

#1  
Adopted  
voice vote

**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 redesignating paragraphs (21) through (25) as paragraphs (23) through (27), and paragraphs (27) through (30) as paragraphs (29) through (32), respectively;

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

3           “(4) ARTICULATION AGREEMENT.—The term  
4           ‘articulation agreement’ means a written commitment, approved annually and facilitated by the lead administrators of the secondary and postsecondary consortia members as described in section 135(b)(3)(A), to a program designed to provide students with a nonduplicative sequence of progressive achievements leading to degrees, certificates, or credentials in a tech-prep education program linked through credit transfer agreements.”;

5           (3) in paragraph (5) (as so redesignated), by inserting “to students (and parents, as appropriate)” after “providing access”;

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

7           (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”; and

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

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

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

19 “(22) SCIENTIFICALLY BASED RESEARCH.—  
20 The term ‘scientifically based research’ has the  
21 meaning given that term in section 9101(37) of the  
22 Elementary and Secondary education Act of 1965  
23 (20 U.S.C. 780137)).”;

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



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

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

6 (C) in subparagraph (F)—

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

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

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

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

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

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

13 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

14 Section 8 (20 U.S.C. 2307) is amended by striking  
15 “, and title II) such sums” and all that follows and insert-  
16 ing “) \$1,307,000,000 for fiscal year 2005 and such sums  
17 as may be necessary for each of fiscal years 2006 through  
18 2010.”.

19 **SEC. 6. PROHIBITIONS.**

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

23 **“SEC. 9 PROHIBITIONS.**

24 “(a) LOCAL CONTROL.—Nothing in this Act shall be  
25 construed to authorize an officer or employee of the Fed-



1 eral government to mandate, direct, or control a State,  
2 local educational agency, or school's curriculum, program  
3 of instruction, or allocation of State or local resources, or  
4 mandate a State or any subdivision thereof to spend any  
5 funds or incur any costs not paid for under this Act.

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

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

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

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

22       (a) ALLOTMENT FOR NATIONAL ACTIVITIES FOR  
23 2005.—Section 111(a)(1) is amended to read as follows:



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

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

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

6           of which—

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

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

11                  “(C) 0.54 percent to carry out section  
12                  114(d).”.

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

15           (1) in paragraph (3), by striking “(or in the  
16           case of fiscal year 1999” and all that follows  
17           through “Applied Amendments of 1998)” each place  
18           it appears and inserting “(or in the case of fiscal  
19           year 2005 only, under this section and under title II  
20           of this Act, as such section and title were in effect  
21           on the day before the date of enactment of the Voca-  
22           tional and Technical Education for the Future  
23           Act)”; and

24           (2) by amending paragraph (4)(A) to read as  
25           follows:



1           “(A) IN GENERAL.—No State shall receive  
2           an allotment under this section for a fiscal year  
3           that is less than the allotment the State re-  
4           ceived for fiscal year 2004 under this section  
5           and under title II of this Act (as such section  
6           and title were in effect on the day before the  
7           date of enactment of the Vocational and Tech-  
8           nical Education for the Future Act).”

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

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

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

17           “(1) Subject to paragraph (4), not less than 88  
18           percent shall be made available for distribution  
19           under section 131 or 132, of which the eligible agen-  
20           cy shall first make available for the activities de-  
21           scribed in section 135(b)(3) not less than the  
22           amount allotted in fiscal year 2004 to such eligible  
23           agency under title II of this Act (as such title was  
24           in effect on the day before the date of enactment of  
25           the Vocational and Technical Education for the Fu-



1       ture Act), reduced by the percentage by which the  
2       amount allotted to the State under section 111 for  
3       the fiscal year is less than the amount allotted under  
4       such section to such State for fiscal year 2004. Of  
5       the remainder of the 88 percent, not more than 10  
6       percent may be used in accordance with subsection  
7       (c).

8               “(2) Subject to paragraph (4), not more than  
9       10 percent shall be made available to carry out State  
10       leadership activities described in section 124, of  
11       which—

12               “(A) an amount equal to not more than 1  
13       percent of the amount allotted to the State  
14       under section 111 for the fiscal year shall be  
15       made available to serve individuals in State in-  
16       stitutions, such as State correctional institu-  
17       tions and institutions that serve individuals  
18       with disabilities; and

19               “(B) not less than \$60,000 and not more  
20       than \$150,000 shall be available for services  
21       that prepare individuals for nontraditional  
22       training and employment.

23               “(3) An amount equal to not more than 2 per-  
24       cent, or \$250,000, whichever is greater, shall be



1 made available for administration of the State plan,  
2 which may be used for the costs of—

3 “(A) developing the State plan;

4 “(B) reviewing the local plan;

5 “(C) monitoring and evaluating program  
6 effectiveness;

7 “(D) assuring compliance with all applica-  
8 ble Federal laws; and

9 “(E) providing technical assistance.

10 “(4) If the amount allocated for any fiscal year  
11 under paragraph (2) shall be less than the amount  
12 allocated under such paragraph for fiscal year 2004,  
13 additional amounts may be made available from the  
14 amount allocated under paragraph (1) for the pur-  
15 poses described in paragraph (2). If such additional  
16 amounts are made available under this paragraph,  
17 the total allocation for the purposes described in  
18 paragraph (2) shall not exceed the amount allocated  
19 under paragraph (2) for fiscal year 2004.”; and

20 (2) in subsection (c)—

21 (A) in paragraph (1)—

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

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



1 (iii) by striking subparagraph (D);  
2 and  
3 (B) in paragraph (2), by striking “through  
4 (D)” and inserting “through (C)”.

5 **SEC. 8. ACCOUNTABILITY.**

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

8 (1) by striking “establish a State” and insert-  
9 ing “support a State and local”; and  
10 (2) by inserting “and its eligible recipients”  
11 after “effectiveness of the State”.

12 (b) **STATE PERFORMANCE MEASURES.**—Section  
13 113(b) (20 U.S.C. 2323(b)) is amended—

14 (1) in paragraph (2)—

15 (A) by redesignating subparagraphs (B)  
16 through (D) as subparagraphs (C) through (E),  
17 respectively;

18 (B) in subparagraph (A)—

19 (i) in the subparagraph heading, by  
20 inserting “FOR SECONDARY STUDENTS”  
21 after “PERFORMANCE”;

22 (ii) by inserting “of secondary stu-  
23 dents that are, to the extent practicable,  
24 valid and reliable and that” after “indica-  
25 tors of performance”;



1 (iii) in clause (i), by striking “State  
2 established academic,” and inserting “aca-  
3 demic content and achievement standards,  
4 as established by the State under section  
5 1111(b)(1) of the Elementary and Sec-  
6 ondary Education Act of 1965 (20 U.S.C.  
7 6311(b)(1)),”;

8 (iv) in clause (ii)—

9 (I) by striking “or its recognized  
10 equivalent” and inserting “or the  
11 General Educational Development cre-  
12 dential (including recognized alter-  
13 native standards for individuals with  
14 disabilities),”; and

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

17 (v) in clause (iii), by striking “Place-  
18 ment” and inserting “Student graduation  
19 rates (as described in section  
20 1111(b)(2)(C)(vi) of the Elementary and  
21 Secondary Education Act of 1965 (20  
22 U.S.C. 6311(b)(2)(C)(vi)), placement”;  
23 and



1 (vi) in clause (iv), by striking “train-  
2 ing and employment” and inserting  
3 “fields”;

4 (C) by inserting after subparagraph (A)  
5 the following:

6 “(B) CORE INDICATORS OF PERFORMANCE  
7 FOR POSTSECONDARY STUDENTS.—Each eligi-  
8 ble agency shall identify in the State plan core  
9 indicators of performance of postsecondary stu-  
10 dents that are, to the extent practicable, valid  
11 and reliable, and that include, at a minimum,  
12 measures of each of the following:

13 “(i) Student attainment of challenging  
14 academic and vocational and technical skill  
15 proficiencies.

16 “(ii) Student retention in postsec-  
17 ondary education, attainment of an asso-  
18 ciate degree or postsecondary credential, or  
19 transfer to a baccalaureate degree pro-  
20 gram.

21 “(iii) Placement in military service or  
22 placement or retention in employment.

23 “(iv) Student participation in and  
24 completion of vocational and technical edu-  
25 cation programs in nontraditional fields.”;



1 (D) in subparagraph (C) (as so redesign-  
2 nated), by striking “under the title” and insert-  
3 ing “under this title”; and

4 (E) in subparagraph (D) (as so redesign-  
5 nated), by inserting “vocational and technical  
6 education” after “has developed State”; and

7 (2) in paragraph (3)—

8 (A) by amending the paragraph heading to  
9 read as follows:

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

11 and

12 (B) in subparagraph (A)—

13 (i) in clause (i)—

14 (I) by striking “paragraph  
15 (2)(A)” and inserting “subparagraphs  
16 (A) and (B) of paragraph (2)”; and

17 (II) in subclause (II), by striking  
18 “to continually” and all that follows  
19 through “performance”, and inserting  
20 “to make continuous and substantial  
21 improvement in the academic and vo-  
22 cational and technical achievement”;

23 (ii) by amending clause (v) to read as  
24 follows:



1                   “(iv) AGREEMENT ON STATE 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 State plan, the  
7 Secretary and each eligible agency  
8 shall reach agreement on the State  
9 adjusted levels of performance for  
10 each of the core indicators of perform-  
11 ance for the third and fourth pro-  
12 grams years covered by the State  
13 plan, taking into account the factors  
14 described in clause (vi).

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



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

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

11                  (iv) in clause (vii), by striking “under  
12                  clause (iii) or (iv)” and inserting “under  
13                  clause (iii) or (v)”.

14                  (c) LOCAL LEVELS OF PERFORMANCE.—Section  
15                  113(b) is further amended by adding at the end the fol-  
16                  lowing:

17                  “(4) LOCAL LEVELS OF PERFORMANCE.—

18                  “(A) LOCAL ADJUSTED LEVELS OF PER-  
19                  FORMANCE FOR CORE INDICATORS OF PER-  
20                  FORMANCE.—

21                  “(i) IN GENERAL.—Each eligible re-  
22                  cipient shall establish in the local plan sub-  
23                  mitted under section 134, levels of per-  
24                  formance for each of the core indicators of  
25                  performance described in paragraph (2)(A)



1 and (B), as appropriate for the eligible re-  
2 cipient, for vocational and technical edu-  
3 cation activities authorized under this title.

4 The levels of performance established  
5 under this subparagraph shall, at a  
6 minimum—

7 “(I) be expressed in a percentage  
8 or numerical form, so as to be objec-  
9 tive, quantifiable, and measurable;  
10 and

11 “(II) require the eligible recipient  
12 to make continuous and substantial  
13 improvement in the academic and vo-  
14 cational and technical achievement of  
15 vocational and technical education  
16 students.

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

24 “(iii) AGREEMENT ON LOCAL AD-  
25 JUSTED LEVELS OF PERFORMANCE FOR



1 FIRST 2 YEARS.—The eligible agency and  
2 each eligible recipient shall reach agree-  
3 ment on the levels of performance for each  
4 of the core indicators of performance, for  
5 the first 2 program years covered by the  
6 local plan, taking into account the levels  
7 identified in the local plan under clause (ii)  
8 and the factors described in clause (v). The  
9 levels of performance agreed to under this  
10 clause shall be considered to be the local  
11 adjusted level of performance for the eligi-  
12 ble recipient for such years and shall be in-  
13 corporated into the local plan prior to the  
14 approval of such plan.

15 “(iv) AGREEMENT ON LOCAL AD-  
16 JUSTED LEVELS OF PERFORMANCE FOR  
17 SUBSEQUENT YEARS.—

18 “(I) 3RD AND 4TH PROGRAM  
19 YEARS.—Prior to the third program  
20 year covered by the local plan, the eli-  
21 gible agency and each eligible recipi-  
22 ent shall reach agreement on the local  
23 adjusted levels of performance for  
24 each of the core indicators of perform-  
25 ance for the third and fourth program



1 years covered by the local plan, taking  
2 into account the factors described in  
3 clause (v).

4 “(II) 5TH AND 6TH PROGRAM  
5 YEARS.—Prior to the fifth 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 fifth and sixth program  
12 years covered by the local plan, taking  
13 into account the factors described in  
14 clause (v).

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

23 “(v) FACTORS.—The agreement de-  
24 scribed in clause (iii) or (iv) shall take into  
25 account—



1                   “(I) how the levels of perform-  
2                   ance involved compare with the local  
3                   adjusted levels of performance estab-  
4                   lished for other eligible recipients tak-  
5                   ing into account factors including the  
6                   characteristics of participants when  
7                   the participants entered the program  
8                   and the services or instruction to be  
9                   provided; and

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

15                   “(vi) REVISIONS.—If unanticipated  
16                   circumstances arise with respect to an eli-  
17                   gible recipient resulting in a significant  
18                   change in the factors described in clause  
19                   (v)(II), the eligible recipient may request  
20                   that the local adjusted levels of perform-  
21                   ance agreed to under clause (iii) or (iv) be  
22                   revised. The eligible agency shall issue ob-  
23                   jective criteria and methods for making  
24                   such revisions.



1           “(B) LEVELS OF PERFORMANCE FOR AD-  
2           DITIONAL INDICATORS.—Each eligible recipient  
3           may identify in the local plan, local levels of  
4           performance for any additional indicators of  
5           performance. Such levels shall be considered to  
6           be the local levels of performance for purposes  
7           of this title.

8           “(C) LOCAL REPORT.—

9           “(i) CONTENT OF REPORT.—Each eli-  
10          gible recipient that receives an allotment  
11          under section 111 shall annually prepare  
12          and submit to the eligible agency a report,  
13          regarding—

14                 “(I) the progress of such recipi-  
15                 ent in achieving the local adjusted lev-  
16                 els of performance on the core indica-  
17                 tors of performance; and

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



1                   “(ii) DISAGGREGATION OF DATA.—

2                   Each eligible recipient shall—

3                   “(I) disaggregate data for each  
4                   of the indicators of performance under  
5                   section 113(b)(2) for the categories of  
6                   students enumerated under section  
7                   1111(b)(2)(C)(v)(II) of the Elemen-  
8                   tary and Secondary Education Act of  
9                   1965 that are served under this Act;  
10                  and

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

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



1                   “(iv) AVAILABILITY.—The report de-  
2                   scribed in clause (i) shall be made available  
3                   to the public through a variety of formats,  
4                   including electronically or through the  
5                   Internet.”.

6                   (d) STATE REPORT.—Section ~~114(c)~~<sup>113(c)</sup> (20 U.S.C.  
7 2323(c)) is amended—

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

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

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

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

24                         “(3) RULES FOR REPORTING OF DATA.—The  
25                         disaggregation of data under paragraph (2) shall be



1 required except in a case in which the number of  
2 students in a category is insufficient to yield statis-  
3 tically reliable information or in which the results  
4 would reveal personally identifiable information  
5 about an individual student.”; and

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

7 (A) by striking “special populations” and  
8 inserting “each of the populations described in  
9 section 3(25) and the populations described in  
10 section 1111(h)(1)(C)(i) of the Elementary and  
11 Secondary Education Act of 1965 (20 U.S.C.  
12 6311(h)(1)(C)(i))”; and

13 (B) by striking “have made” and inserting  
14 “has made”.

15 **SEC. 9. NATIONAL ACTIVITIES.**

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

20 (b) **EVALUATION AND ASSESSMENT.**—Section 114(c)  
21 (20 U.S.C. 2324(c)) is amended—

22 (1) by amending paragraph (2) to read as fol-  
23 lows:

24 “(2) **INDEPENDENT ADVISORY PANEL.**—The  
25 Secretary shall appoint an independent advisory



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

18 (2) in paragraph (3)—

19 (A) in subparagraph (A), by inserting “the  
20 implementation of the” after “and assessment  
21 of”;

22 (B) in subparagraph (B)—

23 (i) by inserting “but shall not be lim-  
24 ited to” after “paragraph (1) shall in-  
25 clude”;



1 (ii) by striking clauses (i), (ii), (iv),  
2 and (vii) and redesignating clauses (iii),  
3 (v), (vi), and (viii) as clauses (i) through  
4 (iv), respectively;

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

11 (iv) in clause (ii) (as so redesi-  
12 gnated)—

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

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

23 (III) in subclause (II), by insert-  
24 ing “rigorous and challenging” after  
25 “integration of”; 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 “scientific-  
2 ically based” after “programs, including”;

3 (C) in clause (ii), by inserting “that are in-  
4 tegrated with rigorous and challenging aca-  
5 demic education” after “implementation of vo-  
6 cational and technical education programs”;  
7 and

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

12 (4) in paragraph (6)—

13 (A) by striking:

14 “(6) DEMONSTRATION AND DISSEMINATION.—

15 “(A) DEMONSTRATION PROGRAM.—The”,

16 and inserting:

17 “(6) DEMONSTRATION PROGRAM.—The”; and

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

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

23                (2) in subsection (b)—

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



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

3 (C) by amending paragraph (5) to read as  
4 follows:

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

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

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

15 (1) by striking subsection (g) and redesignating  
16 subsections (h) and (i) as subsections (g) and (h),  
17 respectively; and

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

19 (A) by striking “1999” and inserting  
20 “2005”; and

21 (B) by striking “4 succeeding fiscal years”  
22 and inserting “5 succeeding fiscal years”.

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



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

3           “(b) STATE LEVEL ACTIVITIES.—

4           “(1) DESIGNATED ENTITY.—In order for a  
5           State to receive a grant under this section, the eligi-  
6           ble agency and the Governor of the State shall joint-  
7           ly designate an entity in the State responsible for  
8           conducting the activities in this subsection.

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

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

21                 “(A) to provide support for a career guid-  
22                 ance and academic counseling programs de-  
23                 signed to promote improved career and edu-  
24                 cation decision making by students (and par-  
25                 ents, as appropriate) regarding education and



1 training options and preparations for high skill,  
2 high wage occupations;

3 “(B) to make available to students, par-  
4 ents, teachers, administrators, and counselors,  
5 and to improve accessibility with respect to, in-  
6 formation and planning resources that relate  
7 academic and vocational and technical edu-  
8 cational preparation to career goals and expec-  
9 tations;

10 “(C) to equip teachers, administrators, and  
11 counselors with the knowledge, skills, and occu-  
12 pational information needed to assist students  
13 and parents with educational and other postsec-  
14 ondary opportunities and education financing;

15 “(D) to assist appropriate State entities in  
16 tailoring resources and training for use by such  
17 entities;

18 “(E) to improve coordination and commu-  
19 nication among administrators and planners of  
20 programs authorized by this Act and by section  
21 15 of the Wagner-Peyser Act (29 U.S.C. 49l-  
22 2) at the Federal, State, and local levels to en-  
23 sure nonduplication of efforts and the appro-  
24 priate use of shared information and data; and



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

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

8           (3) in subsection (f), by striking “1999 through  
9           2003” and inserting “2005 through 2010”.

10 **SEC. 11. STATE ADMINISTRATION.**

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

13 **“SEC. 121. STATE ADMINISTRATION.**

14           “(a) **ELIGIBLE AGENCY RESPONSIBILITIES.**—The re-  
15 sponsibilities of an eligible agency under this title shall  
16 include—

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

22           “(2) consultation with the Governor and appro-  
23 priate agencies, groups, and individuals including  
24 parents, students, teachers, representatives of busi-  
25 nesses, labor organizations, eligible recipients, State



1 and local officials, and local program administrators,  
2 involved in the planning, administration, evaluation,  
3 and coordination of programs funded under this  
4 title;

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

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

13 “(A) implement State level coordination  
14 with the activities undertaken by the State  
15 boards under section 111 of Public Law 105–  
16 220; and

17 “(B) make available to the service delivery  
18 system under section 121 of Public Law 105–  
19 220 within the State a listing of all school drop-  
20 out, postsecondary, and adult programs assisted  
21 under this title.

22 “(b) EXCEPTION.—Except with respect to the re-  
23 sponsibilities set forth in subsection (a), the eligible agen-  
24 cy may delegate any of the other responsibilities of the  
25 eligible agency that involve the administration, operation,



1 supervision of activities assisted under this title, in whole  
2 or in part, to one or more appropriate State agencies.”.

3 **SEC. 12. STATE PLAN.**

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

5 (1) in subsection (a)—

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

8 (B) in paragraph (2)(B), by striking “5  
9 year State plan” and inserting “6-year period”;  
10 and

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

17 (2) in subsection (b)(1), by striking “teachers,  
18 eligible recipients, parents, students, interested com-  
19 munity members” and inserting “academic and vo-  
20 cational and technical education teachers, eligible re-  
21 cipients, charter school authorizers and organizers,  
22 parents, students, interested community members  
23 (including parent and community organizations), in-  
24 stitutions of higher education”;

25 (3) in subsection (c)—



- 1 (A) in paragraph (1)—
- 2 (i) by redesignating subparagraphs
- 3 (A) through (D) as subparagraphs (B)
- 4 through (E), respectively, and inserting be-
- 5 fore such subparagraphs (as so redesi-
- 6 gated) the following:
- 7 “(A) the development of model sequences
- 8 of courses for vocational and technical content
- 9 areas that—
- 10 “(i) incorporate both secondary and
- 11 postsecondary education elements;
- 12 “(ii) include rigorous and challenging
- 13 academic content and vocational and tech-
- 14 nical content in a coordinated, nonduplica-
- 15 tive progression of courses;
- 16 “(iii) lead to a postsecondary 1-year
- 17 certificate, associate or baccalaureate de-
- 18 gree, or a proficiency credential in conjunc-
- 19 tion with a secondary school diploma; and
- 20 “(iv) may be adopted by local edu-
- 21 cational agencies and postsecondary insti-
- 22 tutions to be offered as an option to stu-
- 23 dents (and their parents as appropriate),
- 24 when choosing future coursework.”;



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

7 (iii) by amending subparagraph (C)  
8 (as so redesignated) to read as follows:

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

16 (iv) in subparagraph (D) (as so redese-  
17 gnated)—

18 (I) by inserting “, both academi-  
19 cally and technically,” after “stu-  
20 dents”; and

21 (II) by striking “; and” and in-  
22 serting “, and how participating stu-  
23 dents will be made aware of such op-  
24 portunities;”;



1 (v) in subparagraph (E) (as so rededesignated), by striking the period and inserting “aligned with rigorous and challenging academic content;” and

2  
3  
4  
5 (vi) by inserting after subparagraph (E) (as so redesignated) the following:

6  
7 “(F) the process by which, for vocational and technical education programs carried out under this Act, the eligible agency will develop the secondary or postsecondary elements of the model sequences of courses identified by the eligible agency, with an emphasis on rigorous and challenging academic and technical content that, through a progression of courses, leads to a postsecondary 1-year certificate, associate’s or baccalaureate degree, or a proficiency credential in conjunction with a secondary school diploma;

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



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

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

8           “(2) describes how comprehensive professional  
9 development (including initial teacher preparation  
10 and activities that support recruitment) for voca-  
11 tional and technical, academic, guidance, and admin-  
12 istrative personnel will be provided, especially profes-  
13 sional development that—

14           “(A) promotes the integration of rigorous  
15 and challenging academic and vocational and  
16 technical education curriculum development;

17           “(B) increases the percentage of teachers  
18 that meet teacher certification or licensing re-  
19 quirements;

20           “(C) increases the academic and industry  
21 knowledge of vocational and technical education  
22 teachers; and

23           “(D) encourages applied learning that con-  
24 tributes to the academic and vocational and  
25 technical knowledge of the student.”;



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

3 (D) in paragraph (5)(A)—

4 (i) by inserting “(especially as per-  
5 taining to math, science, and technology)”  
6 after “academic and technical skills”; and

7 (ii) by striking “core academic, and  
8 vocational and technical, subjects” and in-  
9 serting “core academic subjects (as defined  
10 in section 9101(11) of the Elementary and  
11 Secondary Education Act of 1965 (20  
12 U.S.C. 7801(11))), and vocational and  
13 technical subjects”;

14 (E) in paragraph (17), by striking “train-  
15 ing and employment” and inserting “fields”;  
16 and

17 (F) by striking paragraph (19), redesign-  
18 ating paragraphs (20) and (21) as paragraphs  
19 (21) and (22), respectively, and inserting after  
20 paragraph (18) the following:

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



1           “(20) describes how the eligible agency will  
 2           carry out measurable, sustainable, and coordinated  
 3           tech-prep activities in the State (as described in sec-  
 4           tion 135(b)(3)) with funds <sup>described in</sup> ~~allocated to the eligible~~  
 5           ~~agency under section 111(a)~~ <sup>section 112(a)</sup> that are developed in  
 6           consultation with the entities described in subsection  
 7           (b)(1) and that effectively prepare students for post-  
 8           secondary education or employment in high demand  
 9           occupations through a seamless program of study  
 10           consisting of appropriate advanced academic and  
 11           technical courses that include a minimum of 2 years  
 12           of secondary school preceding graduation and a min-  
 13           imum of 2 years of higher education or an appren-  
 14           ticeship program of at least 2 years following sec-  
 15           ondary instruction;”;

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

18 **SEC. 13. IMPROVEMENT PLANS.**

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

21 **“SEC. 123. IMPROVEMENT PLANS.**

22           “(a) STATE PROGRAM IMPROVEMENT.—

23           “(1) PLAN.—If a State fails to meet the State  
 24 adjusted levels of performance described in ~~the re-~~  
 25 ~~port submitted under~~ <sup>113(b)(3)</sup> section ~~113(c)~~, the eligible



1 agency shall develop and implement a program im-  
2 provement plan (with special consideration to per-  
3 formance gaps identified under section 113(c)(2)) in  
4 consultation with the appropriate agencies, individ-  
5 uals, and organizations for the first program year  
6 succeeding the program year in which the eligible  
7 agency failed to meet the State adjusted levels of  
8 performance, in order to avoid a sanction under  
9 paragraph (3).

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

19 “(3) SUBSEQUENT ACTION.—

20 “(A) IN GENERAL.—If an eligible agency  
21 fails to meet the State adjusted levels of per-  
22 formance, has not implemented an improvement  
23 plan as described in paragraph (1), has shown  
24 no improvement within 1 year after imple-  
25 menting an improvement plan as described in



1 paragraph (1), or has failed to meet the State  
2 adjusted levels of performance for 2 or more  
3 consecutive years, the Secretary may, after no-  
4 tice and opportunity for a hearing, withhold  
5 from the eligible agency all, or a portion of, the  
6 eligible agency's allotment under this title.

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

13 “(4) FUNDS RESULTING FROM REDUCED AL-  
14 LOTMENTS.—

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

21 “(B) REDISTRIBUTION.—If the Secretary  
22 cannot satisfactorily use funds withheld under  
23 paragraph (3), then the amount of funds re-  
24 tained by the Secretary as a result of a reduc-  
25 tion in an allotment made under paragraph (3)



1           shall be redistributed to other eligible agencies  
2           in accordance with section 111.

3           “(b) LOCAL PROGRAM IMPROVEMENT.—

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

10          “(2) PLAN.—

11           “(A) IN GENERAL.—If, after reviewing the  
12           evaluation, the eligible agency determines that  
13           an eligible recipient is not making substantial  
14           progress in achieving the local adjusted levels of  
15           performance, or that an eligible recipient dem-  
16           onstrates under section <sup>113(b)(4)(C)</sup>~~113(e)(2)~~ a widening of  
17           performance gaps between multiple categories  
18           of students served by the eligible recipient in  
19           comparison to all students in the State served  
20           under the Act, the eligible agency shall—

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



1           “(ii) enter into an improvement plan  
2           agreement with an eligible recipient based  
3           on the results of the assessment, for the  
4           first program year succeeding the program  
5           year in which the eligible recipient failed to  
6           meet the local adjusted levels of perform-  
7           ance, which plan shall demonstrate how  
8           the local performance deficiencies will be  
9           corrected and include strategies for profes-  
10          sional development and instructional and  
11          other programmatic innovations of dem-  
12          onstrated effectiveness, giving special con-  
13          sideration to performance gaps identified  
14          under section <sup>113(b)(4)(C)</sup>~~113(e)(2)~~; and

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

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



1           and other appropriate individuals and organiza-  
2           tions.

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

13          “(4) SUBSEQUENT ACTION.—

14                 “(A) IN GENERAL.—If an eligible recipient  
15                 fails to meet the local adjusted levels of per-  
16                 formance as described in section 113(b)(4), has  
17                 not implemented an improvement plan as de-  
18                 scribed in paragraph (2), has shown no im-  
19                 provement within 1 year after implementing an  
20                 improvement plan as described in paragraph  
21                 (2), or has failed to meet the local adjusted lev-  
22                 els of performance for 2 or more consecutive  
23                 years, the eligible agency may, after notice and  
24                 opportunity for a hearing, withhold from the el-



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

3 “(B) WAIVER FOR EXCEPTIONAL CIR-  
4 CUMSTANCES.—The eligible agency may waive  
5 the sanction under this paragraph due to excep-  
6 tional or uncontrollable circumstances such as a  
7 natural disaster or a precipitous and unforeseen  
8 decline in the financial resources of the State.

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

15 **SEC. 14. STATE LEADERSHIP ACTIVITIES.**

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

17 (1) in subsection (b)—

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

20 (B) in paragraph (2)—

21 (i) by inserting “, and the required  
22 math and science education,” after “use of  
23 technology in vocational and technical edu-  
24 cation”; and

25 (ii) in subparagraph (B)—



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

5 (II) by striking “and tele-  
6 communications field” and inserting  
7 “fields, including nontraditional  
8 fields”;

9 (C) in paragraph (3)—

10 (i) by inserting “at the secondary and  
11 postsecondary levels” after “academic,  
12 guidance, and administrative personnel”;

13 (ii) by redesignating subparagraphs  
14 (A) through (D) as subparagraphs (C)  
15 through (F), respectively, and inserting be-  
16 fore such subparagraphs (as so redesi-  
17 gnated) the following:

18 “(A) will provide inservice and preservice  
19 training for vocational and technical education  
20 teachers in the integration and use of rigorous  
21 and challenging academics with vocational and  
22 technical subjects;

23 “(B) are high quality, sustained, intensive,  
24 and classroom-focused in order to have a posi-  
25 tive and lasting impact on classroom instruction



1 and the teacher's performance in the classroom,  
2 and are not 1 day or short-term workshops or  
3 conferences;";

4 (iii) in subparagraph (C) (as so reded-  
5 igned)—

6 (I) by inserting "scientifically  
7 based" after "based on"; and

8 (II) by striking "; and" and in-  
9 serting a semicolon;

10 (iv) in subparagraph (D) (as so reded-  
11 igned), by striking "assist students in  
12 meeting" and inserting "improve student  
13 achievement in order to meet"; and

14 (v) by amending subparagraph (E)  
15 (as so redesignated) to read as follows:

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

23 "(i) stay current with the needs, ex-  
24 pectations, and methods of industry;



1           “(ii) meet teacher certification or li-  
2           censing requirements, especially in core  
3           academic subjects as defined in section  
4           9101(11) of the Elementary and Sec-  
5           ondary Education Act of 1965 (20 U.S.C.  
6           7801(11));

7           “(iii) effectively develop integrated  
8           rigorous and challenging academic and vo-  
9           cational and technical education cur-  
10          riculum;

11          “(iv) develop a high level of academic  
12          and industry knowledge and skills of voca-  
13          tional and technical education; and

14          “(v) effectively use applied learning  
15          that contributes to the academic and voca-  
16          tional and technical knowledge of the stu-  
17          dent.”;

18          (D) in paragraph (4), by striking “integra-  
19          tion of academics” and all that follows through  
20          “core academic,” and inserting “provision of  
21          rigorous and challenging academics that are in-  
22          tegrated with vocational and technical education  
23          to ensure achievement in the core academic sub-  
24          jects (as defined in section 9101(11) of the Ele-



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

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

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

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

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

13          (I) by inserting after paragraph (8) the  
14          following:

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

16          and

17          (2) in subsection (c)—

18               (A) by striking paragraph (1), and redesign-  
19               nating paragraphs (2) through (10) as para-  
20               graphs (1) through (9), respectively;

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



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

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

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

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

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

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

21 “(E) other factors relating to the perform-  
22 ance of the eligible recipient under this Act as  
23 the eligible agency determines are appro-  
24 priate.”.



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(c)(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 rriculum 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 adding after subparagraph (B) the  
20 following:

21           “(C) will provide activities to prepare spe-  
22 cial populations, including displaced home-  
23 makers, for high skill, high wage occupations  
24 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 employers and labor orga-  
22          nizations;

23          “(B) consist of a minimum of 2 years of  
24          secondary school preceding graduation and a  
25          minimum of 2 years of higher education, or an



1 apprenticeship program of at least 2 years fol-  
2 lowing secondary instruction;

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

10 “(D) are comprised of model sequences of  
11 courses that integrate rigorous and challenging  
12 academics and vocational and technical edu-  
13 cation;

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

21 “(F) use, if appropriate and available,  
22 work-based or worksite learning in conjunction  
23 with academic and vocational and technical edu-  
24 cation;



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

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

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

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

19          “(K) include in-service training for teach-  
20          ers that—

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

23                 “(ii) is designed to ensure that teach-  
24                 ers and administrators stay current with  
25                 the needs, expectations, and methods of



1 business and all aspects of an industry;  
2 and

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

8 (D) in paragraph (5) (as so redesign-  
9 nated)—

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

14 (ii) in subparagraph (B)—

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

19 (II) by striking “and tele-  
20 communications field” and inserting  
21 “fields”; and

22 (iii) in subparagraph (C)—

23 (I) by striking “work” and in-  
24 serting “collaborate”; and



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

5 (E) in paragraph (6) (as so redesi-  
6 gated)—

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

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

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

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

23 (2) in subsection (e)—

24 (A) in paragraph (2), by inserting “, re-  
25 garding the range of postsecondary options



1 available, including for adult students who are  
2 changing careers or updating skills” before the  
3 semicolon;

4 (B) in paragraph (5), by inserting “includ-  
5 ing the establishment and operation of special  
6 arrangements with industry partners that allow  
7 qualified industry professionals to serve as fac-  
8 ulty in postsecondary programs” before the  
9 semicolon;

10 (C) in paragraph (9), by inserting “that  
11 address the integration of academic and voca-  
12 tional and technical education and” after  
13 “teacher preparation programs”;

14 (D) by redesignating paragraphs (10)  
15 through (15) as paragraphs (11) through (16);  
16 and inserting after paragraph (9) the following:

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

20 (E) in paragraph (11) (as so redesign-  
21 ated), by inserting “, including development of  
22 new proposed model sequences of courses for  
23 consideration by the eligible agency and courses  
24 that prepare individuals academically and tech-



1 nically for current and emerging occupations  
2 that are in demand” before the semicolon;

3 (F) in paragraph (15) (as so redesign-  
4 nated), by striking “; and” and inserting a  
5 semicolon;

6 (G) in paragraph (16) (as so redesign-  
7 nated), by striking the period and inserting “;  
8 and”; and

9 (H) by inserting after paragraph (16) (as  
10 so redesignated) the following:

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

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

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

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

21 **SEC. 20. GENERAL PROVISIONS.**

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



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

7           (b) AUTHORIZATION OF SECRETARY.—Section 317  
8           (20 U.S.C. 2397) is repealed.

