clause (i)—

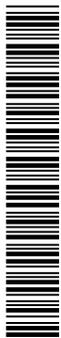
2 (I) by striking “paragraph
3 (2)(A)” and inserting “subparagraphs
4 (A) and (B) of paragraph (2)”; and

5 (II) in subclause (II), by striking
6 “to continually” and all that follows
7 through “performance”, and inserting
8 “to make continuous and substantial
9 improvement in the academic and vo-
10 cational and technical achievement”;

11 (ii) by amending clause (v) to read as
12 follows:

13 “(iv) AGREEMENT ON STATE AD-
14 JUSTED LEVELS OF PERFORMANCE FOR
15 SUBSEQUENT YEARS.—

16 “(I) 3RD AND 4TH PROGRAM
17 YEARS.—Prior to the third program
18 year covered by the State plan, the
19 Secretary and each eligible agency
20 shall reach agreement on the State
21 adjusted levels of performance for
22 each of the core indicators of perform-
23 ance for the third and fourth pro-
24 grams years covered by the State



1 plan, taking into account the factors
2 described in clause (vi).

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

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

22 (iii) in clause (vi)(II), by inserting
23 “and substantial” after “continuous”; and



1 (iv) in clause (vii), by striking “under
2 clause (iii) or (iv)” and inserting “under
3 clause (iii) or (v)”.

4 (c) LOCAL LEVELS OF PERFORMANCE.—Section
5 113(b) is further amended by adding at the end the fol-
6 lowing:

7 “(4) LOCAL LEVELS OF PERFORMANCE.—

8 “(A) LOCAL ADJUSTED LEVELS OF PER-
9 FORMANCE FOR CORE INDICATORS OF PER-
10 FORMANCE.—

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

22 “(I) be expressed in a percentage
23 or numerical form, so as to be objec-
24 tive, quantifiable, and measurable;
25 and



1 “(II) require the eligible recipient
2 to make continuous and substantial
3 improvement in the academic and vo-
4 cational and technical achievement of
5 vocational and technical education
6 students.

7 “(ii) IDENTIFICATION IN THE LOCAL
8 PLAN.—Each eligible recipient shall iden-
9 tify, in the local plan submitted under sec-
10 tion 134, levels of performance for each of
11 the core indicators of performance for the
12 first 2 program years covered by the local
13 plan.

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



1 adjusted level of performance for the eligi-
2 ble recipient for such years and shall be in-
3 corporated into the local plan prior to the
4 approval of such plan.

5 “(iv) AGREEMENT ON LOCAL AD-
6 JUSTED LEVELS OF PERFORMANCE FOR
7 SUBSEQUENT YEARS.—

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

19 “(II) 5TH AND 6TH PROGRAM
20 YEARS.—Prior to the fifth program
21 year covered by the local plan, the eli-
22 gible agency and each eligible recipi-
23 ent shall reach agreement on the local
24 adjusted levels of performance for
25 each of the core indicators of perform-



1 ance for the fifth and sixth program
2 years covered by the local plan, taking
3 into account the factors described in
4 clause (v).

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

13 “(v) FACTORS.—The agreement de-
14 scribed in clause (iii) or (iv) shall take into
15 account—

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



1 “(II) the extent to which such
2 levels of performance promote contin-
3 uous and substantial improvement on
4 the indicators of performance by such
5 eligible recipient.

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

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

23 “(C) LOCAL REPORT.—

24 “(i) CONTENT OF REPORT.—Each eli-
25 gible recipient that receives an allotment



1 under section 111 shall annually prepare
2 and submit to the eligible agency a report,
3 regarding—

4 “(I) the progress of such recipi-
5 ent in achieving the local adjusted lev-
6 els of performance on the core indica-
7 tors of performance; and

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

16 “(ii) DISAGGREGATION OF DATA.—
17 Each eligible recipient shall—

18 “(I) disaggregate data for each
19 of the indicators of performance under
20 section 113(b)(2) for the categories of
21 students enumerated under section
22 1111(b)(2)(C)(v)(II) of the Elemen-
23 tary and Secondary Education Act of
24 1965 that are served under this Act;
25 and



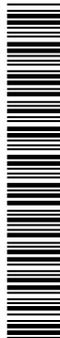
1 “(II) identify and quantify any
2 disparities or gaps in performance be-
3 tween any such category of students
4 and the performance of all students
5 served by the eligible recipient under
6 the Act.

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

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

20 (d) STATE REPORT.—Section 113(c) (20 U.S.C.
21 2323(c)) is amended—

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



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

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

9 “(B) identify and quantify any disparities
10 or gaps in performance between any such cat-
11 egory of students and the performance of all
12 students served by the eligible agency under the
13 Act.

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

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

22 (A) by striking “special populations” and
23 inserting “each of the populations described in
24 section 3(25) and the populations described in
25 section 1111(h)(1)(C)(i) of the Elementary and



1 Secondary Education Act of 1965 (20 U.S.C.
2 6311(h)(1)(C)(i)"); and
3 (B) by striking "have made" and inserting
4 "has made".

5 **SEC. 9. NATIONAL ACTIVITIES.**

6 (a) PROGRAM PERFORMANCE INFORMATION.—Sec-
7 tion 114(a)(3) (20 U.S.C. 2324(a)(3)) is amended by in-
8 serting "in the aggregate" after "international compari-
9 sons".

10 (b) EVALUATION AND ASSESSMENT.—Section 114(c)
11 (20 U.S.C. 2324(c)) is amended—

12 (1) by amending paragraph (2) to read as fol-
13 lows:

14 “(2) INDEPENDENT ADVISORY PANEL.—The
15 Secretary shall appoint an independent advisory
16 panel, consisting of academic and vocational and
17 technical education educators, administrators, ex-
18 perts in evaluation, research, and assessment, rep-
19 resentatives of labor organizations, businesses, par-
20 ents, guidance and counseling professionals, and
21 other individuals with relevant expertise, to advise
22 the Secretary on the implementation of the assess-
23 ment described in paragraph (3), including the
24 issues to be addressed and the methodology of the
25 studies involved to ensure the assessment adheres to



1 the highest standards of quality. The advisory panel
2 shall transmit to the Secretary and to Congress an
3 independent analysis of the findings and rec-
4 ommendations resulting from such assessment. The
5 Federal Advisory Committee Act (5 U.S.C. App.)
6 shall not apply to the panel established under this
7 subsection.”;

8 (2) in paragraph (3)—

9 (A) in subparagraph (A), by inserting “the
10 implementation of the” after “and assessment
11 of”;

12 (B) in subparagraph (B)—

13 (i) by inserting “but shall not be lim-
14 ited to” after “paragraph (1) shall in-
15 clude”;

16 (ii) by striking clauses (i), (ii), (iv),
17 and (vii) and redesignating clauses (iii),
18 (v), (vi), and (viii) as clauses (i) through
19 (iv), respectively;

20 (iii) in clause (i) (as so redesignated),
21 by striking “, and academic, curricula in
22 vocational and technical education pro-
23 grams,” and inserting “education (such as
24 meeting State established teacher certifi-
25 cation or licensing requirements)”; and



1 (iv) in clause (ii) (as so redesign-
2 nated)—

3 (I) by striking “and employment
4 outcomes” and all that follows
5 through “including analyses of” and
6 inserting “and vocational and tech-
7 nical education achievement and em-
8 ployment outcomes of vocational and
9 technical education students, includ-
10 ing analyses of”;

11 (II) in subclause (I), by striking
12 “and tech-prep students” and insert-
13 ing “and students participating in the
14 activities described in section
15 135(b)(3)” ;

16 (III) in subclause (II), by strik-
17 ing “academic, and vocational and
18 technical, education” and inserting
19 “rigorous and challenging academic
20 and vocational and technical edu-
21 cation, including a review of the effect
22 of integrated rigorous and challenging
23 academic and vocational and technical
24 education on the achievement of stu-
25 dents”; and



1 (IV) in subclause (III), by insert-
2 ing “, particularly those in which
3 math and science skills are critical,”
4 after “high-skill careers”; and

5 (C) in subparagraph (C)—

6 (i) in clause (i)—

7 (I) by striking “the Committee
8 on Education and the Workforce of
9 the House of Representatives and the
10 Committee on Labor and Human Re-
11 sources of the Senate” and inserting
12 “Congress”; and

13 (II) by striking “2002” and in-
14 serting “2008” both places it appears;
15 and

16 (ii) in clause (ii), by striking “the
17 Committee on Education and the Work-
18 force of the House of Representatives, the
19 Committee on Labor and Human Re-
20 sources of the Senate,” and inserting
21 “Congress”;

22 (3) in paragraph (5)(A)—

23 (A) by striking “to carry out research”
24 each place it appears, and inserting “to carry
25 out scientifically based research”;



1 (B) in clause (i), by inserting “scientifically based” after “programs, including”;

2
3 (C) in clause (ii), by inserting “that are integrated with rigorous and challenging academic education” after “implementation of vocational and technical education programs”;

4
5
6
7 and

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

9
10
11
12 (4) in paragraph (6)—

13 (A) by striking:

14 “(6) DEMONSTRATIONS AND DISSEMINATION.—

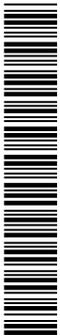
15 “(A) DEMONSTRATION PROGRAM.—The”,
16 and inserting:

17 “(6) DEMONSTRATIONS AND DISSEMINATION.—

18 The”; and

19 (B) by striking subparagraph (B); and

20 (5) in paragraph (8), by striking “this section”
21 and all that follows and inserting “subsections (a),
22 (b), and (c) of this section, such sums as may be
23 necessary for each of fiscal years 2005 through
24 2010.”



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

4 “(d) INCENTIVE GRANTS FOR ELIGIBLE AGEN-
5 CIES.—

6 “(1) IN GENERAL.—From funds reserved under
7 section 111(a)(1)(C), the Secretary may award
8 grants to eligible agencies for exemplary perform-
9 ance in carrying out programs under this Act. Such
10 awards shall be based on an eligible agency exceed-
11 ing State adjusted levels of performance established
12 under section 113(b) and showing sustained or sig-
13 nificant improvement.

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

16 “(A) an eligible agency’s success in effec-
17 tively developing connections between secondary
18 education and postsecondary education and
19 training;

20 “(B) an eligible agency’s integration of rig-
21 orous and challenging academic and technical
22 coursework; and

23 “(C) an eligible agency’s progress in hav-
24 ing special populations participating in voca-



1 tional and technical education meet State ad-
2 justed levels of performance.

3 “(3) USE OF FUNDS.—The funds awarded to
4 an eligible agency under this subsection may be used
5 to carry out any activities authorized under section
6 124, including demonstrations of innovative pro-
7 grams.”.

8 **SEC. 10. OUTLYING AREAS, NATIVE AMERICAN PROGRAMS,**
9 **AND TRIBALLY CONTROLLED INSTITUTIONS.**

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

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

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

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

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

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

22 “(b) REMAINDER.—Subject to the provisions of sub-
23 section (a), the Secretary shall make a grant of the re-
24 mainder of funds reserved pursuant to section
25 111(a)(1)(A), in equal proportion, to each of Guam,



1 American Samoa, and the Commonwealth of the Northern
2 Mariana Islands, for the purpose of providing direct voca-
3 tional and technical educational services, including—

4 “(1) teacher and counselor training and retrain-
5 ing;

6 “(2) curriculum development; and

7 “(3) the improvement of vocational and tech-
8 nical education and training programs in secondary
9 schools and institutions of higher education, or im-
10 proving cooperative education programs involving
11 both secondary schools and institutions of higher
12 education.

13 “(c) RESTRICTION.—The Republic of Palau shall
14 cease to be eligible to receive funding under this section
15 upon entering into an agreement for extension of United
16 States educational assistance under the Compact of Free
17 Association after the date of enactment of the Vocational
18 and Technical Education for the Future Act.”.

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

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

23 (2) in subsection (b)—

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



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

3 (c) TRIBALLY CONTROLLED INSTITUTIONS.—Section
4 117 (20 U.S.C. 2327) is amended—

5 (1) by amending subsection (b) to read as fol-
6 lows:

7 “(b) USES OF GRANTS.—Amounts made available
8 under this section shall be used for vocational and tech-
9 nical education programs for Indian students and for in-
10 structional support costs of the grant, including the ex-
11 penses described in subsection (e).”;

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

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

18 (3) by striking subsection (g) and redesignating
19 subsections (h) and (i) as subsections (g) and (h),
20 respectively; and

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

22 (A) by striking “\$4,000,000 for fiscal year
23 1999 and”; and



1 (B) by striking “the 4 succeeding fiscal
2 years” and inserting “fiscal years 2005 through
3 2010”.

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

6 (1) by amending subsection (b) to read as fol-
7 lows:

8 “(b) STATE LEVEL ACTIVITIES.—

9 “(1) DESIGNATED ENTITY.—In order for a
10 State to receive a grant under this section, the eligi-
11 ble agency and the Governor of the State shall joint-
12 ly designate an entity in the State responsible for
13 conducting the activities in this subsection.

14 “(2) APPLICATION.—The jointly designated
15 agency shall submit an application to the Secretary
16 at the same time the State submits its state plan
17 under section 122. The application shall be in such
18 a manner and be accompanied by such information
19 as the Secretary may reasonably require. At a min-
20 imum, the application shall describe how the jointly
21 designated agency will assist the eligible agency in
22 meeting its adjusted levels of performance under sec-
23 tion 113(b).

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



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

8 “(B) to make available to students, par-
9 ents, teachers, administrators, and counselors,
10 and to improve accessibility with respect to, in-
11 formation and planning resources that relate
12 academic and vocational and technical edu-
13 cational preparation to career goals and expect-
14 ations;

15 “(C) to equip teachers, administrators, and
16 counselors with the knowledge, skills, and occu-
17 pational information needed to assist students
18 and parents with educational and other postsec-
19 ondary opportunities and education financing;

20 “(D) to assist appropriate State entities in
21 tailoring resources and training for use by such
22 entities;

23 “(E) to improve coordination and commu-
24 nication among administrators and planners of
25 programs authorized by this Act and by section



1 15 of the Wagner-Peyser Act (29 U.S.C. 49l–
2 2) at the Federal, State, and local levels to en-
3 sure nonduplication of efforts and the appro-
4 priate use of shared information and data; and

5 “(F) to provide ongoing means for cus-
6 tomers, such as students and parents, to pro-
7 vide comments and feedback on products and
8 services and to update resources, as appro-
9 priate, to better meet customer requirements.”;

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

12 (3) in subsection (f), by striking “1999 through
13 2003” and inserting “2005 through 2010”.

14 **SEC. 11. STATE ADMINISTRATION.**

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

17 **“SEC. 121. STATE ADMINISTRATION.**

18 “(a) **ELIGIBLE AGENCY RESPONSIBILITIES.**—The re-
19 sponsibilities of an eligible agency under this title shall
20 include—

21 “(1) coordination of the development, submis-
22 sion, and implementation of the State plan, and the
23 evaluation of the program, services, and activities as-
24 sisted under this title, including preparation for non-
25 traditional fields;



1 “(2) consultation with the Governor and appro-
2 priate agencies, groups, and individuals including
3 parents, students, teachers, representatives of busi-
4 nesses, labor organizations, eligible recipients, State
5 and local officials, and local program administrators,
6 involved in the planning, administration, evaluation,
7 and coordination of programs funded under this
8 title;

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

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

17 “(A) implement State level coordination
18 with the activities undertaken by the State
19 boards under section 111 of Public Law 105–
20 220; and

21 “(B) make available to the service delivery
22 system under section 121 of Public Law 105–
23 220 within the State a listing of all school drop-
24 out, postsecondary, and adult programs assisted
25 under this title.



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

7 **SEC. 12. STATE PLAN.**

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

9 (1) in subsection (a)—

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

12 (B) in paragraph (2)(B), by striking “5
13 year State plan” and inserting “6-year period”;
14 and

15 (C) in paragraph (3), by striking “(includ-
16 ing employers, labor organizations, and par-
17 ents)” and inserting “(including charter school
18 authorizers and organizers, employers, labor or-
19 ganizations, parents, students, and community
20 organizations)”;

21 (2) in subsection (b)(1), by striking “teachers,
22 eligible recipients, parents, students, interested com-
23 munity members” and inserting “academic and vo-
24 cational and technical education teachers, eligible re-
25 cipients, charter school authorizers and organizers,



1 parents, students, interested community members
2 (including parent and community organizations), in-
3 stitutions of higher education”;

4 (3) in subsection (c)—

5 (A) in paragraph (1)—

6 (i) by redesignating subparagraphs
7 (A) through (D) as subparagraphs (B)
8 through (E), respectively, and inserting be-
9 fore such subparagraphs (as so redesi-
10 gated) the following:

11 “(A) the development of model sequences
12 of courses for vocational and technical content
13 areas that—

14 “(i) incorporate both secondary and
15 postsecondary education elements;

16 “(ii) include rigorous and challenging
17 academic content and vocational and tech-
18 nical content in a coordinated, nonduplica-
19 tive progression of courses;

20 “(iii) lead to a postsecondary 1-year
21 certificate, associate or baccalaureate de-
22 gree, or a proficiency credential in conjunc-
23 tion with a secondary school diploma; and

24 “(iv) may be adopted by local edu-
25 cational agencies and postsecondary insti-



1 tutions to be offered as an option to stu-
2 dents (and their parents as appropriate),
3 when choosing future coursework;”;

4 (ii) in subparagraph (B) (as so redesi-
5 gnated), by inserting “and how the eligible
6 agency will distribute information identi-
7 fying eligible recipients that offer elements
8 of the model sequences of courses” before
9 the semicolon;

10 (iii) by amending subparagraph (C)
11 (as so redesignated) to read as follows:

12 “(C) the criteria that will be used by the
13 eligible agency to evaluate and approve eligible
14 recipients for funds under this title, including
15 criteria to assess the extent to which the local
16 plan will promote continuous and substantial
17 improvement in academic achievement and tech-
18 nical skill attainment;”;

19 (iv) in subparagraph (D) (as so redesi-
20 gnated)—

21 (I) by inserting “, both academi-
22 cally and technically,” after “stu-
23 dents”; and

24 (II) by striking “; and” and in-
25 serting “, and how participating stu-



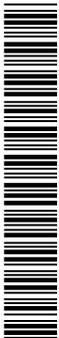
1 dents will be made aware of such op-
2 portunities;”;

3 (v) in subparagraph (E) (as so redes-
4 ignated), by inserting “aligned with rig-
5 orous and challenging academic content”
6 before the semicolon; and

7 (vi) by inserting after subparagraph
8 (E) (as so redesignated) the following:

9 “(F) the process by which, for vocational
10 and technical education programs carried out
11 under this Act, the eligible agency will develop
12 the secondary or postsecondary elements of the
13 model sequences of courses identified by the eli-
14 gible agency, with an emphasis on rigorous and
15 challenging academic and technical content
16 that, through a progression of courses, leads to
17 a postsecondary 1-year certificate, associate’s or
18 baccalaureate degree, or a proficiency credential
19 in conjunction with a secondary school diploma;

20 “(G) the role that any eligible recipients
21 successfully implementing the activities de-
22 scribed in section 135(b)(3) will play in assist-
23 ing other eligible recipients in establishing
24 agreements and plans for coordinating the of-
25 fering of model sequences of courses to students



1 at both the secondary and postsecondary levels;
2 and

3 “(H) how funds will be used effectively to
4 link secondary and postsecondary academic and
5 vocational and technical education in a manner
6 that increases student academic and vocational
7 and technical achievement;

8 “(I) how the eligible agency will report the
9 integration of rigorous and challenging aca-
10 demics in vocational and technical education
11 programs in order to adequately evaluate the
12 quality of such integration;”;

13 (B) by amending paragraph (2) to read as
14 follows:

15 “(2) describes how comprehensive professional
16 development (including initial teacher preparation
17 and activities that support recruitment) for voca-
18 tional and technical, academic, guidance, and admin-
19 istrative personnel will be provided, especially profes-
20 sional development that—

21 “(A) promotes the integration of rigorous
22 and challenging academic and vocational and
23 technical education curriculum development;



1 “(B) increases the percentage of teachers
2 that meet teacher certification or licensing re-
3 quirements;

4 “(C) increases the academic and industry
5 knowledge of vocational and technical education
6 teachers; and

7 “(D) encourages applied learning that con-
8 tributes to the academic and vocational and
9 technical knowledge of the student;”;

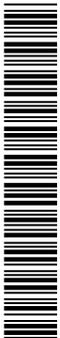
10 (C) in paragraph (3), by inserting “aca-
11 demic and vocational and technical” after “par-
12 ents,”;

13 (D) in paragraph (5)(A)—

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

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

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



1 (F) by striking paragraph (19) and redesi-
2 gnating paragraphs (12) through (18) as para-
3 graphs (13) through (19), respectively;

4 (G) by inserting after paragraph (11) the
5 following:

6 “(12) provides an assurance that when dis-
7 posing of equipment acquired with funds under this
8 Act, any personally identifiable information con-
9 tained in such equipment will be totally destroyed
10 prior to or as part of the disposition;”;

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

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

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

23 “(21) describes how the eligible agency will
24 carry out measurable, sustainable, and coordinated
25 tech-prep activities in the State (as described in sec-



1 tion 135(b)(3)), with funds allocated under section
2 112(a), that are developed in consultation with the
3 entities described in subsection (b)(1) and that effec-
4 tively prepare students for post-secondary education
5 or employment in high demand occupations through
6 a seamless program of study consisting of appro-
7 priate advanced academic and technical courses that
8 include a minimum of 2 years of secondary school
9 preceding graduation and a minimum of 2 years of
10 higher education or an apprenticeship program of at
11 least 2 years following secondary instruction;” and

12 (4) by striking subsections (d) and (f) and re-
13 designating subsection (e) as subsection (d).

14 **SEC. 13. IMPROVEMENT PLANS.**

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

17 **“SEC. 123. IMPROVEMENT PLANS.**

18 “(a) STATE PROGRAM IMPROVEMENT.—

19 “(1) PLAN.—If a State fails to meet the agreed
20 upon State adjusted levels of performance required
21 under section 113(b)(3), the eligible agency shall de-
22 velop and implement a program improvement plan
23 (with special consideration to performance gaps
24 identified under section 113(c)(2)) in consultation
25 with the appropriate agencies, individuals, and orga-



1 nizations for the first program year succeeding the
2 program year in which the eligible agency failed to
3 meet the State adjusted levels of performance, in
4 order to avoid a sanction under paragraph (3).

5 “(2) TECHNICAL ASSISTANCE.—If the Sec-
6 retary determines that an eligible agency is not
7 properly implementing the eligible agency’s respon-
8 sibilities under section 122, or is not making sub-
9 stantial progress in meeting the purpose of this Act,
10 based on the State’s adjusted levels of performance,
11 the Secretary shall work with the eligible agency to
12 implement improvement activities consistent with the
13 requirements of this Act.

14 “(3) SUBSEQUENT ACTION.—

15 “(A) IN GENERAL.—If an eligible agency
16 fails to meet the State adjusted levels of per-
17 formance and the purposes of this Act, has not
18 implemented an improvement plan as described
19 in paragraph (1), has shown no improvement
20 within 1 year after implementing an improve-
21 ment plan as described in paragraph (1), or has
22 failed to meet the State adjusted levels of per-
23 formance for 2 or more consecutive years, the
24 Secretary may, after notice and opportunity for
25 a hearing, withhold from the eligible agency all,



1 or a portion of, the eligible agency's allotment
2 under this title.

3 “(B) WAIVER FOR EXCEPTIONAL CIR-
4 CUMSTANCES.—The Secretary may waive the
5 sanction in subparagraph (A) due to exceptional
6 or uncontrollable circumstances such as a nat-
7 ural disaster or a precipitous and unforeseen
8 decline in the financial resources of the State.

9 “(4) FUNDS RESULTING FROM REDUCED AL-
10 LOTMENTS.—

11 “(A) IN GENERAL.—The Secretary shall
12 use funds withheld under paragraph (3) for a
13 State served by an eligible agency, to provide
14 (through alternative arrangements) services and
15 activities within the State to meet the purposes
16 of this Act.

17 “(B) REDISTRIBUTION.—If the Secretary
18 cannot satisfactorily use funds withheld under
19 paragraph (3), then the amount of funds re-
20 tained by the Secretary as a result of a reduc-
21 tion in an allotment made under paragraph (3)
22 shall be redistributed to other eligible agencies
23 in accordance with section 111.

24 “(b) LOCAL PROGRAM IMPROVEMENT.—



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

7 “(2) PLAN.—

8 “(A) IN GENERAL.—If, after reviewing the
9 evaluation, the eligible agency determines that
10 an eligible recipient is not making substantial
11 progress in achieving the local adjusted levels of
12 performance, or that an eligible recipient dem-
13 onstrates under section 113(b)(4)(C) a wid-
14 ening of performance gaps between multiple
15 categories of students served by the eligible re-
16 cipient in comparison to all students in the
17 State served under the Act, the eligible agency
18 shall—

19 “(i) conduct an assessment of the
20 educational needs that the eligible recipient
21 shall address to overcome local perform-
22 ance deficiencies;

23 “(ii) enter into an improvement plan
24 agreement with an eligible recipient based
25 on the results of the assessment, for the



1 first program year succeeding the program
2 year in which the eligible recipient failed to
3 meet the local adjusted levels of perform-
4 ance, which plan shall demonstrate how
5 the local performance deficiencies will be
6 corrected and include strategies for profes-
7 sional development and instructional and
8 other programmatic innovations of dem-
9 onstrated effectiveness, giving special con-
10 sideration to performance gaps identified
11 under section 113(b)(4)(C); and

12 “(iii) conduct regular evaluations of
13 the progress being made toward reaching
14 the local adjusted levels of performance as
15 described in section 113(b)(4) and
16 progress on implementing the improvement
17 plan.

18 “(B) CONSULTATION.—The eligible agency
19 shall conduct the activities described in para-
20 graph (2) in consultation with teachers, par-
21 ents, other school staff, appropriate agencies,
22 and other appropriate individuals and organiza-
23 tions.

24 “(3) TECHNICAL ASSISTANCE.—If the eligible
25 agency determines that an eligible recipient is not



1 properly implementing the eligible recipient's respon-
2 sibilities under section 134, or is not making sub-
3 stantial progress in meeting the purpose of this Act,
4 based on the local adjusted levels of performance,
5 the eligible agency shall provide technical assistance
6 to the eligible recipient to assist such recipient in
7 carrying out the improvement activities consistent
8 with the requirements of this Act.

9 “(4) SUBSEQUENT ACTION.—

10 “(A) IN GENERAL.—If an eligible recipient
11 fails to meet the local adjusted levels of per-
12 formance as described in section 113(b)(4) and
13 the purposes of this Act, has not implemented
14 an improvement plan as described in paragraph
15 (2), has shown no improvement within 1 year
16 after implementing an improvement plan as de-
17 scribed in paragraph (2), or has failed to meet
18 the local adjusted levels of performance for 2 or
19 more consecutive years, the eligible agency may,
20 after notice and opportunity for a hearing,
21 withhold from the eligible recipient all, or a por-
22 tion of, the eligible recipient's allotment under
23 this title.

24 “(B) WAIVER FOR EXCEPTIONAL CIR-
25 CUMSTANCES.—The eligible agency may waive



1 the sanction under this paragraph due to excep-
2 tional or uncontrollable circumstances such as a
3 natural disaster or a precipitous and unforeseen
4 decline in the financial resources of the State.

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

11 **SEC. 14. STATE LEADERSHIP ACTIVITIES.**

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

13 (1) in subsection (b)—

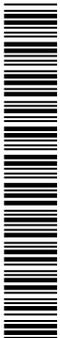
14 (A) in paragraph (1), by striking “learn-
15 ing” and inserting “education”;

16 (B) in paragraph (2)—

17 (i) by inserting “, and the required
18 math and science education,” after “use of
19 technology in vocational and technical edu-
20 cation”; and

21 (ii) in subparagraph (B)—

22 (I) by inserting “(including the
23 math and science knowledge that pro-
24 vides a strong basis for such skills)”
25 after “technical skills”; and



1 (II) by striking “and tele-
2 communications field” and inserting
3 “fields, including nontraditional
4 fields”;

5 (C) in paragraph (3)—

6 (i) by inserting “at the secondary and
7 postsecondary levels” after “academic,
8 guidance, and administrative personnel”;

9 (ii) by redesignating subparagraphs
10 (A) through (D) as subparagraphs (C)
11 through (F), respectively, and inserting be-
12 fore such subparagraphs (as so redesign-
13 nated) the following:

14 “(A) will provide inservice and preservice
15 training for vocational and technical education
16 teachers in the integration and use of rigorous
17 and challenging academics with vocational and
18 technical subjects;

19 “(B) are high quality, sustained, intensive,
20 and classroom-focused in order to have a posi-
21 tive and lasting impact on classroom instruction
22 and the teacher’s performance in the classroom,
23 and are not 1 day or short-term workshops or
24 conferences;”;



1 (iii) in subparagraph (C) (as so redesi-
2 gnated)—

3 (I) by inserting “scientifically
4 based” after “based on”; and

5 (II) by striking “; and” and in-
6 serting a semicolon;

7 (iv) in subparagraph (D) (as so redesi-
8 gnated), by striking “assist students in
9 meeting” and inserting “improve student
10 achievement in order to meet”; and

11 (v) by amending subparagraph (E)
12 (as so redesignated) to read as follows:

13 “(E) will support education programs for
14 teachers of vocational and technical education
15 in public schools and other public school per-
16 sonnel who are involved in the direct delivery of
17 educational services to vocational and technical
18 education students to ensure that teachers and
19 personnel—

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

22 “(ii) meet teacher certification or li-
23 censing requirements, especially in core
24 academic subjects as defined in section
25 9101(11) of the Elementary and Sec-



1 ondary Education Act of 1965 (20 U.S.C.
2 7801(11));

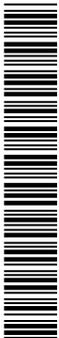
3 “(iii) effectively develop integrated
4 rigorous and challenging academic and vo-
5 cational and technical education cur-
6 riculum;

7 “(iv) develop a high level of academic
8 and industry knowledge and skills of voca-
9 tional and technical education; and

10 “(v) effectively use applied learning
11 that contributes to the academic and voca-
12 tional and technical knowledge of the stu-
13 dent;”;

14 (D) in paragraph (4), by striking “integra-
15 tion of academics” and all that follows through
16 “core academic,” and inserting “provision of
17 rigorous and challenging academics that are in-
18 tegrated with vocational and technical education
19 to ensure achievement in the core academic sub-
20 jects (as defined in section 9101(11) of the Ele-
21 mentary and Secondary Education Act of 1965
22 (20 U.S.C. 7801(11))),”;

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



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

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

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

9 (I) by inserting after paragraph (8) the
10 following:

11 “(9) technical assistance for eligible recipi-
12 ents.”; and

13 (2) in subsection (c)—

14 (A) by striking paragraph (1), and redesign-
15 ating paragraphs (2) through (10) as para-
16 graphs (1) through (9), respectively, and para-
17 graphs (11) and (12) as paragraphs (12) and
18 (13), respectively;

19 (B) in paragraph (9) (as so redesignated),
20 by inserting “that prepare individuals academi-
21 cally and technically for current and emerging
22 occupations in demand” after “education
23 courses”; and

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



1 “(10) awarding incentive grants to eligible re-
2 recipients for exemplary performance in carrying out
3 programs under this Act, which awards shall be
4 based on—

5 “(A) eligible recipients exceeding chal-
6 lenging performance measures established
7 under section 113(b) that reflect sustained or
8 significant improvement;

9 “(B) eligible recipients effectively devel-
10 oping connections between secondary education
11 and postsecondary education and training;

12 “(C) the adoption and integration of rig-
13 orous and challenging academic and technical
14 coursework;

15 “(D) an eligible recipient’s progress in hav-
16 ing special populations participating in voca-
17 tional and technical education programs meet
18 local adjusted levels of performance; or

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

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



1 **SEC. 15. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL**
2 **PROGRAMS.**

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

4 (1) by striking subsection (a) and redesignating
5 subsections (b) through (i) as subsections (a)
6 through (h), respectively;

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

8 (A) in the subsection heading, by striking
9 “SPECIAL” and “FOR SUCCEEDING FISCAL
10 YEARS”; and

11 (B) by striking “for fiscal year 2000 and
12 succeeding fiscal years”; and

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

14 (A) by striking “subsection (b)” and in-
15 serting “subsection (a)”; and

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

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

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

22 **SEC. 17. LOCAL PLAN FOR VOCATIONAL AND TECHNICAL**
23 **EDUCATION PROGRAMS.**

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

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



1 (2) in paragraph (3)—

2 (A) by redesignating subparagraphs (A)
3 through (C) as subparagraphs (B) through (D),
4 respectively, and inserting before such subpara-
5 graphs the following:

6 “(A) offer the appropriate courses of at
7 least one of the model sequences of courses de-
8 scribed in section 124(e)(1), as appropriate to
9 the eligible recipient responsible for that ele-
10 ment of the sequence;”;

11 (B) in subparagraph (B) (as so redesign-
12 ated)—

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

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

19 and

20 (C) in subparagraph (D) (as so redesign-
21 ated), by inserting “rigorous and” after
22 “taught to the same”;

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



1 “(4) describe how comprehensive professional
2 development (including initial teacher preparation)
3 for vocational and technical, academic, guidance,
4 and administrative personnel will be provided that
5 promotes the integration of rigorous and challenging
6 academic and technical education (including cur-
7 riculum development);”;

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

9 (A) by inserting “academic and vocational
10 and technical” after “students,”; and

11 (B) by inserting “, including the eligible
12 recipients that offer elements of the model se-
13 quence of courses” after “of this title”; and

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

15 (A) in subparagraph (A), by striking “;
16 and” and inserting a semicolon;

17 (B) in subparagraph (B), by inserting
18 “and” after the semicolon; and

19 (C) by inserting after subparagraph (B)
20 the following:

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



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

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

3 (1) in subsection (b)—

4 (A) in paragraph (1), by striking “to en-
5 sure learning in the core academic” and insert-
6 ing “as established in the State-developed
7 model sequences of courses described in section
8 122(c)(1)(A) to ensure learning in the core aca-
9 demic subjects (as defined by section 9101(11)
10 of the Elementary and Secondary Education
11 Act of 1965 (20 U.S.C. 7801(11)))”;

12 (B) by striking paragraph (8);

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

17 “(2) link secondary vocational and technical
18 education and postsecondary vocational and tech-
19 nical education, including offering model sequences
20 of courses and implementing tech-prep programs
21 consistent with the activities described in paragraph
22 (3);

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

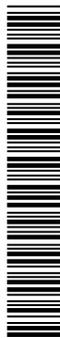


1 “(A) are carried out under an articulation
2 agreement between the participants in a consor-
3 tium, which shall include—

4 “(i) a local educational agency, an in-
5 termediate educational agency or area vo-
6 cational and technical education school
7 serving secondary school students, or a
8 secondary school funded by the Bureau of
9 Indian Affairs; and

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

12 “(aa) a 2 or 4-year degree pro-
13 gram, or a 2-year certificate program,
14 and is qualified as an institution of
15 higher education pursuant to section
16 102 of the Higher Education Act of
17 1965 (20 U.S.C. 1002) (except those
18 institutions described in section
19 102(a)(1)(C) of such Act), including
20 an institution receiving assistance
21 under the Tribally Controlled College
22 or University Assistance Act of 1978
23 (25 U.S.C. 1801 et seq.) and a trib-
24 ally controlled postsecondary voca-
25 tional and technical institution; or



1 “(bb) a 2-year apprenticeship
2 program that follows secondary in-
3 struction, if such nonprofit institution
4 of higher education is not prohibited
5 from receiving assistance under part
6 B of title IV of the Higher Education
7 Act of 1965 (20 U.S.C. 1071 et seq.)
8 pursuant to the provisions of section
9 435(a)(3) of such Act (20 U.S.C.
10 1083(a)); or

11 “(II) a proprietary institution of
12 higher education that offers a 2-year
13 associate degree program and is quali-
14 fied as an institution of higher edu-
15 cation pursuant to section 102 of the
16 Higher Education Act of 1965 (20
17 U.S.C. 1002), if such proprietary in-
18 stitution of higher education is not
19 subject to a default management plan
20 required by the Secretary,

21 and may include nonprofit organizations
22 that provide eligible recipients with tech-
23 nology and programs to enhance math and
24 science skills, employers, and labor organi-
25 zations;



1 “(B) consist of a minimum of 2 years of
2 secondary school preceding graduation and a
3 minimum of 2 years of higher education, or an
4 apprenticeship program of at least 2 years fol-
5 lowing secondary instruction;

6 “(C) meet academic standards developed
7 by the State, including standards developed
8 under section 1111 of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C.
10 6311) for secondary students, and support pro-
11 ficiency in mathematics, science, reading, writ-
12 ing, communications, and technologies;

13 “(D) are comprised of model sequences of
14 courses that integrate rigorous and challenging
15 academics and vocational and technical edu-
16 cation;

17 “(E) provide technical preparation in a ca-
18 reer field such as engineering technology; ap-
19 plied science; a mechanical, industrial, or prac-
20 tical art or trade; agriculture; health occupa-
21 tions; business; applied economics; or other
22 high-demand occupations as determined by the
23 State;

24 “(F) use, if appropriate and available,
25 work-based or worksite learning in conjunction



1 with academic and vocational and technical edu-
2 cation;

3 “(G) use educational technology and dis-
4 tance learning, as appropriate, to involve all the
5 consortium partners more fully in the develop-
6 ment and operation of programs;

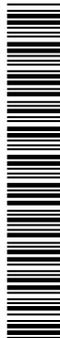
7 “(H) facilitate and promote close working
8 relationships among eligible recipients to ensure
9 that programs within a geographic area are
10 closely integrated with tech-prep program ac-
11 tivities;

12 “(I) are sustainable and use performance
13 indicator data, described in section 113, to in-
14 form program quality;

15 “(J) include academic and career coun-
16 seling for participants that provide information
17 to students (and parents, as appropriate) re-
18 garding tech-prep programs and support stu-
19 dent progress in completing tech-prep pro-
20 grams;

21 “(K) include in-service training for teach-
22 ers that—

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



1 “(ii) is designed to ensure that teach-
2 ers and administrators stay current with
3 the needs, expectations, and methods of
4 business and all aspects of an industry;
5 and

6 “(L) provide students with transferable
7 credit between the consortium members, as de-
8 scribed in subparagraph (A), including through
9 programs that allow secondary programs to be
10 co-located on postsecondary campuses;”;

11 (D) in paragraph (5) (as so redesign-
12 ated)—

13 (i) by inserting “, and the related
14 math and science education” after “use of
15 technology in vocational and technical edu-
16 cation”;

17 (ii) in subparagraph (B)—

18 (I) by inserting “(including the
19 math and science knowledge that pro-
20 vides a strong basis for such skills)”
21 after “technical skills”; and

22 (II) by striking “and tele-
23 communications field” and inserting
24 “fields”; and

25 (iii) in subparagraph (C)—



1 (I) by striking “work” and in-
2 sserting “collaborate”; and

3 (II) by inserting “that improve
4 the math and science knowledge of
5 students” after “mentoring pro-
6 grams”;

7 (E) in paragraph (6) (as so redesign-
8 ated)—

9 (i) by striking “teachers” and insert-
10 ing “secondary and postsecondary teach-
11 ers, instructors,”; and

12 (ii) in subparagraph (A), by striking
13 “in effective teaching skills based on re-
14 search” and inserting “in effective integra-
15 tion of rigorous and challenging academic
16 and vocational and technical education, in
17 effective teaching skills based on scientif-
18 ically based research”; and

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

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

25 (2) in subsection (c)—



1 (A) in paragraph (2), by inserting “, re-
2 garding the range of postsecondary options
3 available, including for adult students who are
4 changing careers or updating skills” before the
5 semicolon;

6 (B) in paragraph (5), by inserting “, in-
7 cluding the establishment and operation of spe-
8 cial arrangements with industry partners that
9 allow qualified industry professionals to serve as
10 faculty in postsecondary programs” before the
11 semicolon;

12 (C) in paragraph (5), by striking “aides”
13 and inserting “aids”;

14 (D) in paragraph (9), by inserting “that
15 address the integration of academic and voca-
16 tional and technical education and” after
17 “teacher preparation programs”;

18 (E) by redesignating paragraphs (10)
19 through (14) as paragraphs (12) through (16),
20 and paragraph (15) as paragraph (19), respec-
21 tively, and inserting after paragraph (9) the fol-
22 lowing:

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



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

3 (F) in paragraph (12) (as so redesign-
4 nated), by inserting “, including development of
5 new proposed model sequences of courses for
6 consideration by the eligible agency and courses
7 that prepare individuals academically and tech-
8 nically for current and emerging occupations
9 that are in demand” before the semicolon;

10 (G) in paragraph (16) (as so redesign-
11 nated), by striking “; and” and inserting a
12 semicolon, and inserting after such paragraph
13 the following:

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

18 “(18) to support the activities described in sub-
19 section (b)(3); and”.

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

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

24 **SEC. 20. GENERAL PROVISIONS.**

25 (a) REDESIGNATION OF TITLE III.—



1 (1) REDESIGNATION.—Title III of the Carl D.
2 Perkins Vocational and Technical Education Act of
3 1998 (20 U.S.C. 2391 et seq.) is amended by redesi-
4 gnating such title as title II of such Act. Such title
5 is further amended by redesignating sections 311
6 through 318 as section 211 through 218, respec-
7 tively, and sections 321 through 325 as sections 221
8 through 225, respectively.

9 (2) TABLE OF CONTENTS AMENDMENT.—The
10 table of contents of the Carl D. Perkins Vocational
11 and Technical Education Act of 1998 is amended—

12 (A) by striking the items relating to title
13 III; and

14 (B) by amending the items relating to title
15 II to read as follows:

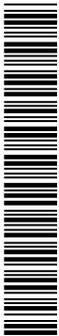
“TITLE II—GENERAL PROVISIONS

“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.
- “Sec. 218. Participation of private school 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.”.



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

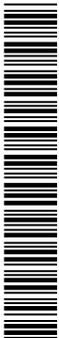
4 “(3) DEFINITION.—For purposes of this sub-
5 section, the term ‘preceding fiscal year’ means the
6 Federal fiscal year or the 12-month fiscal period
7 used by a State for official reporting purposes, prior
8 to the beginning of the Federal fiscal year in which
9 funds are available for obligation by the Secretary.”.

10 (c) PARTICIPATION OF PRIVATE SCHOOL CHIL-
11 DREN.—Section 217 (as so redesignated) is amended to
12 read as follows:

13 **“SEC. 217. PARTICIPATION OF PRIVATE SCHOOL CHIL-
14 DREN.**

15 “(a) PARTICIPATION ON EQUITABLE BASIS.—

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

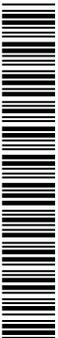


1 after consultation with appropriate private school
2 officials—

3 “(A) shall provide, on an equitable basis
4 and as may be necessary, for the benefit of
5 such children in such schools, secular, neutral,
6 and nonideological services (or other benefits),
7 materials, and equipment, including the partici-
8 pation of the teachers of such children (and
9 other educational personnel serving such chil-
10 dren) in training programs; or

11 “(B) if such services, materials, and equip-
12 ment are not feasible or necessary in one or
13 more such private schools (as determined by the
14 local educational agency after consultation with
15 the appropriate private school officials), shall
16 provide such other arrangements as will assure
17 equitable participation of such children in the
18 purposes and benefits of this Act.

19 “(2) APPLICATION OF REQUIREMENTS.—The
20 requirements of this section relating to the partici-
21 pation of children, teachers, and other personnel serv-
22 ing such children shall apply to programs carried
23 out under this Act by an eligible agency or local edu-
24 cational agency, whether directly or through grants



1 to, or contracts with, other public or private agen-
2 cies, institutions, or organizations.

3 “(b) EQUAL EXPENDITURES.—

4 “(1) IN GENERAL.—Expenditures for programs
5 under subsection (a) shall be equal (consistent with
6 the number of children to be served) to expenditures
7 for programs under this Act for children enrolled in
8 the public schools of the local educational agency.

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

23 “(c) ADMINISTRATIVE REQUIREMENTS.—

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



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

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

8 “(2) PROVISION OF SERVICES.—Services pro-
9 vided under this Act shall be provided by employees
10 of a public agency or through contract by such a
11 public agency with a person, association, agency, or-
12 ganization, institution or corporation that, in the
13 provision of such services, is independent of the pri-
14 vate school and of any religious organizations, and
15 such employment or contract shall be under the con-
16 trol and supervision of such a public agency. The
17 funds utilized under this section shall not be com-
18 mingled with State or local funds.

19 “(3) TIMING AND CONTENT OF CONSULTA-
20 TION.—The consultation required under this section
21 shall include meetings of agency and private school
22 officials and shall occur before the eligible agency
23 and local educational agency makes any decision
24 that affects the opportunities of eligible private
25 school children to participate in programs under this



1 Act. Such meetings shall include a discussion of
2 service delivery mechanisms (including third party
3 contractors) and shall continue throughout imple-
4 mentation and assessment of services under this Act.

5 “(d) WAIVER AND BYPASS PROCEDURES.—

6 “(1) STATE PROHIBITION.—If an eligible agen-
7 cy or local educational agency is prohibited, by rea-
8 son of any provision of law, from providing for the
9 participation in programs of children enrolled in pri-
10 vate elementary schools and secondary schools as re-
11 quired by subsections (a) through (c), the Secretary
12 shall waive such requirements for the agency in-
13 volved and shall arrange for the provision of services
14 to such children through arrangements that shall be
15 subject to the requirements of this section.

16 “(2) FAILURE TO COMPLY.—If the Secretary
17 determines that an eligible agency or a local edu-
18 cational agency has substantially failed, or is unwill-
19 ing, to provide for the participation on an equitable
20 basis of children enrolled in private elementary
21 schools and secondary schools as required by sub-
22 sections (a) through (c), the Secretary may waive
23 such requirements and shall arrange for the provi-
24 sion of services to such children through arrange-



1 ments that shall be subject to the requirements of
2 this section.

3 “(3) PAYMENT FROM STATE ALLOTMENT.—

4 When the Secretary arranges for services under this
5 subsection, the Secretary shall, after consultation
6 with the appropriate public school and private school
7 officials, pay the cost of such services, including the
8 administrative costs of arranging for those services,
9 from the appropriate allotment of the eligible agency
10 under this Act.

11 “(4) DURATION OF DETERMINATION.—Any de-

12 termination by the Secretary under this section shall
13 continue in effect until the Secretary determines
14 that there will no longer be any failure or inability
15 on the Act of the eligible agency or local educational
16 agency to meet the requirements of subsections (a)
17 through (c).

18 “(5) REVIEW OF DETERMINATION.—The Sec-

19 retary shall not take any final action under this sec-
20 tion until the eligible agency and the local edu-
21 cational agency affected by such action have had an
22 opportunity, for not less than 45 days after receiving
23 written notice thereof, to submit written objections
24 and to appear before the Secretary or the Sec-



1 retary's designee to show cause why that action
2 should not be taken.

3 “(e) WITHHOLDING OF ALLOTMENT OR ALLOCA-
4 TION.—Pending final resolution of any investigation or
5 complaint that could result in a waiver under subsection
6 (d)(1) or (d)(2), the Secretary may withhold from the al-
7 lotment or allocation of the affected eligible agency or local
8 educational agency the amount estimated by the Secretary
9 to be necessary to pay the cost of services to be provided
10 by the Secretary under such subsection.

11 “(f) PRIOR DETERMINATION.—Any bypass deter-
12 mination by the Secretary under Title I or Title IX of
13 the Elementary and Secondary Education Act of 1965
14 shall, to the extent consistent with the purposes of this
15 Act, apply to programs under this Act until such deter-
16 minations terminate or expire.”.

