

STRENGTHENING CAREER AND TECHNICAL EDUCATION  
FOR THE 21ST CENTURY ACT

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JUNE 7, 2017.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Ms. FOXX, from the Committee on Education and the Workforce,  
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 2353]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 2353) to reauthorize the Carl D. Perkins Career and Technical Education Act of 2006, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Strengthening Career and Technical Education for the 21st Century Act”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Effective date.
- Sec. 5. Table of contents of the Carl D. Perkins Career and Technical Education Act of 2006.
- Sec. 6. Purpose.
- Sec. 7. Definitions.
- Sec. 8. Transition provisions.
- Sec. 9. Prohibitions.
- Sec. 10. Authorization of appropriations.

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

PART A—ALLOTMENT AND ALLOCATION

Sec. 110. Reservations and State allotment.

Sec. 111. Within State allocation.  
 Sec. 112. Accountability.  
 Sec. 113. National activities.  
 Sec. 114. Assistance for the outlying areas.  
 Sec. 115. Tribally controlled postsecondary career and technical institutions.  
 Sec. 116. Occupational and employment information.

PART B—STATE PROVISIONS

Sec. 121. State plan.  
 Sec. 122. Improvement plans.  
 Sec. 123. State leadership activities.

PART C—LOCAL PROVISIONS

Sec. 131. Local application for career and technical education programs.  
 Sec. 132. Local uses of funds.

TITLE II—GENERAL PROVISIONS

Sec. 201. Federal and State administrative provisions.

TITLE III—AMENDMENTS TO THE WAGNER-PEYSEY ACT

Sec. 301. State responsibilities.

**SEC. 3. REFERENCES.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

**SEC. 4. EFFECTIVE DATE.**

This Act, and the amendments made by this Act, shall take effect beginning on July 1, 2018.

**SEC. 5. TABLE OF CONTENTS OF THE CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006.**

Section 1(b) is amended to read as follows:

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

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

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

“PART A—ALLOTMENT AND ALLOCATION

“Sec. 111. Reservations and State allotment.  
 “Sec. 112. Within State allocation.  
 “Sec. 113. Accountability.  
 “Sec. 114. National activities.  
 “Sec. 115. Assistance for the outlying areas.  
 “Sec. 116. Native American programs.  
 “Sec. 117. Tribally controlled postsecondary career and technical institutions.

“PART B—STATE PROVISIONS

“Sec. 121. State administration.  
 “Sec. 122. State plan.  
 “Sec. 123. Improvement plans.  
 “Sec. 124. State leadership activities.

“PART C—LOCAL PROVISIONS

“Sec. 131. Distribution of funds to secondary education programs.  
 “Sec. 132. Distribution of funds for postsecondary education programs.  
 “Sec. 133. Special rules for career and technical education.  
 “Sec. 134. Local application for career and technical education programs.  
 “Sec. 135. Local uses of funds.

“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 personnel and children.  
 “Sec. 218. Limitation on Federal regulations.  
 “Sec. 219. Study on programs of study aligned to high-skill, high-wage occupations.

“PART B—STATE ADMINISTRATIVE PROVISIONS

“Sec. 221. Joint funding.

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

“Sec. 223. State administrative costs.

“Sec. 224. Student assistance and other Federal programs.”.

**SEC. 6. PURPOSE.**

Section 2 (20 U.S.C. 2301) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “academic and career and technical skills” and inserting “academic knowledge and technical and employability skills”; and

(B) by inserting “and programs of study” after “technical education programs”;

(2) in paragraph (3), by striking “, including tech prep education”; and

(3) in paragraph (4), by inserting “and programs of study” after “technical education programs”.

**SEC. 7. DEFINITIONS.**

Section 3 (20 U.S.C. 2302) is amended—

(1) by striking paragraphs (16), (23), (24), (25), (26), and (32);

(2) by redesignating paragraphs (8), (9), (10), (11), (12), (13), (14), (15), (17), (18), (19), (20), (21), (22), (27), (28), (29), (30), (31), (33), and (34) as paragraphs (9), (10), (13), (16), (17), (19), (20), (23), (25), (27), (28), (30), (32), (35), (39), (40), (41), (44), (45), (46), and (47), respectively;

(3) in paragraph (3)—

(A) in subparagraph (B), by striking “5 different occupational fields to individuals” and inserting “three different fields, especially in in-demand industry sectors or occupations, that are available to all students”; and

(B) in subparagraph (D), by striking “not fewer than 5 different occupational fields” and inserting “not fewer than three different occupational fields”;

(4) in paragraph (5)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by striking “coherent and rigorous content aligned with challenging academic standards” and inserting “content at the secondary level aligned with the challenging State academic standards adopted by a State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)), and at the postsecondary level with the rigorous academic content,”;

(II) by striking “and skills” and inserting “and skills,”; and

(III) by inserting “, including in in-demand industry sectors or occupations” before the semicolon at the end;

(ii) in clause (ii), by striking “, an industry-recognized credential, a certificate, or an associate degree” and inserting “or a recognized postsecondary credential, which may include an industry-recognized credential”; and

(iii) in clause (iii), by striking “and” at the end;

(B) in subparagraph (B)—

(i) by inserting “, work-based, or other” after “competency-based”;

(ii) by striking “contributes to the” and inserting “supports the development of”;

(iii) by striking the period at the end and inserting a semicolon; and

(iv) by striking “general”; and

(C) by adding at the end the following:

“(C) to the extent practicable, coordinate between secondary and postsecondary education programs, which may include early college programs with articulation agreements, dual or concurrent enrollment program opportunities, or programs of study; and

“(D) may include career exploration at the high school level or as early as the middle grades (as such term is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).”;

(5) in paragraph (7)—

(A) in subparagraph (A), by striking “(and parents, as appropriate)” and inserting “(and, as appropriate, parents and out-of-school youth)”; and

(B) in subparagraph (B), by striking “financial aid,” and all that follows through the period at the end and inserting “financial aid, job training, secondary and postsecondary options (including baccalaureate degree programs), dual or concurrent enrollment programs, work-based learning opportunities, and support services.”;

(6) by inserting after paragraph (7) the following:

“(8) CAREER PATHWAYS.—The term ‘career pathways’ has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).”;

(7) by inserting after paragraph (10) (as so redesignated by paragraph (2)) the following:

“(11) CTE CONCENTRATOR.—The term ‘CTE concentrator’ means—

“(A) at the secondary school level, a student served by an eligible recipient who has—

“(i) completed three or more career and technical education courses;

or

“(ii) completed at least two courses in a single career and technical education program or program of study; or

“(B) at the postsecondary level, a student enrolled in an eligible recipient who has—

“(i) earned at least 12 cumulative credits within a career and technical education program or program of study; or

“(ii) completed such a program if the program encompasses fewer than 12 credits or the equivalent in total.

“(12) CTE PARTICIPANT.—The term ‘CTE participant’ means an individual who completes not less than one course or earns not less than one credit in a career and technical education program or program of study of an eligible recipient.”;

(8) by inserting after paragraph (13) (as so redesignated by paragraph (2)) the following:

“(14) DUAL OR CONCURRENT ENROLLMENT.—The term ‘dual or concurrent enrollment’ has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(15) EARLY COLLEGE HIGH SCHOOL.—The term ‘early college high school’ has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).”;

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

“(18) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a consortium that—

“(A) shall include at least two of the following:

“(i) a local educational agency;

“(ii) an educational service agency;

“(iii) an eligible institution;

“(iv) an area career and technical education school;

“(v) a State educational agency; or

“(vi) the Bureau of Indian Education;

“(B) may include a regional, State, or local public or private organization, including a community-based organization, one or more employers, or a qualified intermediary; and

“(C) is led by an entity or partnership of entities described in subparagraph (A).”;

(10) by amending paragraph (19) (as so redesignated by paragraph (2)) to read as follows:

“(19) ELIGIBLE INSTITUTION.—The term ‘eligible institution’ means—

“(A) a consortium of two or more of the entities described in subparagraphs (B) through (F);

“(B) a public or nonprofit private institution of higher education that offers and will use funds provided under this title in support of career and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree;

“(C) a local educational agency providing education at the postsecondary level;

“(D) an area career and technical education school providing education at the postsecondary level;

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

“(F) an educational service agency.”;

(11) by adding after paragraph (20) (as so redesignated by paragraph (2)) the following:

“(21) ENGLISH LEARNER.—The term ‘English learner’ means—

“(A) a secondary school student who is an English learner, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); or

“(B) an adult or an out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language and—

“(i) whose native language is a language other than English; or

“(ii) who lives in a family environment in which a language other than English is the dominant language.

“(22) EVIDENCE-BASED.—The term ‘evidence-based’ has the meaning given the term in section 8101(21)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21)(A)).”;

(12) by inserting after paragraph (23) (as so redesignated by paragraph (2)) the following:

“(24) IN-DEMAND INDUSTRY SECTOR OR OCCUPATION.—The term ‘in-demand industry sector or occupation’ has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).”;

(13) by inserting after paragraph (25) (as so redesignated by paragraph (2)) the following:

“(26) INDUSTRY OR SECTOR PARTNERSHIP.—The term ‘industry or sector partnership’ has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).”;

(14) by inserting after paragraph (28) (as so redesignated by paragraph (2)) the following:

“(29) LOCAL WORKFORCE DEVELOPMENT BOARD.—The term ‘local workforce development board’ means a local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act.”;

(15) by inserting after paragraph (30) (as so redesignated by paragraph (2)) the following:

“(31) OUT-OF-SCHOOL YOUTH.—The term ‘out-of-school youth’ has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).”;

(16) by inserting after paragraph (32) (as so redesignated by paragraph (2)) the following:

“(33) PARAPROFESSIONAL.—The term ‘paraprofessional’ has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(34) PAY FOR SUCCESS INITIATIVE.—The term ‘pay for success initiative’ has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), except that such term does not include an initiative that—

“(A) reduces the special education or related services that a student would otherwise receive under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); or

“(B) otherwise reduces the rights of a student or the obligations of an entity under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), or any other law.”;

(17) by inserting after paragraph (35) (as so redesignated by paragraph (2)) the following:

“(36) PROGRAM OF STUDY.—The term ‘program of study’ means a coordinated, nonduplicative sequence of secondary and postsecondary academic and technical content that—

“(A) incorporates challenging State academic standards, including those adopted by a State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)), that—

“(i) address both academic and technical knowledge and skills, including employability skills; and

“(ii) are aligned with the needs of industries in the economy of the State, region, or local area;

“(B) progresses in specificity (beginning with all aspects of an industry or career cluster and leading to more occupational specific instruction);

“(C) has multiple entry and exit points that incorporate credentialing; and

“(D) culminates in the attainment of a recognized postsecondary credential.

“(37) QUALIFIED INTERMEDIARY.—The term ‘qualified intermediary’ means a non-profit entity that demonstrates expertise to build, connect, sustain, and measure partnerships with entities such as employers, schools, community-

based organizations, postsecondary institutions, social service organizations, economic development organizations, and workforce systems to broker services, resources, and supports to youth and the organizations and systems that are designed to serve youth, including—

- “(A) connecting employers to classrooms;
- “(B) assisting in the design and implementation of career and technical education programs and programs of study;
- “(C) delivering professional development;
- “(D) connecting students to internships and other work-based learning opportunities; and
- “(E) developing personalized student supports.

“(38) **RECOGNIZED POSTSECONDARY CREDENTIAL.**—The term ‘recognized postsecondary credential’ has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).”;

(18) in paragraph (41) (as so redesignated by paragraph (2))—

(A) in subparagraph (B), by striking “foster children” and inserting “youth who are in or have aged out of the foster care system”;

(B) in subparagraph (E), by striking “and” at the end;

(C) in subparagraph (F), by striking “individuals with limited English proficiency.” and inserting “English learners.”; and

(D) by adding at the end the following:

“(G) homeless individuals described in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a); and

“(H) youth with a parent who—

“(i) is a member of the armed forces (as such term is defined in section 101(a)(4) of title 10, United States Code); and

“(ii) is on active duty (as such term is defined in section 101(d)(1) of such title).”;

(19) by inserting after paragraph (41) (as so redesignated by paragraph (2)) the following:

“(42) **SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.**—The term ‘specialized instructional support personnel’ has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).”;

“(43) **SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.**—The term ‘specialized instructional support services’ has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).”;

(20) in paragraph (45) (as so redesignated by paragraph (2)) by inserting “(including paraprofessionals and specialized instructional support personnel)” after “supportive personnel”; and

(21) by adding at the end the following:

“(48) **UNIVERSAL DESIGN FOR LEARNING.**—The term ‘universal design for learning’ has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).”;

“(49) **WORK-BASED LEARNING.**—The term ‘work-based learning’ means sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution that foster in-depth, first-hand engagement with the tasks required of a given career field, that are aligned to curriculum and instruction.”.

#### **SEC. 8. TRANSITION PROVISIONS.**

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

(1) by striking “the Secretary determines to be appropriate” and inserting “are necessary”;

(2) by striking “Carl D. Perkins Career and Technical Education Improvement Act of 2006” each place it appears and inserting “Strengthening Career and Technical Education for the 21st Century Act”; and

(3) by striking “1998” and inserting “2006”.

#### **SEC. 9. PROHIBITIONS.**

Section 8 (20 U.S.C. 2306a) is amended—

(1) in subsection (a), by striking “Federal Government to mandate,” and all that follows through the period at the end and inserting “Federal Government—

“(1) to condition or incentivize the receipt of any grant, contract, or cooperative agreement, or the receipt of any priority or preference under such grant, contract, or cooperative agreement, upon a State, local educational agency, eligible agency, eligible recipient, eligible entity, or school’s adoption or implementation of specific instructional content, academic standards and assessments, curricula, or program of instruction (including any condition, priority, or preference to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a signifi-

cant number of States, or any assessment, instructional content, or curriculum aligned to such standards);

“(2) through grants, contracts, or other cooperative agreements, to mandate, direct, or control a State, local educational agency, eligible agency, eligible recipient, eligible entity, or school’s specific instructional content, academic standards and assessments, curricula, or program of instruction (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards); and

“(3) except as required under sections 112(b), 211(b), and 223—

“(A) to mandate, direct, or control the allocation of State or local resources; or

“(B) to mandate that a State or a political subdivision of a State spend any funds or incur any costs not paid for under this Act.”; and

(2) by striking subsection (d) and redesignating subsection (e) as subsection (d).

#### **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

Section 9 (20 U.S.C. 2307) is amended to read as follows:

##### **“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

“There are to be authorized to be appropriated to carry out this Act (other than sections 114 and 117)—

“(1) \$1,133,002,074 for fiscal year 2018;

“(2) \$1,148,618,465 for fiscal year 2019;

“(3) \$1,164,450,099 for fiscal year 2020;

“(4) \$1,180,499,945 for fiscal year 2021;

“(5) \$1,196,771,008 for fiscal year 2022; and

“(6) \$1,213,266,339 for fiscal year 2023.”.

## **TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES**

### **PART A—ALLOTMENT AND ALLOCATION**

#### **SEC. 110. RESERVATIONS AND STATE ALLOTMENT.**

Paragraph (5) of section 111(a) (20 U.S.C. 2321(a)) is amended—

(1) in subparagraph (A), by striking “No State” and inserting “For each of fiscal years 2018, 2019, and 2020, no State”;

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A), as amended by paragraph (1), the following:

“(B) FISCAL YEAR 2021 AND EACH SUCCEEDING FISCAL YEAR.—For fiscal year 2021 and each of the succeeding fiscal years, no State shall receive an allotment under this section for a fiscal year that is less than 90 percent of the allotment the State received under this section for the preceding fiscal year.”; and

(4) in subparagraph (C), as redesignated by paragraph (2), by striking “subparagraph (A)” and inserting “subparagraph (A) or (B)”.

#### **SEC. 111. WITHIN STATE ALLOCATION.**

Section 112 (20 U.S.C. 2322) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “10 percent” and inserting “15 percent”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “1 percent” and inserting “2 percent”; and

(II) by striking “State correctional institutions and institutions” and inserting “State correctional institutions, juvenile justice facilities, and educational institutions”; and

(ii) in subparagraph (B), by striking “available for services” and inserting “available to assist eligible recipients in providing services”; and

(C) in paragraph (3)(B), by striking “a local plan;” and inserting “local applications;”; and

(2) in subsection (c), by striking “section 135” and all that follows through the end and inserting “section 135—

“(1) in—

- “(A) rural areas;
- “(B) areas with high percentages of CTE concentrators or CTE participants; and
- “(C) areas with high numbers of CTE concentrators or CTE participants; and
- “(2) in order to—
- “(A) foster innovation through the identification and promotion of promising and proven career and technical education programs, practices, and strategies, which may include practices and strategies that prepare individuals for nontraditional fields; or
- “(B) promote the development, implementation, and adoption of programs of study or career pathways aligned with State-identified in-demand occupations or industries.”.

**SEC. 112. ACCOUNTABILITY.**

Section 113 (20 U.S.C. 2323) is amended—

- (1) in subsection (a), by striking “comprised of the activities” and inserting “comprising the activities”;

- (2) in subsection (b)—

- (A) in paragraph (1), by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B);

- (B) in paragraph (1)(B), as so redesignated, by striking “, and State levels of performance described in paragraph (3)(B) for each additional indicator of performance”; and

- (C) by striking paragraph (2) and inserting the following:

- “(2) INDICATORS OF PERFORMANCE.—

- “(A) CORE INDICATORS OF PERFORMANCE FOR CTE CONCENTRATORS AT THE SECONDARY LEVEL.—Each eligible agency shall identify in the State plan core indicators of performance for CTE concentrators at the secondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

- “(i) The percentage of CTE concentrators who graduate high school, as measured by—

- “(I) the four-year adjusted cohort graduation rate (defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); and

- “(II) at the State’s discretion, the extended-year adjusted cohort graduation rate defined in such section 8101 (20 U.S.C. 7801).

- “(ii) CTE concentrator attainment of challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)), and measured by the academic assessments described in section 1111(b)(2) of such Act (20 U.S.C. 6311(b)(2)).

- “(iii) The percentage of CTE concentrators who, in the second quarter following the program year after exiting from secondary education, are in postsecondary education or advanced training, military service, or unsubsidized employment.

- “(iv) Not less than one indicator of career and technical education program quality that—

- “(I) shall include, not less than one of the following—

- “(aa) the percentage of CTE concentrators, as defined in section 3(11)(A)(ii), graduating from high school having attained recognized postsecondary credentials;

- “(bb) the percentage of CTE concentrators, as defined in section 3(11)(A)(ii), graduating from high school having attained postsecondary credits in the relevant career and technical educational program or program of study earned through dual and concurrent enrollment or another credit transfer agreement; or

- “(cc) the percentage of CTE concentrators, as defined in section 3(11)(A)(ii), graduating from high school having participated in work-based learning; and

- “(II) may include any other measure of student success in career and technical education that is statewide, valid, and reliable.

- “(v) The percentage of CTE concentrators, as defined in section 3(11)(A)(ii), in career and technical education programs and programs of study that lead to nontraditional fields.

- “(B) CORE INDICATORS OF PERFORMANCE FOR CTE CONCENTRATORS AT THE POSTSECONDARY LEVEL.—Each eligible agency shall identify in the State plan core indicators of performance for CTE concentrators at the postsec-



ondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

“(i) The percentage of CTE concentrators, who, during the second quarter after program completion, are in education or training activities, advanced training, or unsubsidized employment.

“(ii) The median earnings of CTE concentrators in unsubsidized employment two quarters after program completion.

“(iii) The percentage of CTE concentrators who receive a recognized postsecondary credential during participation in or within 1 year of program completion.

“(iv) The percentage of CTE concentrators in career and technical education programs and programs of study that lead to nontraditional fields.

“(C) ALIGNMENT OF PERFORMANCE INDICATORS.—In developing core indicators of performance under subparagraphs (A) and (B), an eligible agency shall, to the greatest extent possible, align the indicators so that substantially similar information gathered for other State and Federal programs, or for any other purpose, may be used to meet the requirements of this section.”;

(D) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

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

“(i) IN GENERAL.—Each eligible agency, with input from eligible recipients, shall establish and identify in the State plan submitted under section 122, for the first 2 program years covered by the State plan, State levels of performance for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

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

“(II) be sufficiently ambitious to allow for meaningful evaluation of program quality.

“(ii) STATE ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third program year covered by the State plan, each eligible agency shall revise the State levels of performance for each of the core indicators of performance for the subsequent program years covered by the State plan, taking into account the extent to which such levels of performance promote meaningful program improvement on such indicators. The State adjusted levels of performance identified under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.

“(iii) REPORTING.—The eligible agency shall, for each year described in clauses (i) and (iii), publicly report and widely disseminate the State levels of performance described in this subparagraph.

“(iv) REVISIONS.—If unanticipated circumstances arise in a State, the eligible agency may revise the State adjusted levels of performance required under this subparagraph, and submit such revised levels of performance with evidence supporting the revision and demonstrating public consultation, in a manner consistent with the procedure described in subsections (d) and (f) of section 122.”;

(ii) by striking subparagraph (B) and inserting the following:

“(B) ACTUAL LEVELS OF PERFORMANCE.—At the end of each program year, the eligible agency shall determine actual levels of performance on each of the core indicators of performance and publicly report and widely disseminate the actual levels of performance described in this subparagraph.”; and

(iii) by adding at the end the following:

“(C) ESTABLISHMENT OF LEVELS OF PERFORMANCE.—An eligible agency shall establish State levels of performance under subparagraph (A) in a manner consistent with the procedure adopted by the eligible agency under section 122(d)(9).”; and

(E) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i)(I), by striking “consistent with the State levels of performance established under paragraph (3), so as” and inserting “consistent with the form expressed in the State levels, so as”;

- (II) by striking clause (i)(II) and inserting the following:  
“(II) be sufficiently ambitious to allow for meaningful evaluation of program quality.”;
  - (III) in clause (iv)—
    - (aa) by striking “third and fifth program years” and inserting “third program year”; and
    - (bb) by striking “corresponding” before “subsequent program years”;
  - (IV) in clause (v)—
    - (aa) by striking “and” at the end of subclause (I);
    - (bb) by redesignating subclause (II) as subclause (III);
    - (cc) by inserting after subclause (I) the following:  
“(II) local economic conditions.”;
    - (dd) in subclause (III), as so redesignated, by striking “promote continuous improvement on the core indicators of performance by the eligible recipient.” and inserting “advance the eligible recipient’s accomplishments of the goals set forth in the local application; and”; and
    - (ee) by adding at the end the following:  
“(IV) the eligible recipient’s ability and capacity to collect and access valid, reliable, and cost effective data.”;
    - (V) in clause (vi), by inserting “or changes occur related to improvements in data or measurement approaches,” after “factors described in clause (v).”; and
    - (VI) by adding at the end the following:  
“(vii) REPORTING.—The eligible recipient shall, for each year described in clauses (iii) and (iv), publicly report the local levels of performance described in this subparagraph.”;
  - (ii) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and
  - (iii) in clause (ii)(I) of subparagraph (B), as so redesignated—
    - (I) by striking “section 1111(h)(1)(C)(i)” and inserting “section 1111(h)(1)(C)(ii)”;
    - (II) by striking “section 3(29)” and inserting “section 3(40)”;
- (3) in subsection (c)—
- (A) in the heading, by inserting “STATE” before “REPORT”;
  - (B) in paragraph (1)(B), by striking “information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the” and inserting “the”; and
  - (C) in paragraph (2)(A)—
    - (i) by striking “categories” and inserting “subgroups”;
    - (ii) by striking “section 1111(h)(1)(C)(i)” and inserting “section 1111(h)(1)(C)(ii)”;
    - (iii) by striking “section 3(29)” and inserting “section 3(40)”.

#### SEC. 113. NATIONAL ACTIVITIES.

Section 114 (20 U.S.C. 2324) is amended—

- (1) in subsection (a)—
  - (A) in paragraph (1)—
    - (i) by striking “The Secretary shall” the first place it appears and inserting “The Secretary shall, in consultation with the Director of the Institute for Education Sciences.”; and
    - (ii) by inserting “from eligible agencies under section 113(c)” after “pursuant to this title”; and
  - (B) by striking paragraph (3);
- (2) by amending subsection (b) to read as follows:  
“(b) REASONABLE COST.—The Secretary shall take such action as may be necessary to secure at reasonable cost the information required by this title. To ensure reasonable cost, the Secretary, in consultation with the National Center for Education Statistics and the Office of Career, Technical, and Adult Education shall determine the methodology to be used and the frequency with which such information is to be collected.”;
- (3) in subsection (c)—
  - (A) in paragraph (1)—
    - (i) by striking “may” and inserting “shall”;
    - (ii) by striking “, directly or through grants, contracts, or cooperative agreements,” and inserting “directly or through grants”; and
    - (iii) by striking “and assessment”; and
  - (B) in paragraph (2)—

- (i) in subparagraph (B), by inserting “, acting through the Director of the Institute for Education Sciences,” after “describe how the Secretary”; and
  - (ii) in subparagraph (C), by inserting “, in consultation with the Director of the Institute for Education Sciences,” after “the Secretary”;
- (4) in subsection (d)—
  - (A) in paragraph (1)—
    - (i) in subparagraph (A)—
      - (I) by inserting “, acting through the Director of the Institute for Education Sciences,” after “The Secretary”;
      - (II) by inserting “and the plan developed under subsection (c)” after “described in paragraph (2)”; and
      - (III) by striking “assessment” each place such term appears and inserting “evaluation”; and
    - (ii) in subparagraph (B)—
      - (I) in clause (v), by striking “; and” and inserting a semicolon;
      - (II) in clause (vi), by striking the period at the end and inserting “, which may include individuals with expertise in addressing inequities in access to, and in opportunities for academic and technical skill attainment; and”; and
      - (III) by adding at the end the following:  
 “(vii) representatives of special populations.”;
  - (B) in paragraph (2)—
    - (i) in the heading, by striking “AND ASSESSMENT”;
    - (ii) in subparagraph (A)—
      - (I) by inserting “, acting through the Director of the Institute for Education Sciences,” after “the Secretary”;
      - (II) by striking “an independent evaluation and assessment” and inserting “a series of research and evaluation initiatives for each year for which funds are appropriated to carry out this Act, which are aligned with the plan in subsection (c)(2)”; and
      - (III) by striking “Carl D. Perkins Career and Technical Education Improvement Act of 2006” and inserting “Strengthening Career and Technical Education for the 21st Century Act”;
      - (IV) by striking “, contracts, and cooperative agreements that are” and inserting “to institutions of higher education or a consortia of one or more institutions of higher education and one or more private nonprofit organizations or agencies”; and
      - (V) by adding at the end the following: “Such evaluation shall, whenever possible, use the most recent data available.”; and
    - (iii) by amending subparagraph (B) to read as follows:  
 “(B) CONTENTS.—The evaluation required under subparagraph (A) shall include descriptions and evaluations of—
      - “(i) the extent and success of the integration of challenging State academic standards adopted under 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)) and career and technical education for students participating in career and technical education programs, including a review of the effect of such integration on the academic and technical proficiency achievement of such students (including the number of such students that receive a regular high school diploma, as such term is defined under section 8101 of the Elementary and Secondary Education Act of 1965 or a State-defined alternative diploma described in section 8101(25)(A)(ii)(I)(bb) of such Act (20 U.S.C. 7801(25)(A)(ii)(I)(bb)));
      - “(ii) the extent to which career and technical education programs and programs of study prepare students, including special populations, for subsequent employment in high-skill, high-wage occupations (including those in which mathematics and science, which may include computer science, skills are critical), or for participation in postsecondary education;
      - “(iii) employer involvement in, benefit from, and satisfaction with, career and technical education programs and programs of study and career and technical education students’ preparation for employment;
      - “(iv) efforts to expand access to career and technical education programs of study for all students;
      - “(v) innovative approaches to work-based learning programs that increase participation and alignment with employment in high-growth industries, including in rural and low-income areas;

“(vi) the extent to which career and technical education programs supported by this Act are grounded on evidence-based research;

“(vii) the impact of the amendments to this Act made under the Strengthening Career and Technical Education for the 21st Century Act, including comparisons, where appropriate, of—

“(I) the use of the comprehensive needs assessment under section 134(b);

“(II) the implementation of programs of study; and

“(III) coordination of planning and program delivery with other relevant laws, including the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

“(viii) changes in career and technical education program accountability as described in section 113 and any effects of such changes on program delivery and program quality; and

“(ix) changes in student enrollment patterns.”; and

(iv) in subparagraph (C)—

(I) in clause (i)—

(aa) by inserting “, in consultation with the Director of the Institute for Education Sciences,” after “The Secretary”;

(bb) in subclause (I)—

(AA) by striking “assessment” and inserting “evaluation and summary of research activities carried out under this section”; and

(BB) by striking “2010” and inserting “2021”; and

(cc) in subclause (II)—

(AA) by striking “assessment” and inserting “evaluation and summary of research activities carried out under this section”; and

(BB) by striking “2011” and inserting “2023”; and

(II) by adding after clause (ii) the following:

“(iii) DISSEMINATION.—In addition to submitting the reports required under clause (i), the Secretary shall disseminate the results of the evaluation widely and on a timely basis in order to increase the understanding among State and local officials and educators of the effectiveness of programs and activities supported under the Act and of the career and technical education programs that are most likely to produce positive educational and employment outcomes.”; and

(C) by striking paragraphs (3), (4), and (5) and inserting the following:

“(3) INNOVATION.—

“(A) GRANT PROGRAM.—To identify and support evidence-based and innovative strategies and activities to improve career and technical education and align workforce skills with labor market needs as part of the plan developed under subsection (c) and the requirements of this subsection, the Secretary may award grants to eligible entities to—

“(i) create, develop, implement, or take to scale evidence-based, field initiated innovations, including through a pay for success initiative, to improve student outcomes in career and technical education; and

“(ii) rigorously evaluate such innovations.

“(B) MATCHING FUNDS.—

“(i) MATCHING FUNDS REQUIRED.—Except as provided under clause (ii), to receive a grant under this paragraph, an eligible entity shall, through cash or in-kind contributions, provide matching funds from public or private sources in an amount equal to at least 50 percent of the funds provided under such grant.

“(ii) EXCEPTION.—The Secretary may waive the matching fund requirement under clause (i) if the eligible entity demonstrates exceptional circumstances.

“(C) APPLICATION.—To receive a grant under this paragraph, an eligible entity shall submit to the Secretary at such a time as the Secretary may require, an application that—

“(i) identifies and designates the agency, institution, or school responsible for the administration and supervision of the program assisted under this paragraph;

“(ii) identifies the source and amount of the matching funds required under subparagraph (B)(i);

“(iii) describes how the eligible entity will use the grant funds, including how such funds will directly benefit students, including special populations, served by the eligible entity;

“(iv) describes how the program assisted under this paragraph will be coordinated with the activities carried out under section 124 or 135;  
 “(v) describes how the program assisted under this paragraph aligns with the single plan described in subsection (c); and  
 “(vi) describes how the program assisted under this paragraph will be evaluated and how that evaluation may inform the report described in subsection (d)(2)(C).

“(D) PRIORITY.—In awarding grants under this paragraph, the Secretary shall give priority to applications from eligible entities that will predominantly serve students from low-income families.

“(E) GEOGRAPHIC DIVERSITY.—

“(i) IN GENERAL.—In awarding grants under this paragraph, the Secretary shall award no less than 25 percent of the total available funds for any fiscal year to eligible entities proposing to fund career and technical education activities that serve—

“(I) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

“(II) an institution of higher education primarily serving the one or more areas served by such a local educational agency;

“(III) a consortium of such local educational agencies or such institutions of higher education;

“(IV) a partnership between—

“(aa) an educational service agency or a nonprofit organization; and

“(bb) such a local educational agency or such an institution of higher education; or

“(V) a partnership between—

“(aa) a grant recipient described in subclause (I) or (II); and

“(bb) a State educational agency.

“(ii) EXCEPTION.—Notwithstanding clause (i), the Secretary shall reduce the amount of funds made available under such clause if the Secretary does not receive a sufficient number of applications of sufficient quality.

“(F) USES OF FUNDS.—An eligible entity that is awarded a grant under this paragraph shall use the grant funds, in a manner consistent with subparagraph (A)(i), to—

“(i) improve career and technical education outcomes of students served by eligible entities under this title;

“(ii) improve career and technical education teacher effectiveness;

“(iii) improve the transition of students from secondary education to postsecondary education or employment;

“(iv) improve the incorporation of comprehensive work-based learning into career and technical education;

“(v) increase the effective use of technology within career and technical education programs;

“(vi) support new models for integrating academic content and career and technical education content in such programs;

“(vii) support the development and enhancement of innovative delivery models for career and technical education;

“(viii) work with industry to design and implement courses or programs of study aligned to labor market needs in new or emerging fields;

“(ix) integrate science, technology, engineering, and mathematics fields, including computer science education, with career and technical education;

“(x) support innovative approaches to career and technical education by redesigning the high school experience for students, which may include evidence-based transitional support strategies for students who have not met postsecondary education eligibility requirements;

“(xi) improve CTE concentrator employment outcomes in nontraditional fields; or

“(xii) support the use of career and technical education programs and programs of study in a coordinated strategy to address identified employer needs and workforce shortages, such as shortages in the early childhood, elementary school, and secondary school education workforce.

“(G) EVALUATION.—Each eligible entity receiving a grant under this paragraph shall provide for an independent evaluation of the activities carried

out using such grant and submit to the Secretary an annual report that includes—

- “(i) a description of how funds received under this paragraph were used;
- “(ii) the performance of the eligible entity with respect to, at a minimum, the performance indicators described under section 113, as applicable, and disaggregated by—
  - “(I) subgroups of students described in section 1111(c)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(2)(B));
  - “(II) special populations; and
  - “(III) as appropriate, each career and technical education program and program of study; and
- “(iii) a quantitative analysis of the effectiveness of the project carried out under this paragraph.”; and
- (5) by striking subsection (e) and inserting the following:
 

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

  - “(1) \$7,523,285 for fiscal year 2018;
  - “(2) \$7,626,980 for fiscal year 2019;
  - “(3) \$7,732,104 for fiscal year 2020;
  - “(4) \$7,838,677 for fiscal year 2021;
  - “(5) \$7,946,719 for fiscal year 2022; and
  - “(6) \$8,056,251 for fiscal year 2023.”.

**SEC. 114. ASSISTANCE FOR THE OUTLYING AREAS.**

Section 115 (20 U.S.C. 2325) is amended—

- (1) in subsection (a)(3), by striking “subject to subsection (d)” and inserting “subject to subsection (b)”;
- (2) by striking subsections (b) and (c); and
- (3) by redesignating subsection (d) as subsection (b).

**SEC. 115. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.**

Section 117(i) (20 U.S.C. 2327(i)) is amended to read as follows:

- “(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—
- “(1) \$8,400,208 for fiscal year 2018;
  - “(2) \$8,515,989 for fiscal year 2019;
  - “(3) \$8,633,367 for fiscal year 2020;
  - “(4) \$8,752,362 for fiscal year 2021;
  - “(5) \$8,872,998 for fiscal year 2022; and
  - “(6) \$8,995,296 for fiscal year 2023.”.

**SEC. 116. OCCUPATIONAL AND EMPLOYMENT INFORMATION.**

Section 118 (20 U.S.C. 2328) is repealed.

## PART B—STATE PROVISIONS

**SEC. 121. STATE PLAN.**

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

- (1) in subsection (a)—
  - (A) in paragraph (1)—
    - (i) by striking “6-year period” and inserting “4-year period”; and
    - (ii) by striking “Carl D. Perkins Career and Technical Education Improvement Act of 2006” and inserting “Strengthening Career and Technical Education for the 21st Century Act”;
  - (B) in paragraph (2)(B), by striking “6-year period” and inserting “4-year period”; and
  - (C) in paragraph (3), by striking “(including charter school” and all that follows through “and community organizations)” and inserting “(including teachers, faculty, specialized instructional support personnel, paraprofessionals, school leaders, authorized public chartering agencies, and charter school leaders, consistent with State law, employers, labor organizations, parents, students, and community organizations)”;
- (2) by amending subsections (b), (c), (d), and (e) to read as follows:
 

“(b) OPTIONS FOR SUBMISSION OF STATE PLAN.—

“(1) COMBINED PLAN.—The eligible agency may submit a combined plan that meets the requirements of this section and the requirements of section 103 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3113), unless the eli-

gible agency opts to submit a single plan under paragraph (2) and informs the Secretary of such decision.

“(2) SINGLE PLAN.—If the eligible agency elects not to submit a combined plan as described in paragraph (1), such eligible agency shall submit a single State plan.

“(c) PLAN DEVELOPMENT.—

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

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

“(i) representatives of secondary and postsecondary career and technical education programs, including eligible recipients and representatives of 2-year Minority-Serving Institutions and Historically Black Colleges and Universities in States where such institutions are in existence, and charter school representatives in States where such schools are in existence, which shall include teachers, faculty, school leaders, specialized instructional support personnel (including guidance counselors), and paraprofessionals;

“(ii) interested community representatives, including parents and students;

“(iii) the State workforce development board described in section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111);

“(iv) representatives of special populations;

“(v) representatives of business and industry (including representatives of small business), which shall include representatives of industry and sector partnerships in the State, as appropriate, and representatives of labor organizations in the State;

“(vi) representatives of agencies serving out-of-school youth, homeless children and youth, and at-risk youth; and

“(vii) representatives of Indian tribes located in the State; and

“(B) consult the Governor of the State, and the heads of other State agencies with authority for career and technical education programs that are not the eligible agency, with respect to the development of the State plan.

“(2) ACTIVITIES AND PROCEDURES.—The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals and entities described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.

“(d) PLAN CONTENTS.—The State plan shall include—

“(1) a summary of State-supported workforce development activities (including education and training) in the State, including the degree to which the State’s career and technical education programs and programs of study are aligned with such activities;

“(2) the State’s strategic vision and set of goals for preparing an educated and skilled workforce (including special populations) and for meeting the skilled workforce needs of employers, including in-demand industry sectors and occupations as identified by the State, and how the State’s career and technical education programs will help to meet these goals;

“(3) a summary of the strategic planning elements of the unified State plan required under section 102(b)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3112(b)(1)), including the elements related to system alignment under section 102(b)(2)(B) of such Act (29 U.S.C. 3112(b)(2)(B));

“(4) a description of the career and technical education programs or programs of study that will be supported, developed, or improved, including descriptions of—

“(A) the programs of study to be developed at the State level and made available for adoption by eligible recipients;

“(B) the process and criteria to be used for approving locally developed programs of study or career pathways, including how such programs address State workforce development and education needs; and

“(C) how the eligible agency will—

“(i) make information on approved programs of study and career pathways, including career exploration, work-based learning opportunities, dual and concurrent enrollment opportunities, and guidance and advisement resources, available to students and parents;

“(ii) ensure nonduplication of eligible recipients’ development of programs of study and career pathways;

“(iii) determine alignment of eligible recipients’ programs of study to the State, regional or local economy, including in-demand fields and occupations identified by the State workforce development board as appropriate;

- “(iv) provide equal access to activities assisted under this Act for special populations;
  - “(v) coordinate with the State workforce board to support the local development of career pathways and articulate processes by which career pathways will be developed by local workforce development boards;
  - “(vi) use State, regional, or local labor market data to align career and technical education with State labor market needs;
  - “(vii) support effective and meaningful collaboration between secondary schools, postsecondary institutions, and employers, which may include the development of articulation agreements described in section 124(b)(3); and
  - “(viii) improve outcomes for CTE concentrators, including those who are members of special populations;
  - “(5) a description of the criteria and process for how the eligible agency will approve eligible recipients for funds under this Act, including how—
    - “(A) each eligible recipient will promote academic achievement;
    - “(B) each eligible recipient will promote skill attainment, including skill attainment that leads to a recognized postsecondary credential; and
    - “(C) each eligible recipient will ensure the local needs assessment under section 134 takes into consideration local economic and education needs, including where appropriate, in-demand industry sectors and occupations;
  - “(6) a description of how the eligible agency will support the recruitment and preparation of teachers, including special education teachers, faculty, administrators, specialized instructional support personnel, and paraprofessionals to provide career and technical education instruction, leadership, and support;
  - “(7) a description of how the eligible agency will use State leadership funding to meet the requirements of section 124(b);
  - “(8) a description of how funds received by the eligible agency through the allotment made under section 111 will be distributed—
    - “(A) among career and technical education at the secondary level, or career and technical education at the postsecondary and adult level, or both, including how such distribution will most effectively provide students with the skills needed to succeed in the workplace; and
    - “(B) among any consortia that may be formed among secondary schools and eligible institutions, and how funds will be distributed among the members of the consortia, including the rationale for such distribution and how it will most effectively provide students with the skills needed to succeed in the workplace;
  - “(9) a description of the procedure the eligible agency will adopt for determining State adjusted levels of performance described in section 113, which at a minimum shall include—
    - “(A) consultation with stakeholders identified in paragraph (1);
    - “(B) opportunities for the public to comment in person and in writing on the State adjusted levels of performance included in the State plan; and
    - “(C) submission of public comment on State adjusted levels of performance as part of the State plan; and
  - “(10) assurances that—
    - “(A) the eligible agency will comply with the requirements of this Act and the provisions of the State plan, including the provision of a financial audit of funds received under this Act, which may be included as part of an audit of other Federal or State programs;
    - “(B) none of the funds expended under this Act will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the acquiring entity or the employees of the acquiring entity, or any affiliate of such an organization;
    - “(C) the eligible agency will use the funds to promote preparation for high-skill, high-wage, or in-demand occupations and nontraditional fields, as identified by the State;
    - “(D) the eligible agency will use the funds provided under this Act to implement career and technical education programs and programs of study for individuals in State correctional institutions, including juvenile justice facilities; and
    - “(E) the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance, including technical assistance on how to close gaps in student participation and performance in career and technical education programs.
- “(e) CONSULTATION.—



“(1) IN GENERAL.—The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult career and technical education, postsecondary career and technical education, and secondary career and technical education after consultation with the—

“(A) State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary career and technical education;

“(B) the State agency responsible for secondary education; and

“(C) the State agency responsible for adult education.

“(2) OBJECTIONS OF STATE AGENCIES.—If a State agency other than the eligible agency finds that a portion of the final State plan is objectionable, that objection shall be filed together with the State plan. The eligible agency shall respond to any objections of such State agency in the State plan submitted to the Secretary.

“(f) PLAN APPROVAL.—

“(1) IN GENERAL.—The Secretary shall approve a State plan not later than 120 days after its submission to the Secretary unless the Secretary—

“(A) determines that the State plan does not meet the requirements of this Act, including the requirements described in section 113; and

“(B) meets the requirements of paragraph (2) with respect to such plan.

“(2) DISAPPROVAL.—The Secretary shall—

“(A) have the authority to disapprove a State plan only if the Secretary—

“(i) determines how the State plan fails to meet the requirements of this Act; and

“(ii) provides to the eligible agency, in writing, notice of such determination and the supporting information and rationale to substantiate such determination; and

“(B) not finally disapprove a State plan, except after making the determination and providing the information described in subparagraph (A), and giving the eligible agency notice and an opportunity for a hearing.”.

#### SEC. 122. IMPROVEMENT PLANS.

Section 123 (20 U.S.C. 2343) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “percent of an agreed upon” and inserting “percent of the”; and

(ii) by striking “appropriate agencies,” and inserting “appropriate State agencies,”;

(B) in paragraph (2)—

(i) by striking “purposes of this Act,” and inserting “purposes of this section, including after implementation of the improvement plan described in paragraph (1),” and

(ii) by striking “work with the eligible agency” and inserting “provide the eligible agency technical assistance”; and

(C) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—If the eligible agency fails to make any improvement in meeting any of the State adjusted levels of performance for any of the core indicators of performance identified under paragraph (1) during the first 2 years of implementation of the improvement plan required under paragraph (1), the eligible agency—

“(i) shall develop and implement, in consultation with the stakeholders described in section 122(c)(1)(A), a revised improvement plan (with special consideration of performance gaps identified under section 113(c)(2)(B)) to address the reasons for such failure; and

“(ii) shall continue to implement such improvement plan until the eligible agency meets at least 90 percent of the State adjusted level of performance for the same core indicators of performance for which the plan is revised.”;

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting after subparagraph (A), the following:

“(B) REVISED PERFORMANCE IMPROVEMENT PLAN IMPLEMENTATION.—The Secretary shall provide technical assistance, monitoring, and oversight to each eligible agency with a plan revised under subparagraph (A)(i) until such agency meets the requirements of subparagraph (A)(ii).”; and

(iv) in subparagraph (C), as redesignated by clause (ii), by striking “sanction in” and inserting “requirements of”; and

- (D) by striking paragraph (4);
- (2) in subsection (b)—

- (A) in paragraph (2), by striking “the eligible agency, appropriate agencies, individuals, and organizations” and inserting “local stakeholders included in section 134(d)(1)”;

- (B) in paragraph (3), by striking “shall work with the eligible recipient to implement improvement activities consistent with the requirements of this Act.” and inserting “shall provide technical assistance to assist the eligible recipient in meeting its responsibilities under section 134.”;

- (C) in paragraph (4)—

- (i) by amending subparagraph (A) to read as follows:

- “(A) IN GENERAL.—If the eligible recipient fails to make any improvement in meeting any of the local adjusted levels of performance for any of the core indicators of performance identified under paragraph (2) during a number of years determined by the eligible agency, the eligible recipient—

- “(i) shall revise the improvement plan described in paragraph (2) to address the reasons for such failure; and

- “(ii) shall continue to implement such improvement plan until such recipient meets at least 90 percent of an agreed upon local adjusted level of performance for the same core indicators of performance for which the plan is revised.”; and

- (ii) in subparagraph (B)—

- (I) in the matter preceding clause (i)—

- (aa) by striking “In determining whether to impose sanctions under subparagraph (A), the” and inserting “The”; and

- (bb) by striking “waive imposing sanctions” and inserting “waive the requirements of subparagraph (A)”;

- (II) in clause (i), by striking “or” at the end;

- (III) in clause (ii), by striking the period at the end and inserting “; or”; and

- (IV) by adding at the end the following:

- “(iii) in response to a public request from an eligible recipient consistent with clauses (i) and (ii).”; and

- (D) by striking paragraph (5); and

- (3) by adding at the end the following:

“(c) PLAN DEVELOPMENT.—Except for consultation described in subsection (b)(2), the State and local improvement plans, and the elements of such plans, required under this section shall be developed solely by the eligible agency or the eligible recipient, respectively.”.

#### SEC. 123. STATE LEADERSHIP ACTIVITIES.

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

- (1) in subsection (a), by striking “shall conduct State leadership activities.” and inserting “shall—

- “(1) conduct State leadership activities directly; and

- “(2) report on the effectiveness of such use of funds in achieving the goals described in section 122(d)(2) and the State adjusted levels of performance described in section 113(b)(3)(A).”;

- (2) in subsection (b)—

- (A) by striking paragraphs (1) through (4) and inserting the following:

- “(1) developing statewide programs of study, which may include standards, curriculum, and course development, and career exploration, guidance, and advisement activities and resources;

- “(2) approving locally developed programs of study that meet the requirements established in section 122(d)(4)(B);

- “(3) establishing statewide articulation agreements aligned to approved programs of study;

- “(4) establishing statewide partnerships among local educational agencies, institutions of higher education, and employers, including small businesses, to develop and implement programs of study aligned to State and local economic and education needs, including as appropriate, in-demand industry sectors and occupations.”; and

- (B) by striking paragraphs (6) through (9) and inserting the following:

- “(6) support services for individuals in State institutions, such as State correctional institutions, including juvenile justice facilities, and educational institutions that serve individuals with disabilities;

- “(7) for faculty and teachers providing career and technical education instruction, support services, and specialized instructional support services, high-quality comprehensive professional development that is, to the extent practicable,

grounded in evidence-based research (to the extent a State determines that such evidence is reasonably available) that identifies the most effective educator professional development process and is coordinated and aligned with other professional development activities carried out by the State (including under title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) and title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.)), including programming that—

“(A) promotes the integration of the challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)) and relevant technical knowledge and skills;

“(B) prepares career and technical education teachers, faculty, specialized instructional support personnel, and paraprofessionals to provide appropriate accommodations for students who are members of special populations, including through the use of principles of universal design for learning; and

“(C) increases understanding of industry standards, as appropriate, for faculty providing career and technical education instruction; and

“(8) technical assistance for eligible recipients.”; and

(3) in subsection (c), by striking paragraphs (1) through (17) and inserting the following:

“(1) awarding incentive grants to eligible recipients—

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

“(i) eligible recipients exceeding the local adjusted level of performance established under section 113(b)(4)(A) in a manner that reflects sustained or significant improvement;

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

“(iii) the integration of academic and technical standards;

“(iv) eligible recipients’ progress in closing achievement gaps among subpopulations who participate in programs of study; or

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

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

“(2) providing support for the adoption and integration of recognized postsecondary credentials or for consultation and coordination with other State agencies for the identification, consolidation, or elimination of licenses or certifications which pose an unnecessary barrier to entry for aspiring workers and provide limited consumer protection;

“(3) the creation, implementation, and support of pay-for-success initiatives leading to recognized postsecondary credentials;

“(4) support for career and technical education programs for adults and out-of-school youth concurrent with their completion of their secondary school education in a school or other educational setting;

“(5) the creation, evaluation, and support of competency-based curricula;

“(6) support for the development, implementation, and expansion of programs of study or career pathways in areas declared to be in a state of emergency under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191);

“(7) providing support for dual or concurrent enrollment programs, such as early college high schools;

“(8) improvement of career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including academic and financial aid counseling;

“(9) support for the integration of employability skills into career and technical education programs and programs of study;

“(10) support for programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science), particularly for students who are members of groups underrepresented in such subject fields, such as female students, minority students, and students who are members of special populations;

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

“(12) support for establishing and expanding work-based learning opportunities;

“(13) support for preparing, retaining, and training of career and technical education teachers, faculty, specialized instructional support personnel, and paraprofessionals, such as preservice, professional development, and leadership development programs;

“(14) integrating and aligning programs of study and career pathways;

“(15) supporting the use of career and technical education programs and programs of study aligned with State, regional, or local in-demand industry sectors or occupations identified by State or local workforce development boards;

“(16) making all forms of instructional content widely available, which may include use of open educational resources;

“(17) support for the integration of arts and design skills, when appropriate, into career and technical education programs and programs of study; and

“(18) support for accelerated learning programs (described in section 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7114(b)(3)(A)(i)(IV))) when any such program is part of a program of study.”.

## PART C—LOCAL PROVISIONS

### SEC. 131. LOCAL APPLICATION FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.

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

(1) in the section heading by striking “LOCAL PLAN” and inserting “LOCAL APPLICATION”;

(2) in subsection (a)—

(A) in the heading, by striking “LOCAL PLAN” and inserting “LOCAL APPLICATION”;

(B) by striking “submit a local plan” and inserting “submit a local application”; and

(C) by striking “Such local plan” and inserting “Such local application”; and

(3) by striking subsection (b) and inserting the following:

“(b) CONTENTS.—The eligible agency shall determine the requirements for local applications, except that each local application shall contain—

“(1) a description of the results of the comprehensive needs assessment conducted under subsection (c);

“(2) information on the programs of study approved by a State under section 124(b)(2) supported by the eligible recipient with funds under this part, including—

“(A) how the results of the comprehensive needs assessment described in subsection (c) informed the selection of the specific career and technical education programs and activities selected to be funded; and

“(B) a description of any new programs of study the eligible recipient will develop and submit to the State for approval;

“(3) a description of how the eligible recipient will provide—

“(A) career exploration and career development coursework, activities, or services;

“(B) career information; and

“(C) an organized system of career guidance and academic counseling to students before enrolling and while participating in a career and technical education program; and

“(4) a description of how the eligible recipient will—

“(A) provide activities to prepare special populations for high-skill, high-wage, or in-demand occupations that will lead to self-sufficiency; and

“(B) prepare CTE participants for nontraditional fields.

“(c) COMPREHENSIVE NEEDS ASSESSMENT.—

“(1) IN GENERAL.—To be eligible to receive financial assistance under this part, an eligible recipient shall—

“(A) conduct a comprehensive local needs assessment related to career and technical education; and

“(B) not less than once every 2 years, update such comprehensive local needs assessment.

“(2) REQUIREMENTS.—The comprehensive local needs assessment described under paragraph (1) shall include—

“(A) an evaluation of the performance of the students served by the eligible recipient with respect to State and local adjusted levels of performance established pursuant to section 113, including an evaluation of performance for special populations;

“(B) a description of how career and technical education programs offered by the eligible recipient are—

“(i) sufficient in size, scope, and quality to meet the needs of all students served by the eligible recipient; and

“(ii)(I) aligned to State, regional, or local in-demand industry sectors or occupations identified by the State or local workforce development board, including career pathways, where appropriate; or

“(II) designed to meet local education or economic needs not identified by State or local workforce development boards;

“(C) an evaluation of progress toward the implementation of career and technical education programs and programs of study;

“(D) an evaluation of strategies needed to overcome barriers that result in lowering rates of access to, or lowering success in, career and technical education programs for special populations, which may include strategies to establish or utilize existing flexible learning and manufacturing facilities, such as makerspaces;

“(E) a description of how the eligible recipient will improve recruitment, retention, and training of career and technical education teachers, faculty, specialized instructional support personnel, paraprofessionals, and career, academic, and guidance counselors, including individuals in groups underrepresented in such professions; and

“(F) a description of how the eligible recipient will support the transition to teaching from business and industry.

“(d) CONSULTATION.—In conducting the comprehensive needs assessment under subsection (c), an eligible recipient shall involve a diverse body of stakeholders, including, at a minimum—

“(1) representatives of career and technical education programs in a local educational agency or educational service agency, including teachers and administrators;

“(2) representatives of career and technical education programs at postsecondary educational institutions, including faculty and administrators;

“(3) representatives of State or local workforce development boards and a range of local or regional businesses or industries;

“(4) parents and students;

“(5) representatives of special populations; and

“(6) representatives of local agencies serving out-of-school youth, homeless children and youth, and at-risk youth (as defined in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472)).

“(e) CONTINUED CONSULTATION.—An eligible recipient receiving financial assistance under this part shall consult with the entities described in subsection (d) on an ongoing basis to—

“(1) provide input on annual updates to the comprehensive needs assessment required under subsection (c);

“(2) ensure programs of study are—

“(A) responsive to community employment needs;

“(B) aligned with employment priorities in the State, regional, or local economy identified by employers and the entities described in subsection (d), which may include in-demand industry sectors or occupations identified by the local workforce development board;

“(C) informed by labor market information, including information provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)(2)(C));

“(D) designed to meet current, intermediate, or long-term labor market projections; and

“(E) allow employer input, including input from industry or sector partnerships in the local area, where applicable, into the development and implementation of programs of study to ensure programs align with skills required by local employment opportunities, including activities such as the identification of relevant standards, curriculum, industry-recognized credentials, and current technology and equipment;

“(3) identify and encourage opportunities for work-based learning; and

“(4) ensure funding under this part is used in a coordinated manner with other local resources.”.

#### SEC. 132. LOCAL USES OF FUNDS.

Section 135 (20 U.S.C. 2355) is amended to read as follows:

#### “SEC. 135. LOCAL USES OF FUNDS.

“(a) GENERAL AUTHORITY.—Each eligible recipient that receives funds under this part shall use such funds to develop, coordinate, implement, or improve career and

technical education programs to meet the needs identified in the comprehensive needs assessment described in section 134(c).

“(b) REQUIREMENTS FOR USES OF FUNDS.—Funds made available to eligible recipients under this part shall be used to support career and technical education programs that are of sufficient size, scope, and quality to be effective and—

“(1) provide career exploration and career development activities through an organized, systematic framework designed to aid students, before enrolling and while participating in a career and technical education program, in making informed plans and decisions about future education and career opportunities and programs of study, which may include—

“(A) introductory courses or activities focused on career exploration and career awareness;

“(B) readily available career and labor market information, including information on—

“(i) occupational supply and demand;

“(ii) educational requirements;

“(iii) other information on careers aligned to State or local economic priorities; and

“(iv) employment sectors;

“(C) programs and activities related to the development of student graduation and career plans;

“(D) career guidance and academic counselors that provide information on postsecondary education and career options; or

“(E) any other activity that advances knowledge of career opportunities and assists students in making informed decisions about future education and employment goals;

“(2) provide professional development for teachers, principals, school leaders, administrators, faculty, and career and guidance counselors with respect to content and pedagogy that—

“(A) supports individualized academic and career and technical education instructional approaches, including the integration of academic and career and technical education standards and curriculum;

“(B) ensures labor market information is used to inform the programs, guidance, and advisement offered to students;

“(C) provides educators with opportunities to advance knowledge, skills, and understanding of all aspects of an industry, including the latest workplace equipment, technologies, standards, and credentials;

“(D) supports administrators in managing career and technical education programs in the schools, institutions, or local educational agencies of such administrators;

“(E) supports the implementation of strategies to improve student achievement and close gaps in student participation and performance in career and technical education programs; and

“(F) provides educators with opportunities to advance knowledge, skills, and understanding in pedagogical practices, including, to the extent the eligible recipient determines that such evidence is reasonably available, evidence-based pedagogical practices;

“(3) provide career and technical education students, including special populations, with the skills necessary to pursue high-skill, high-wage occupations;

“(4) support integration of academic skills into career and technical education programs and programs of study to support CTE participants at the secondary school level in meeting the challenging State academic standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)) by the State in which the eligible recipient is located;

“(5) plan and carry out elements that support the implementation of career and technical education programs and programs of study and student achievement of the local adjusted levels of performance established under section 113, which may include—

“(A) curriculum aligned with the requirements for a program of study;

“(B) sustainable relationships among education, business and industry, and other community stakeholders, including industry or sector partnerships in the local area, where applicable, that are designed to facilitate the process of continuously updating and aligning programs of study with skills in demand in the State, regional, or local economy;

“(C) dual or concurrent enrollment programs, including early college high schools, and the development or implementation of articulation agreements;

“(D) appropriate equipment, technology, and instructional materials (including support for library resources) aligned with business and industry

needs, including machinery, testing equipment, tools, implements, hardware and software, and other new and emerging instructional materials;

“(E) a continuum of work-based learning opportunities;

“(F) industry-recognized certification exams or other assessments leading toward industry-recognized postsecondary credentials;

“(G) efforts to recruit and retain career and technical education program administrators and educators;

“(H) where applicable, coordination with other education and workforce development programs and initiatives, including career pathways and sector partnerships developed under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and other Federal laws and initiatives that provide students with transition-related services, including the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

“(I) expanding opportunities for students to participate in distance career and technical education and blended-learning programs;

“(J) expanding opportunities for students to participate in competency-based education programs;

“(K) improving career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including academic and financial aid counseling;

“(L) supporting the integration of employability skills into career and technical education programs and programs of study;

“(M) supporting programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science) for students who are members of groups underrepresented in such subject fields;

“(N) providing career and technical education, in a school or other educational setting, for adults or a school-aged individual who has dropped out of a secondary school to complete secondary school education or upgrade technical skills;

“(O) career and technical student organizations, including student preparation for and participation in technical skills competitions aligned with career and technical education program standards and curriculum;

“(P) making all forms of instructional content widely available, which may include use of open educational resources;

“(Q) supporting the integration of arts and design skills, when appropriate, into career and technical education programs and programs of study;

“(R) where appropriate, expanding opportunities for CTE concentrators to participate in accelerated learning programs (described in section 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7114(b)(3)(A)(i)(IV)) as part of a program of study; and

“(S) other activities to improve career and technical education programs; and

“(6) develop and implement evaluations of the activities carried out with funds under this part, including evaluations necessary to complete the comprehensive needs assessment required under section 134(c) and the local report required under section 113(b)(4)(C).

“(c) POOLING FUNDS.—An eligible recipient may pool a portion of funds received under this Act with a portion of funds received under this Act available to not less than one other eligible recipient to support implementation of programs of study through the activities described in subsection (b)(2).

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

## TITLE II—GENERAL PROVISIONS

### SEC. 201. FEDERAL AND STATE ADMINISTRATIVE PROVISIONS.

The Act (20 U.S.C. 2301 et seq.) is amended—

(1) in section 311(b)—

(A) in paragraph (1)—

(i) by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—Except as provided in subparagraph (B), (C), or (D), in order for a State to receive its full allotment of funds under this Act for any fiscal year, the Secretary must find that the State’s fiscal effort per student, or the aggregate expenditures of such State, with respect to career and technical education for the preceding fiscal year was not less than the

fiscal effort per student, or the aggregate expenditures of such State, for the second preceding fiscal year.”;

(ii) in subparagraph (B), by striking “shall exclude capital expenditures, special 1-time project costs, and the cost of pilot programs.” and inserting “shall, at the request of the State, exclude competitive or incentive-based programs established by the State, capital expenditures, special one-time project costs, and the cost of pilot programs.”; and

(iii) by adding after subparagraph (C), the following new subparagraph:

“(D) ESTABLISHING THE STATE BASELINE.—

“(i) IN GENERAL.—For purposes of subparagraph (A), the State may—

“(I) continue to use the State’s fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education, as was in effect on the day before the date of enactment of the Strengthening Career and Technical Education for the 21st Century Act; or

“(II) establish a new level of fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education, which is not less than 90 percent of the State’s fiscal effort per student, or the aggregate expenditures of such State, with respect to career and technical education for the preceding fiscal year.

“(ii) AMOUNT.—The amount of the new level described in clause (i)(II) shall be the State’s fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education, for the first full fiscal year following the enactment of the Strengthening Career and Technical Education for the 21st Century Act.”; and

(B) by striking paragraph (2) and inserting the following:

“(2) FAILURE TO MEET.—The Secretary shall reduce the amount of a State’s allotment of funds under this Act for any fiscal year in the exact proportion by which the State fails to meet the requirement of paragraph (1) by falling below the State’s fiscal effort per student or the State’s aggregate expenditures (using the measure most favorable to the State), if the State failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

“(3) WAIVER.—The Secretary may waive paragraph (2) due to exceptional or uncontrollable circumstances affecting the ability of the State to meet the requirement of paragraph (1).”;

(2) in section 317(b)(1)—

(A) by striking “may, upon written request, use funds made available under this Act to” and inserting “may use funds made available under this Act to”; and

(B) by striking “who reside in the geographical area served by” and inserting “located in or near the geographical area served by”;

(3) by striking title II and redesignating title III as title II;

(4) by redesignating sections 311 through 318 as sections 211 through 218, respectively;

(5) by redesignating sections 321 through 324 as sections 221 through 224, respectively; and

(6) by inserting after section 218 (as so redesignated) the following:

**“SEC. 219. STUDY ON PROGRAMS OF STUDY ALIGNED TO HIGH-SKILL, HIGH-WAGE OCCUPATIONS.**

“(a) SCOPE OF STUDY.—The Comptroller General of the United States shall conduct a study to evaluate—

“(1) the strategies, components, policies, and practices used by eligible agencies or eligible recipients receiving funding under this Act to successfully assist—

“(A) all students in pursuing and completing programs of study aligned to high-skill, high-wage occupations; and

“(B) any specific subgroup of students identified in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(ii)) in pursuing and completing programs of study aligned to high-skill, high-wage occupations in fields in which such subgroup is underrepresented; and

“(2) any challenges associated with replication of such strategies, components, policies, and practices.

“(b) CONSULTATION.—In carrying out the study conducted under subsection (a), the Comptroller General of the United States shall consult with a geographically diverse (including urban, suburban, and rural) representation of—



- “(1) students and parents;
  - “(2) eligible agencies and eligible recipients;
  - “(3) teachers, faculty, specialized instructional support personnel, and para-professionals, including those with expertise in preparing CTE students for non-traditional fields;
  - “(4) special populations; and
  - “(5) representatives of business and industry.
- “(c) SUBMISSION.—Upon completion, the Comptroller General of the United States shall submit the study conducted under subsection (a) to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.”.

## TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT

### SEC. 301. STATE RESPONSIBILITIES.

Section 15(e)(2) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)(2)) is amended—

- (1) by striking subparagraph (B) and inserting the following:
  - “(B) consult with eligible agencies (defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)), State educational agencies, and local educational agencies concerning the provision of workforce and labor market information in order to—
    - “(i) meet the needs of secondary school and postsecondary school students who seek such information; and
    - “(ii) annually inform the development and implementation of programs of study defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302), and career pathways;”;
- (2) in subparagraph (G), by striking “and” at the end;
- (3) in subparagraph (H), by striking the period at the end and inserting “; and”; and
- (4) by inserting after subparagraph (H) the following new subparagraph:
  - “(I) provide, on an annual and timely basis to each eligible agency (defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)), the data and information described in subparagraphs (A) and (B) of subsection (a)(1).”.

### PURPOSE

H.R. 2353, *Strengthening Career and Technical Education for the 21st Century Act*, amends the *Carl D. Perkins Career and Technical Education Act of 2006* (Perkins Act) to help more Americans enter the workforce with the skills necessary to compete for and succeed in high-skilled, in-demand careers.

### COMMITTEE ACTION

H.R. 2353 is the culmination of efforts by the Committee on Education and the Workforce (Committee) throughout the 113th, 114th, and 115th Congresses to improve the Perkins Act so that it reflects the current realities and challenges facing students, workers, and employers. The legislation builds on the Committee’s reforms to both K–12 education and workforce development systems passed into law through the *Every Student Succeeds Act* (ESSA) and the *Workforce Innovation and Opportunity Act* (WIOA).

### 113TH CONGRESS

#### *Hearings—First Session*

On September 20, 2013, the Committee’s Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing in Washington, D.C., entitled “Preparing Today’s Students for Tomorrow’s Workforce.”

row's Jobs: A Discussion on Career and Technical Education and Training Programs." The hearing provided members an opportunity to explore ways the federal government can support state and local initiatives to improve career and technical education. Testifying before the Subcommittee were Mr. Alvin Bargas, President, Pelican Chapter Associated Builders & Contractors, Inc., Baton Rouge, Louisiana; Dr. Sheila Harritty, Principal, Worcester Technical High School, Worcester, Massachusetts; Mr. John Fischer, Deputy Commissioner, Transformation & Innovation, Vermont Agency of Education, Montpelier, Vermont; and Mr. Frank Britt, Chief Executive Officer, Penn Foster Inc., Scranton, Pennsylvania.

On November 19, 2013, the Committee held a hearing in Washington, D.C., entitled "Preparing Today's Students for Tomorrow's Jobs: Improving the *Carl D. Perkins Career and Technical Education Act*." The purpose of the hearing was to discuss proposals to strengthen career and technical education through reauthorization of the Perkins Act. Testifying before the Committee were the Honorable Brenda Dann-Messier, Assistant Secretary for Adult and Vocational Education, U.S. Department of Education, Washington, D.C.; Mr. Stanley S. Litow, Vice President of Corporate Citizenship & Corporate Affairs, IBM Corporation, Armonk, New York; Dr. Blake Flanders, Vice President of Workforce Development, Kansas Board of Regents, Topeka, Kansas; and Dr. Bryan Albrecht, President, Gateway Technical College, Kenosha, Wisconsin.

#### *Hearings—Second Session*

On March 18, 2014, the Committee held a field hearing in Las Vegas, Nevada, entitled "Reviving Our Economy: How Career and Technical Education Can Strengthen the Workforce." The purpose of the hearing was to hear from students, educators, and state and local education and business sector leaders about the challenges and opportunities that exist in career and technical education. Testifying before the Committee were Ms. Felicia Nemcek, Principal, Southwest Career and Technical Academy, Las Vegas, Nevada; Dr. Michael Spangler, Dean of the School of Advanced & Applied Technologies, College of Southern Nevada, North Las Vegas, Nevada; Ms. Kacy Qua, Founder and Chief Executive Officer, Qualifyor, Las Vegas, Nevada; Mr. Alan Aleman, Student, College of Southern Nevada, North Las Vegas, Nevada; Professor Angela Morrison, Visiting Professor, William S. Boyd School of Law, University of Nevada Las Vegas, Las Vegas, Nevada; and Mr. Frank R. Woodbeck, Director, Nevada Department of Employment, Training and Rehabilitation, Las Vegas, Nevada.

#### 114TH CONGRESS

#### *Hearings—First Session*

On October 27, 2015, the Committee's Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing in Washington, D.C., entitled "Improving Career and Technical Education to Help Students Succeed in the Workforce." The purpose of the hearing was to learn about economic and skills-related challenges facing students entering today's workforce, and ways to improve career and technical education programs to ensure students have the knowledge and skills necessary to succeed when entering

the workforce. Testifying before the Subcommittee were Dr. Denece G. Huftalin, President, Salt Lake Community College, Salt Lake City, Utah; Dr. Douglas Major, Superintendent and Chief Executive Officer, Meridian Technology Center, Stillwater, Oklahoma; Dr. Irelene Ricks, Director of Diversity in Life Science Programs, Keystone Symposia on Molecular and Cellular Biology, Silverthorne, Colorado; and Mr. Tim Johnson, Director of Government Relations, National Center for Construction Education and Research, Baton Rouge, Louisiana.

#### *Hearings—Second Session*

On May 17, 2016, the Committee held a hearing in Washington, D.C., entitled “Helping Students Succeed by Strengthening the *Carl D. Perkins Career and Technical Education Act*.” The purpose of the hearing was to discuss ways to reform the Perkins Act to strengthen career and technical education for all Americans and young Americans in particular. Testifying before the Committee were the Honorable Tim Kaine, U. S. Senator for Virginia; Mr. Paul Tse, Project Manager, Shapiro & Duncan Inc., Rockville, Maryland; Mr. Jason Bates, Manager, Toyota—Bodine Aluminum Inc., Jackson, Tennessee; and Dr. Monty Sullivan, President, Louisiana Community and Technical College System, Baton Rouge, Louisiana.

#### *Legislative Action—Second Session*

On June 28, 2016, Reps. Glenn “GT” Thompson (R-PA) and Katherine Clark (D-MA), along with Reps. Bradley Byrne (R-AL), Carlos Curbelo (R-FL), James Langevin (D-RI), and Richard Nolan (D-MN), introduced H.R. 5587, the *Strengthening Career and Technical Education for the 21st Century Act*. The bipartisan bill would have reauthorized and reformed the Perkins Act to help more Americans enter the workforce with the skills necessary to compete for and succeed in high-skilled, in-demand careers.

On July 7, 2016, the Committee considered H.R. 5587 in legislative session and reported it favorably, as amended, to the House of Representatives by a vote of 37 to 0. The Committee considered and adopted the following amendments to H.R. 5587:

- Rep. Thompson offered an amendment in the nature of a substitute to clarify that “eligible postsecondary institutions” refer to those institutions offering a technical skill proficiency, industry-recognized credential, certificate, or associate degree; restore the 100 percent maintenance of effort requirement and allow states to establish a new baseline of fiscal effort; increase coordination between research and evaluation activities; add representatives of Indian tribes and associate degree-granting Minority-Serving Institutions and Historically Black Colleges and Universities as stakeholders with whom states must consult during state plan development; and other technical changes. The amendment was adopted by voice vote.

- Rep. Joe Heck (R-NV) offered an amendment to replace the current hold harmless provision adopted in Fiscal Year (FY) 1998 hold harmless provision for purposes of allocating Basic State Grant program funding with a 90 percent prior-year hold harmless provision beginning in FY 2020. The amendment was adopted by voice vote.

- Rep. Elise Stefanik (R-NY) offered an amendment with Rep. Suzanne Bonamici (D-OR) to expand the allowable use of funds at the state and local levels to include, where appropriate, the integration of arts and design skills. The amendment was agreed to by voice vote.

- Rep. Mark Takano (D-CA) offered an amendment to allow, but not require, eligible recipients to consider strategies to establish or use existing flexible learning and manufacturing facilities, such as “makerspaces,” as part of their needs assessment. The amendment was agreed to by voice vote.

The Committee further considered the following amendments to H.R. 5587:

- Rep. Susan Davis (D-CA) offered an amendment to define “equity gaps” for purposes of student performance. The amendment was withdrawn.

- Rep. Frederica Wilson (D-FL) offered an amendment to alter the “special populations” definition to include ex-offenders. The amendment was withdrawn.

- Rep. Bonamici offered an amendment to strike all authorization levels and replace them with “such sums.” The amendment was withdrawn.

On September 13, 2016, the House of Representatives passed H.R. 5587 by a vote of 405 to 5.

#### 115TH CONGRESS

##### *Hearings—First Session*

On February 28, 2017, the Committee’s Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing in Washington, D.C., entitled “Providing More Students a Pathway to Success by Strengthening Career and Technical Education.” The purpose of the hearing was to learn more about America’s career and technical education systems and gain a better understanding of what policies Congress can enact to help prepare the next generation workforce for employment. Testifying before the Subcommittee were Mr. Glen Johnson, Manufacturing Workforce Development Leader, BSAF, Houston, Texas; Mrs. Janet Goble, Director of Career and Technical Education, Canyons School District, Sandy, Utah; Ms. Mimi Lufkin, Chief Executive Officer, National Alliance for Partnerships in Equity, Gap, Pennsylvania; and Mr. Mike Rowe, Chief Executive Officer, mikeroweWORKS Foundation, Santa Monica, California.

##### *Legislative Action—First Session*

On May 4, 2017, Reps. Thompson and Raja Krishnamoorthi (D-IL), along with Reps. Byrne, Lloyd Smucker (R-PA), Drew Ferguson (R-GA), Clark, Langevin, and Nolan, introduced H.R. 2353, the *Strengthening Career and Technical Education for the 21st Century Act*. The bipartisan bill reauthorizes and reforms the Perkins Act and helps more Americans enter the workforce with the skills necessary to compete for and succeed in high-skilled, in-demand careers.

On May 17, 2017, the Committee considered H.R. 2353 in legislative session and voted unanimously to favorably report the bill to the House of Representatives. The Committee considered and

adopted by voice vote an amendment offered by Rep. Jason Lewis (R-MN) to require states provide students and families information about dual and concurrent enrollment opportunities and allow states to use Perkins Act funding to support the development of articulation agreements.

The Committee further considered the following amendments to H.R. 2353:

- Rep. Wilson offered an amendment to alter the “special populations” definition to include ex-offenders. The amendment was withdrawn.
- Rep. Bonamici and Rep. Jared Polis (D-CO) offered an amendment to strike the changes to the Perkins Act’s performance improvement section included in H.R. 2353. The amendment was withdrawn.

#### SUMMARY

Since 1984, through the Perkins Act federal support has been provided to state and local career and technical education (CTE) programs. These programs—created and operated by state and local leaders—offer students the knowledge, skills, and experience necessary to compete for and succeed in careers in a broad range of fields.

#### COMMITTEE VIEWS

In the 2006 reauthorization of the Perkins Act, Congress enacted a number of reforms to strengthen local program accountability, including the required use of valid and reliable data for the purpose of determining state and local performance. Congress also emphasized the use of programs of study and strengthened the link between secondary and postsecondary CTE. H.R. 2353 builds on these reforms to modernize federal support for career and technical education by (1) improving program accountability; (2) providing states more flexibility to meet changing education and economic needs; (3) ensuring career and technical education prepares all students to pursue high-skilled, high-wage occupations (including occupations in nontraditional fields); (4) improving alignment with in-demand jobs; and (5) increasing the emphasis on employability skills, work-based learning opportunities, and credential attainment so students are better prepared to enter the workforce.

##### *Career and technical education definition*

H.R. 2353 amends the definition of “career and technical education” to include recognized postsecondary credentials. The Committee intends this change to signal CTE can be incorporated into sequences of courses extending beyond an associate’s degree. The Committee does not intend for Perkins Act funding to be used to support CTE activities related to the attainment of baccalaureate degrees and made corresponding changes to the definition of “eligible institution” to reflect that objective.

H.R. 2353 further amends the definition of “career and technical education” to support the integration of employability skills into CTE programs and programs of study. An increased emphasis on employability skills will help all students learn the foundational

skills necessary for success in the labor market for all employment levels and in all sectors.

*Programs of study definition*

It is the intent of the Committee in providing a definition of “programs of study” within the law to emphasize the importance of sequential coursework leading to a recognized postsecondary credential. The Committee does not intend to reconfigure programs of study currently operating at the state and local level. Programs of study may operate in a coordinated manner across secondary and postsecondary agencies and institutions. To underscore the Committee’s intent, the new definition provides for multiple entry and exit points that incorporate credentialing in programs of study with attainment of a recognized postsecondary credential as the expected final outcome.

*Alignment with state and local workforce development efforts*

H.R. 2353 ensures eligible agencies and eligible recipients are able to use Perkins Act funding to support the development of an educated and skilled workforce. This includes efforts to provide students with the education, support, and skills necessary to pursue and succeed in careers in in-demand industry sectors or occupations.

The Committee recognizes effective preparation of students for the workforce requires attention to current and future labor market demands. H.R. 2353 ensures educators and administrators are provided the labor market information needed for program planning, and encourages state and local leaders to provide workforce development services, including CTE, through a coordinated strategy. H.R. 2353 amends the *Wagner-Peyser Act* to ensure state and local educational agencies receive relevant information regarding state and local employment opportunities. The Committee intends CTE providers be viewed as customers of state agencies supported by *Wagner-Peyser Act* funding.

Under current law, states are required to create workforce development plans lasting four years and CTE plans lasting six years. To facilitate integrated planning efforts and the use of combined plans, H.R. 2353 sets the duration of state plans at four years, consistent with the workforce development plan duration established in WIOA. Moreover, H.R. 2353 integrates the strategic planning elements of WIOA unified and combined plans into state plans developed as part of the Perkins Act. The Committee believes improved alignment of state CTE and workforce development planning requirements and submission of combined plans as a single, unified document will allow states to deliver CTE and workforce development services to their citizens in a seamless manner.

H.R. 2353 also allows for more effective coordination between CTE and workforce development efforts through a focus on in-demand industry sectors or occupations. These sectors or occupations—identified by state, regional, or local workforce development boards—have substantial current or potential economic impact on that state or region. Eligible agencies must consider the integration of in-demand industry sectors and occupations in local needs assessments when approving local applications. Eligible recipients will describe the alignment of CTE programs to these industry sec-

tors or occupations, except in cases where the program is designed to meet alternative local education or economic needs. Finally, state leaders are provided the opportunity to directly support CTE programs aligned to in-demand industry sectors or occupations. The bill expands the state reservation of funds from 10 percent to 15 percent and requires this funding support either CTE programs aligned to in-demand industry sectors or occupations or innovation in the delivery of CTE programs.

Under WIOA, local workforce development boards are responsible for the creation of career pathways, and H.R. 2353 supports the alignment of CTE programs of study with this workforce development strategy. Similar to programs of study, career pathways provide individuals with education and counseling aligned to a specific occupation or career. Eligible agencies may approve career pathways for use as programs for study, are required to make information on approved career pathways available to students and parents, and will coordinate with the state workforce development board to support the development of career pathways at the local level.

The Committee recognizes the important role of community-based organizations in partnering with eligible agencies and eligible recipients to provide CTE, especially to adult education program participants. Given the Committee's efforts to better integrate federally-supported workforce development programs, H.R. 2353 allows communities to support CTE programming that extends beyond the hours of the traditional academic day or school calendar.

#### *Program performance*

H.R. 2353 aligns the core indicators of the Perkins Act with those included in ESSA and WIOA. The use of these streamlined performance measures will ensure CTE programs deliver results for all students and taxpayers and will guarantee parents, students, and stakeholders a voice in setting performance goals and evaluating program effectiveness.

Existing core performance indicators related to graduation and academic achievement are updated to reflect policies in ESSA. The problematic "skill proficiency" indicator is eliminated and replaced with a state-developed quality indicator that includes at least one of three components for students who have taken two courses in a single CTE program of study: (1) the percentage of students participating in work-based learning which may include paid and unpaid opportunities; (2) the percentage of students receiving a recognized postsecondary credential aligned with their program or program of study; or (3) the percentage of students receiving postsecondary credit aligned with their program or program of study. Given programs of study culminate in the attainment of a recognized postsecondary credential, H.R. 2353 clarifies the core indicator relating to student participation in non-traditional fields measures participation within a program or program of study. The core indicator measuring student attainment of a secondary school diploma, GED, or proficiency credential is eliminated because it is duplicative of the indicator measuring student graduation.

At the postsecondary level, the existing core indicators of performance are eliminated and replaced with core indicators aligned

to those used for youth programs authorized under WIOA. These indicators include the percentage of CTE students in education or employment following program completion, the median earnings of career and technical education students employed after program completion, and the percentage of students who receive a recognized postsecondary credential within a year of program completion. H.R. 2353 clarifies the core indicator relating to student participation in programs or programs of study leading to non-traditional fields should measure participation within a program or program of study.

Eligible agencies, after consulting with a broad range of representatives, are required to establish levels of performance and adjusted levels of performance. The levels of performance must be sufficiently ambitious to evaluate program quality and meet the purpose of the Perkins Act. The public is guaranteed the opportunity to comment on the proposed levels of performance either in-person or through written comment. Eligible agencies are no longer required to negotiate adjusted levels of performance with the Secretary of Education (Secretary).

Levels of performance are to be submitted to the Secretary by eligible agencies as part of the state plan along with any comments submitted by members of the public. For subsequent program years, states will revise their levels of performance and consider the extent to which these adjusted levels of performance promote meaningful program improvement. H.R. 2353 requires the Secretary to notify a state of plan approval within 120 days of submission and maintains the Secretary's existing discretion to disapprove a state plan if the plan fails to meet the requirements of the Perkins Act. If the Secretary disapproves a plan for failing to meet the requirements of the Perkins Act, including disapproval due to failure to meet the requirements of sections 113 and 122, H.R. 2353 requires the Secretary to immediately notify the state in writing rather than through a *de facto* informal negotiation process.

Under current law, eligible agencies consider the extent to which local adjusted levels of performance promote continuous improvement. Instead, H.R. 2353 requires eligible agencies to consider the extent to which local levels of performance advance the goals set forth in the local application. In determining levels of performance, eligible agencies must now also consider local economic conditions in addition to the characteristics of participants and the services provided. The Committee believes this change offers eligible recipients needed flexibility to improve CTE programs more effectively.

H.R. 2353 clarifies eligible recipients are accountable for the performance of CTE concentrators rather than participants. The use of the uniform definition of concentrator will increase program transparency and allow for the evaluation of program effectiveness. Career and technical education serves multiple roles in our nation's schools—to provide students opportunities for career exploration, core academic instruction through an applied model, and opportunities to delve deep into a subject in order to prepare immediately for a chosen career or profession. The definition of CTE concentrator contained in H.R. 2353 reflects these multiple purposes by giving schools credit for serving students exploring multiple professions as well as students pursuing a single program or program of study. The Committee encourages eligible agencies to consider how



CTE programs are implemented by eligible recipients when negotiating levels of performance with eligible recipients. While H.R. 2353 includes both students taking three or more CTE courses and students engaged in a sequential CTE program as concentrators, the Committee does not intend for the creation of a bifurcated performance system with multiple categories of concentrators.

To empower effective local stakeholder oversight of CTE programs, H.R. 2353 requires both eligible recipients and eligible agencies to report publicly actual levels of performance. Consistent with ESSA, eligible agencies are required to disseminate widely this information. Moreover, the bill also aligns the Perkins Act with ESSA by requiring the disaggregation of student performance by the subgroups of students enumerated under the ESSA. However, data is not reported for individual students, and disaggregated data shall not be reported if personally identifiable information would be revealed or the number of students in a category would be insufficient to yield statistically reliable information.

Should an eligible agency or eligible recipient fail to achieve 90 percent of its adjusted level of performance on any core indicator, H.R. 2353 requires the creation and implementation of a performance improvement plan developed solely by the eligible agency or recipient (along with the state and local stakeholder consultations required of eligible agencies and eligible recipients). If after two years an eligible agency fails to show improvement in meeting the adjusted level of performance on the indicator or indicators for which the improvement plan was developed, the eligible agency must revise the relevant performance improvement plan and leave it in place until 90 percent of the adjusted level of performance is met. H.R. 2353 requires eligible recipients to consult with local stakeholders in developing improvement plans and clarifies that such plans shall be developed solely by the eligible agency or the eligible recipient. H.R. 2353 reaffirms the Department of Education's responsibility to provide technical assistance, monitoring, and oversight related to the implementation of revised state improvement plans. H.R. 2353 removes the authority of the Secretary to withhold funding from eligible agencies for failure to achieve 90 percent of the adjusted level(s) of performance during implementation of the improvement plan. In addition, H.R. 2353 makes no changes to the enforcement authority afforded the Secretary under the *General Education Provisions Act* when grant recipients fail to comply with statutory requirements. The length of time before which eligible recipients are required to amend a local improvement plan is left to the discretion of eligible agencies. Eligible recipients may request eligible agencies waive the requirements of this section.

#### *State-based program delivery*

H.R. 2353 replaces the state leadership activities required under current law with activities closely aligned with the purpose of the program. These activities include development of statewide programs of study, approval of locally-developed programs of study, establishment of articulation agreements aligned to programs of study, support for CTE services for individuals in state institutions, and professional development to help ensure CTE instructors have

appropriate qualifications. The requirement that states support the preparation of students for non-traditional fields in professions that expose students, including special populations, to high-skilled, high-wage occupations is preserved from current law. In addition, the overall administrative burden for the state is reduced as state planning requirements now correspond directly to state leadership activities included in H.R. 2353.

States have flexibility in how to use state leadership funding to support innovative strategies and effective program delivery. These uses include the creation, implementation, and support of pay-for-success initiatives; support for CTE programs for adults and out-of-school youth; development and support of competency based curricula; integration and alignment of programs of study and career pathways; and increases in the amount of federal funding states can dedicate to provide career and technical education opportunities to individuals in state-run institutions or juvenile justice facilities. H.R. 2353 supports state-driven program innovation by allowing states to use the expanded funding reservation to identify and promote promising and proven career and technical education strategies. Additionally, the bill ensures state agencies may use funds to support an educated, and skilled workforce, including to address workforce shortages in critical and in-demand fields.

#### *Local activities*

To better coordinate federal CTE funding with local economic and education needs, H.R. 2353 streamlines the local application process built on a biennial assessment of local needs. As part of the local needs assessment, eligible recipients will evaluate student performance, effectiveness of the CTE programs in meeting local economic or educational needs, the strategies needed to overcome barriers in access to—and success in—CTE programs for special populations, and the recruitment of CTE educators. In addition to the comprehensive local needs assessment, the local application should include a description of the programs and programs of study offered, a description of how the eligible recipient will prepare special populations to pursue occupations leading to self-sufficiency, and a description of how the eligible recipient will prepare CTE participants for non-traditional fields. Eligible recipients shall also describe the guidance and academic counseling services offered to students before enrolling and while participating in a CTE program. H.R. 2353 calls for the needs assessment to be updated annually to ensure CTE programs meet the needs of students and keep pace with the changing demands of the workforce. Additionally, the bill ensures local agencies may use funds to support an educated and skilled workforce including using funds to address workforce shortages in critical and in-demand fields.

The uses of funds required under current law are replaced with a streamlined list of uses of funds: providing career development and career exploration activities, integrated academic content, professional development, and activities to provide students the skills necessary to pursue high-skilled, high-wage occupations. H.R. 2353 preserves the flexibility of current law in allowing eligible recipients to determine how to use their Perkins Act funding after the recipient has met the required uses.

The Committee supports improving the participation of members of special populations in CTE programs leading to high-skilled, high-wage occupations, including homeless individuals and youth with a parent who is a member of the armed forces. H.R. 2353 includes reforms that will help ensure teachers and faculty have the professional development support necessary to improve achievement and close participation gaps among underrepresented student populations; provide students, including special populations, with the skills necessary to pursue high-skilled, high-wage jobs; and allow nontraditional students the opportunity and increased access to participate in CTE programs. Additionally, the bill contains provisions to ensure members of special populations have a voice in the development of CTE plans by eligible recipients, eligible agencies, and at the national level. Moreover, H.R. 2353 requires the Governmental Accountability Office conduct a study to evaluate the strategies, components, policies, and practices used to assist underrepresented racial or ethnic groups in pursuing and completing programs or programs of study aligned to high-skilled, high-wage occupations.

H.R. 2353 updates the Perkins Act prohibition on federal curricula mandates to reflect the prohibitions on federal mandates, direction or control put in place by ESSA.

#### *Innovation and evaluation*

H.R. 2353 reforms the national activities provisions to better align the research and evaluation activities occurring at the national level with the needs of state and local educators and program participants. As part of this effort, H.R. 2353 directs the Secretary, through the Director of the Institute of Education Sciences, to ensure independent and non-partisan research. The Committee intends for the National Center for Education Statistics to continue current work related to CTE through its regular survey projects to maintain data collection on and evaluation of key enrollment and outcome trends.

To ensure that parents, students, and educators are involved in developing research and evaluation priorities, H.R. 2353 requires an independent advisory panel be consulted during development of the single plan for research, development, dissemination, and evaluation. H.R. 2353 maintains the Perkins Act requirement that educators, experts, parents, counselors and representatives from business and labor be included on that panel. H.R. 2353 also requires the inclusion of representatives of special populations and individuals with expertise in addressing inequities regarding access to, and opportunities for, academic and technical skill development.

H.R. 2353 requires the Secretary to carry out a series of research and evaluation initiatives aligned to the single plan through grants to institutions of higher education, or a consortium including one or more institutions of higher education. The Committee acknowledges the Secretary may establish one or more national research centers to oversee the initiatives. In order to ensure applicability and relevance of the research, these initiatives are required to use the most recently available data whenever possible.

To support these research efforts, H.R. 2353 authorizes the Secretary, as part of the single plan, to award grants specifically designed to identify and support innovative strategies and activities

to improve career and technical education and align workforce skill development with labor market needs. The Committee encourages such efforts to assess the strength of partnerships between eligible entities and two-year Minority-Serving Institutions and Historically Black Colleges and Universities especially as it pertains to science, technology, engineering, and math initiatives. Under such authority and as part of the single plan, the Secretary may award grants to support the use of CTE programs and programs of study to address identified employer needs and workforce shortages as well as improve outcomes for special populations. A workforce shortage can exist when available workers do not possess the skills and knowledge necessary to meet the needs of employers and/or individuals served by that workforce. It is the Committee's intent that addressing any workforce shortage under state or local plans or activities, or the national innovative activity added under section 113 of the bill, can include providing the current and future workforce with the education and skills necessary to perform at a high level.

Eligible entities receiving grants to identify and support innovative strategies and activities are to include at least two CTE providers or state agencies and may include employers, community-based organizations, or qualified intermediaries. In order to ensure geographic diversity, 25 percent of any funds made available through this grant authorization are reserved to support CTE programs serving rural local educational agencies. H.R. 2353 also required the Secretary give priority to eligible applicants intending to serve high need students. The financial matching requirement may be waived due to exceptional circumstances.

### *Conclusion*

Evolving workforce and business needs have increased the demand for CTE programs that better reflect the realities of our modern economy. Federal policy authorizing support for CTE is outdated and misaligned with recently updated federal education and workforce policies. The Committee believes H.R. 2353 will provide a better way to ensure all Americans are equipped for today's workforce. H.R. 2353 includes reforms that will better prioritize student needs and local economic demands and opportunities. Updating the law will help more Americans, especially young Americans, enter the workforce with the tools and knowledge necessary to compete for and succeed in high-skilled, in-demand jobs.

## SECTION-BY-SECTION ANALYSIS

### *Section 1. Short title*

Designates the bill as the "*The Strengthening Career and Technical Education for the 21st Century Act*".

### *Section 2. Table of contents*

Lists the sections of the bill. The legislation is organized into three titles: (1) Career and Technical Education Assistance to the States; (2) General Provisions; and (3) Amendments to the Wagner-Peyser Act.

### *Section 3. References*

Clarifies the following amendments and repeals are, unless otherwise stated, being made to the *Carl D. Perkins Career and Technical Education Act of 2006*.

### *Section 4. Effective date*

Sets effective date at January 1, 2018

### *Section 5. Table of contents of the Carl D. Perkins Career and Technical Education Act of 2006*

Amends the table of contents of the Perkins Act.

### *Section 6. Purpose*

Amends the purpose of the law to include developing the academic knowledge and technical and employability skills of students who are enrolled in CTE programs and programs of study.

### *Section 7. Definitions*

The bill removes six definitions from current law including “individual with limited English proficiency,” “postsecondary education tech prep student,” “school dropout,” “scientifically-based research,” “secondary education tech prep student,” and “tech prep program.”

The bill changes or adds 24 definitions: “area career and technical education school,” “career and technical education,” “career guidance and academic counseling,” “career pathways,” “CTE concentrator,” “CTE participant,” “dual or concurrent enrollment,” “early college high school,” “eligible entity,” “English learner,” “evidence-based,” “in-demand industry sector or occupation,” “industry or sector partnership,” “local workforce development board,” “paraprofessional,” “out-of-school youth,” “pay for success initiative,” “program of study,” “recognized postsecondary credential,” “specialized instructional support personnel,” “special populations,” “support services,” “universal design for learning,” and “work-based learning.”

Of the definitions added, 12 are aligned to definitions contained in the ESSA or WIOA: “career pathways,” “dual or concurrent enrollment,” “early college high school,” “evidence-based,” “in-demand industry sector or occupation,” “industry or sector partnership,” “local workforce development board,” “paraprofessional,” “pay for success initiative,” “recognized postsecondary credential,” “specialized instructional support personnel,” and “universal design for learning.”

### *Section 8. Transition provisions*

Updates the transition provisions.

### *Section 9. Prohibitions*

Strengthens the existing prohibition on federal curriculum, program, or allocation mandates to mirror the ESSA prohibitions on incentivizing the adoption of any specific curriculum.

### *Section 10. Authorization of appropriations*

Replaces such sums authorization with levels consistent with the annualized change in the budget caps.

## Title I—Career and Technical Education Assistance to the States

## PART A—ALLOTMENT AND ALLOCATION

*Section 111. State allocation*

Increases the state reservation of funding from 10 percent to 15 percent. Allows the funding to be used to support CTE programs aligned with in-demand industry sectors or occupations or for state-based innovation to provide states with greater flexibility in determining how to allocate the funding and allow them to target state-specific education and economic needs.

Adds juvenile justice facilities to the list of state institutions eligible for funding from the state leadership account and clarifies that state institutions must be correctional or educational. The bill increases the maximum amount of leadership funding states are allowed to spend on these institutions to 2 percent from 1 percent.

*Section 112. Accountability*

Streamlines existing performance indicators and brings the indicators into alignment with ESSA and WIOA.

**Secondary level:**

Decreases the number of core indicators required at the secondary school level from six to five: (1) the percentage of CTE concentrators who graduate high school; (2) the percentage of CTE concentrators who meet the state-developed academic standards; (3) the percentage of CTE concentrators who are employed, in workforce preparation, military service, or postsecondary education after graduation; (4) a state-developed indicator of quality that includes one of the following: the percentage of CTE concentrators who have taken two courses in a single CTE program of study receiving recognized postsecondary credentials, having participated in work-based learning, or having obtained postsecondary credits in their program of study; and (5) the percentage of CTE concentrators who have taken two courses in a single CTE program of study in CTE programs leading to non-traditional fields.

Eliminates the requirement for schools to report on student attainment of diplomas, GED credentials, or proficiency credentials. Aligns the student academic achievement and graduation rate indicators with the requirements of ESSA. Replaces the problematic technical skill proficiency indicator with a state-determined quality indicator, which must include student participation in work-based learning, attainment of postsecondary credits through dual or concurrent enrollment, or attainment of recognized postsecondary credentials.

**Postsecondary level:**

Decreases the number of core indicators required at the postsecondary level from five to four and aligns these indicators to those under WIOA. The new, WIOA-aligned indicators are: (1) student participation in education, workforce preparation, or unsubsidized employment after program completion; (2) the median earnings of students in unsubsidized employment; (3) and the percentage of CTE students receiving a recognized postsecondary credential. The final indicator is simplified to

only consider the percentage of CTE students in non-traditional fields.

Replaces the one-size-fits-all continuous improvement requirement with the requirement that performance levels for each indicator must be sufficiently ambitious to allow for meaningful evaluation of program quality.

Eliminates negotiation with the Secretary on levels of performance required in current law.

Aligns program reporting requirements with ESSA.

Requires the consideration of local economic conditions and the ability of the local recipient to collect cost-effective data in setting local levels of performance.

Clarifies that states are to establish their levels of performance in a manner consistent with the procedure outlined in the state plan.

#### *Section 113. National activities*

Eliminates the annual performance report.

Requires that the single plan for research, development, dissemination, and evaluation be carried out by an independent grantee. The Secretary must act through the Director of the Institute for Education Sciences to evaluate CTE activities. Adds representatives of special populations to the existing independent advisory panel.

Provides the Secretary authority to issue demonstration grants specifically designed to identify or support innovative strategies and activities to improve career and technical education and align workforce skills with labor market needs, so long as such grants are aligned with the single plan.

Replaces “such sums” authorization with levels consistent with the annualized change in the budget caps.

#### *Section 114. Tribally controlled postsecondary career and technical institutions*

Replaces “such sums” authorization with levels consistent with the annualized change in the budget caps.

#### *Section 115. Occupational and employment information*

Repeals section 118 of current law.

### PART B—STATE PROVISIONS

#### *Section 121. State plan*

Clarifies the ability of states to submit a combined plan together with the state workforce development plan submitted under WIOA. Sets plan length at four years to align with the WIOA combined plan.

Requires states to consult with stakeholders and allow for public comment in developing the targeted performance levels submitted as part of the state plan.

Streamlines the required contents of state plans from 52 items to 28 items.

Like in ESSA, requires the Secretary to approve a state plan unless the Secretary deems the state plan fails to meet the requirements of the Act, which includes the requirement to set sufficiently

ambitious levels of performance. The timeline for the review of state plans is extended from 90 to 120 days.

*Section 122. Improvement plans*

Eliminates the authority of the Secretary to withhold funding from the states for failure to meet 90 percent of their adjusted levels of performance and instead requires states to develop performance improvement plans, the development of which the states are solely responsible. If a state fails to make improvement on the indicator or indicators identified in the improvement plan over the course of two years, the state must revise the improvement plan to address the reasons for that failure in consultation with state-based stakeholders. The responsibility of the Secretary to provide technical assistance, monitoring, and oversight related to the implementation of the revised performance improvement plan is reaffirmed. At the local level, improvement plans must be developed in consultation with local stakeholders and states have the discretion to determine how many years may pass before revisions are required. Local grant recipients may request a waiver from state agencies to waive the requirements of this section, subject to approval by the state.

*Section 123. State leadership activities*

Streamlines the required and allowable uses of funds while preserving state flexibility.

PART C—LOCAL PROVISIONS

*Section 131. Local application for career and technical education programs*

Replaces the lengthy local plan in current law with a local application including specific requirements.

Requires local recipients to consult with local stakeholders to perform biennial needs assessments to determine how the program is aligned with community needs.

The assessment is to be updated on an annual basis to ensure the program is responsive to community employment needs and allow for employer input.

*Section 132. Local uses of funds*

Streamlines the required and allowable uses of funds while preserving local flexibility.

Title II—General Provisions

*Section 201. Federal and state administrative provisions*

Preserves the requirement that states maintain 100 percent of fiscal effort, but provides additional flexibility by allowing states to establish a new baseline of fiscal effort 10 percent below their current level.

Removes the previously required written request for private school students to participate in CTE programs and activities and expands the area for which local recipients can serve private school students, subject to discretion of the local agency.

Repeals Title II of current law and re-designates Title III as Title II.



*Section 219. Study on programs of study aligned to high-skill, high-wage occupations*

Requires a study on the strategies, components, policies and practices used to assist students in pursuing programs of study aligned to high-skilled, high-wage occupations, including for populations underrepresented in those occupations.

Title III—Amendments to the Wagner-Peyser Act

*Section 301. State responsibilities*

Requires states to consult with Perkins eligible agencies and provide such agencies with the information needed to meet the needs of secondary and postsecondary school students.

EXPLANATION OF AMENDMENTS

The amendments, including the amendment in the nature of a substitute, are explained in the body of this report.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. H.R. 2353, *Strengthening Career and Technical Education for the 21st Century Act*, amends the *Carl D. Perkins Career and Technical Education Act of 2006* to help more Americans enter the workforce with the skills necessary to compete for and succeed in high-skilled, in-demand careers.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement of whether the provisions of the reported bill include unfunded mandates. This issue is addressed in the CBO letter.

EARMARK STATEMENT

H.R. 2353 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of House Rule XXI.

ROLL CALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee Report to include for each record vote on a motion to report the measure or matter and on any amendments offered to the measure or matter the total number of votes for and against and the names of the Members voting for and against. No roll call votes were taken for H.R. 2353.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c) of House Rule XIII, the goal of H.R. 2353 is to help more Americans enter the workforce with the skills necessary to compete for and succeed in high-skilled, in-demand careers.

#### DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 2353 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### DISCLOSURE OF DIRECTED RULE MAKINGS

The committee estimates that enacting H.R. 2353 does not specifically direct the completion of any specific rule makings within the meaning of 5 U.S.C. 551.

#### STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the committee's oversight findings and recommendations are reflected in the body of this report.

#### NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the committee has received the following estimate for H.R. 2353 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 5, 2017.*

Hon. VIRGINIA FOXX,  
*Chairwoman, Committee on Education and the Workforce,  
House of Representatives, Washington, DC.*

DEAR MADAM CHAIRWOMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2353, the Strengthening Career and Technical Education for the 21st Century Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Leah Koestner.

Sincerely,

KEITH HALL, *Director.*

Enclosure.

*H.R. 2353—Strengthening Career and Technical Education for the 21st Century Act*

Summary: H.R. 2353 would amend the Carl D. Perkins Career and Technical Education Act of 2006 and reauthorize secondary and postsecondary career and technical education (CTE) programs through fiscal year 2023. The bill would authorize the appropriation of \$5.9 billion over the 2018–2022 period, and an additional \$1.2 billion in 2023. Under the General Education Provisions Act,

those authorizations would be extended automatically for an additional year through 2024.

CBO estimates that implementing H.R. 2353 would cost \$4.4 billion over the 2018–2022 period, and about \$4 billion after 2022, assuming appropriation of the authorized amounts.

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 2353 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 2353 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

**Estimated cost to the Federal Government:** The estimated budgetary effect of H.R. 2353 is shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

	By fiscal year, in millions of dollars—						
	2017	2018	2019	2020	2021	2022	2017– 2022
INCREASES IN SPENDING SUBJECT TO APPROPRIATION							
Authorization Level .....	0	1,149	1,165	1,181	1,197	1,214	5,906
Estimated Outlays .....	0	34	862	1,104	1,176	1,193	4,369

Note: Some programs have received advance appropriations for fiscal year 2018; those amounts are not reflected in this table. Instead, the table shows the additional appropriations that would be authorized for 2018.

**Basis of estimate:** CBO assumes that H.R. 2353 will be enacted near the end of fiscal year 2017. The bill would authorize specific amounts through 2023 and, under the General Education Provisions Act, those authorizations would be extended automatically for an additional year, through fiscal year 2024. Based on historical spending patterns of the current program, and assuming appropriation of the authorized amounts, CBO estimates that implementing the bill would cost \$4.4 billion over the 2018–2022 period and an additional \$4 billion in years after 2022.

H.R. 2353 would:

- Authorize the appropriation of specific amounts each year that increase from about \$1.1 billion in 2018 to a little more than \$1.2 billion in 2023 for grants to states for vocational programs. The bill would provide more flexibility in the uses of funds, expand the number of eligible recipients, and amend performance standards for CTE programs. In 2017, \$1.1 billion was available for those grants.

- Authorize the appropriation of \$8 million for each of the fiscal years 2018 through 2023 for the Secretary to award demonstration grants to support CTE programs. The bill also would require the Secretary of Education to consult with the Director of the Institute for Education Sciences for an evaluation of career and technical education activities. In 2017, \$7 million was available for those activities.

- Authorize the appropriation of \$8 million in 2017, and \$9 million for each year from 2018 through 2023 for tribally controlled CTE programs. In 2017, \$8 million was available for this purpose.

**Pay-As-You-Go considerations:** None.

**Increase in long-term direct spending and deficits:** CBO estimates that enacting H.R. 2353 would not increase net direct spend-

ing or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

Intergovernmental and private-sector impact: H.R. 2353 contains no intergovernmental or private-sector mandates as defined in UMRA.

Estimate prepared by: Federal costs: Leah Koestner; Impact on State, local, and tribal governments: Zachary Byrum; Impact on the private sector: Logan Smith.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

#### COMMITTEE COST ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison of the costs that would be incurred in carrying out H.R. 2353. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in *italic* and existing law in which no change is proposed is shown in *roman*):

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in *roman*):

### **CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006**

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

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

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

*Sec. 1. Short title; table of contents.*

*Sec. 2. Purpose.*

*Sec. 3. Definitions.*

*Sec. 4. Transition provisions.*

*Sec. 5. Privacy.*

*Sec. 6. Limitation.*

*Sec. 7. Special rule.*

*Sec. 8. Prohibitions.*

*Sec. 9. Authorization of appropriations.*

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

PART A—ALLOTMENT AND ALLOCATION

- Sec. 111. Reservations and State allotment.*
- Sec. 112. Within State allocation.*
- Sec. 113. Accountability.*
- Sec. 114. National activities.*
- Sec. 115. Assistance for the outlying areas.*
- Sec. 116. Native American programs.*
- Sec. 117. Tribally controlled postsecondary career and technical institutions.*

PART B—STATE PROVISIONS

- Sec. 121. State administration.*
- Sec. 122. State plan.*
- Sec. 123. Improvement plans.*
- Sec. 124. State leadership activities.*

PART C—LOCAL PROVISIONS

- Sec. 131. Distribution of funds to secondary education programs.*
- Sec. 132. Distribution of funds for postsecondary education programs.*
- Sec. 133. Special rules for career and technical education.*
- Sec. 134. Local application for career and technical education programs.*
- Sec. 135. Local uses of funds.*

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 personnel and children.*
- Sec. 218. Limitation on Federal regulations.*
- Sec. 219. Study on programs of study aligned to high-skill, high-wage occupations.*

PART B—STATE ADMINISTRATIVE PROVISIONS

- Sec. 221. Joint funding.*
- Sec. 222. Prohibition on use of funds to induce out-of-State relocation of businesses.*
- Sec. 223. State administrative costs.*
- Sec. 224. Student assistance and other Federal programs.*

**SEC. 2. PURPOSE.**

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

- (1) building on the efforts of States and localities to develop challenging academic and technical standards and to assist students in meeting such standards, including preparation for high skill, high wage, or high demand occupations in current or emerging professions;
- (2) promoting the development of services and activities that integrate rigorous and challenging academic and career and technical instruction, and that link secondary education and postsecondary education for participating career and technical education students;
- (3) increasing State and local flexibility in providing services and activities designed to develop, implement, and improve career and technical education[, including tech prep education];

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

(5) providing technical assistance that—

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

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

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

(7) providing individuals with opportunities throughout their lifetimes to develop, in conjunction with other education and training programs, the knowledge and skills needed to keep the United States competitive.

### SEC. 3. DEFINITIONS.

Unless otherwise specified, in this Act:

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

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

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

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

(B) the department of a public secondary school exclusively or principally used for providing career and technical education in not fewer than **5 different occupational fields to individuals** *three different fields, especially in in-demand industry sectors or occupations, that are available to all students* who are available for study in preparation for entering the labor market;

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

(D) the department or division of an institution of higher education, that operates under the policies of the eligible

agency and that provides career and technical education in **[not fewer than 5 different occupational fields]** *not fewer than three different occupational fields* leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits, as regular students, both individuals who have completed secondary school and individuals who have left secondary school.

(4) **ARTICULATION AGREEMENT.**—The term “articulation agreement” means a written commitment—

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

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

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

(B) to a program that is—

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

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

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

(A) offer a sequence of courses that—

(i) provides individuals with **[coherent and rigorous content aligned with challenging academic standards]** *content at the secondary level aligned with the challenging State academic standards adopted by a State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)), and at the postsecondary level with the rigorous academic content, and relevant technical knowledge [and skills] and skills*, needed to prepare for further education and careers in current or emerging professions, *including in in-demand industry sectors or occupations*;

(ii) provides technical skill proficiency**[, an industry-recognized credential, a certificate, or an associate degree]** *or a recognized postsecondary credential, which may include an industry-recognized credential*; and

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

(B) include competency-based, *work-based, or other applied learning that [contributes to the] supports the development of academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, [general] employability skills, technical skills, and occupation-specific skills,*

and knowledge of all aspects of an industry, including entrepreneurship, of an individual【.】;

(C) *to the extent practicable, coordinate between secondary and postsecondary education programs, which may include early college programs with articulation agreements, dual or concurrent enrollment program opportunities, or programs of study; and*

(D) *may include career exploration at the high school level or as early as the middle grades (as such term is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).*

(6) CAREER AND TECHNICAL STUDENT ORGANIZATION.—

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

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

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

(A) provides access for students [(and parents, as appropriate)] *(and, as appropriate, parents and out-of-school youth)* to information regarding career awareness and planning with respect to an individual’s occupational and academic future; and

(B) provides information with respect to career options, [financial aid, and postsecondary options, including baccalaureate degree programs.] *financial aid, job training, secondary and postsecondary options (including baccalaureate degree programs), dual or concurrent enrollment programs, work-based learning opportunities, and support services.*

(8) CAREER PATHWAYS.—*The term “career pathways” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).*

【(8)】 (9) CHARTER SCHOOL.—The term “charter school” has the meaning given the term in section 4310 of the Elementary and Secondary Education Act of 1965.

【(9)】 (10) COOPERATIVE EDUCATION.—The term “cooperative education” means a method of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required rigorous and challenging academic courses and related career and technical education instruction, by alternation of study in school with a job in any occupational field, which alternation—

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

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



(11) *CTE CONCENTRATOR.*—The term “CTE concentrator” means—

(A) *at the secondary school level, a student served by an eligible recipient who has—*

(i) *completed three or more career and technical education courses; or*

(ii) *completed at least two courses in a single career and technical education program or program of study; or*

(B) *at the postsecondary level, a student enrolled in an eligible recipient who has—*

(i) *earned at least 12 cumulative credits within a career and technical education program or program of study; or*

(ii) *completed such a program if the program encompasses fewer than 12 credits or the equivalent in total.*

(12) *CTE PARTICIPANT.*—The term “CTE participant” means *an individual who completes not less than one course or earns not less than one credit in a career and technical education program or program of study of an eligible recipient.*

[(10)] (13) *DISPLACED HOMEMAKER.*—The term “displaced homemaker” means *an individual who—*

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

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

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

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

(14) *DUAL OR CONCURRENT ENROLLMENT.*—The term “dual or concurrent enrollment” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(15) *EARLY COLLEGE HIGH SCHOOL.*—The term “early college high school” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

[(11)] (16) *EDUCATIONAL SERVICE AGENCY.*—The term “educational service agency” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

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

(18) *ELIGIBLE ENTITY.*—The term “eligible entity” means *a consortium that—*

(A) *shall include at least two of the following:*

- (i) a local educational agency;
- (ii) an educational service agency;
- (iii) an eligible institution;
- (iv) an area career and technical education school;
- (v) a State educational agency; or
- (vi) the Bureau of Indian Education;

(B) may include a regional, State, or local public or private organization, including a community-based organization, one or more employers, or a qualified intermediary; and

(C) is led by an entity or partnership of entities described in subparagraph (A).

[(13) ELIGIBLE INSTITUTION.—The term “eligible institution” means—

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

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

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

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

[(E) an educational service agency; or

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

(19) ELIGIBLE INSTITUTION.—The term “eligible institution” means—

(A) a consortium of two or more of the entities described in subparagraphs (B) through (F);

(B) a public or nonprofit private institution of higher education that offers and will use funds provided under this title in support of career and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree;

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

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

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

(F) an educational service agency.

[(14)] (20) ELIGIBLE RECIPIENT.—The term “eligible recipient” means—

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

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

(21) *ENGLISH LEARNER.*—*The term “English learner” means—*

(A) *a secondary school student who is an English learner, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); or*

(B) *an adult or an out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language and—*

(i) *whose native language is a language other than English; or*

(ii) *who lives in a family environment in which a language other than English is the dominant language.*

(22) *EVIDENCE-BASED.*—*The term “evidence-based” has the meaning given the term in section 8101(21)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21)(A)).*

[(15)] (23) *GOVERNOR.*—*The term “Governor” means the chief executive officer of a State.*

(24) *IN-DEMAND INDUSTRY SECTOR OR OCCUPATION.*—*The term “in-demand industry sector or occupation” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).*

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

[(A)] *whose native language is a language other than English; or*

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

[(17)] (25) *INDIVIDUAL WITH A DISABILITY.*—

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

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

(26) *INDUSTRY OR SECTOR PARTNERSHIP.*—*The term “industry or sector partnership” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).*

[(18)] (27) *INSTITUTION OF HIGHER EDUCATION.*—*The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965.*

[(19)] (28) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

(29) LOCAL WORKFORCE DEVELOPMENT BOARD.—*The term “local workforce development board” means a local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act.*

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

(31) OUT-OF-SCHOOL YOUTH.—*The term “out-of-school youth” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).*

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

(33) PARAPROFESSIONAL.—*The term “paraprofessional” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).*

(34) PAY FOR SUCCESS INITIATIVE.—*The term “pay for success initiative” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), except that such term does not include an initiative that—*

*(A) reduces the special education or related services that a student would otherwise receive under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); or*

*(B) otherwise reduces the rights of a student or the obligations of an entity under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), or any other law.*

[(22)] (35) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term “postsecondary educational institution” means—

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

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

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

(36) PROGRAM OF STUDY.—*The term “program of study” means a coordinated, nonduplicative sequence of secondary and postsecondary academic and technical content that—*

*(A) incorporates challenging State academic standards, including those adopted by a State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)), that—*

*(i) address both academic and technical knowledge and skills, including employability skills; and*

(ii) *are aligned with the needs of industries in the economy of the State, region, or local area;*

(B) *progresses in specificity (beginning with all aspects of an industry or career cluster and leading to more occupational specific instruction);*

(C) *has multiple entry and exit points that incorporate credentialing; and*

(D) *culminates in the attainment of a recognized postsecondary credential.*

(37) **QUALIFIED INTERMEDIARY.**—The term “qualified intermediary” means a non-profit entity that demonstrates expertise to build, connect, sustain, and measure partnerships with entities such as employers, schools, community-based organizations, postsecondary institutions, social service organizations, economic development organizations, and workforce systems to broker services, resources, and supports to youth and the organizations and systems that are designed to serve youth, including—

(A) *connecting employers to classrooms;*

(B) *assisting in the design and implementation of career and technical education programs and programs of study;*

(C) *delivering professional development;*

(D) *connecting students to internships and other work-based learning opportunities; and*

(E) *developing personalized student supports.*

(38) **RECOGNIZED POSTSECONDARY CREDENTIAL.**—The term “recognized postsecondary credential” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

[(23) **POSTSECONDARY EDUCATION TECH PREP STUDENT.**—The term “postsecondary education tech prep student” means a student who—

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

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

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

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

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

[(27)] (39) **SECONDARY SCHOOL.**—The term “secondary school” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

[(28)] (40) SECRETARY.—The term “Secretary” means the Secretary of Education.

[(29)] (41) SPECIAL POPULATIONS.—The term “special populations” means—

(A) individuals with disabilities;

(B) individuals from economically disadvantaged families, including [foster children] *youth who are in or have aged out of the foster care system*;

(C) individuals preparing for non-traditional fields;

(D) single parents, including single pregnant women;

(E) displaced homemakers; [and]

(F) [individuals with limited English proficiency.] *English learners*;

(G) *homeless individuals described in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a); and*

(H) *youth with a parent who—*

*(i) is a member of the armed forces (as such term is defined in section 101(a)(4) of title 10, United States Code); and*

*(ii) is on active duty (as such term is defined in section 101(d)(1) of such title).*

(42) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term “specialized instructional support personnel” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(43) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term “specialized instructional support services” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

[(30)] (44) STATE.—The term “State”, unless otherwise specified, means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

[(31)] (45) SUPPORT SERVICES.—The term “support services” means services related to curriculum modification, equipment modification, classroom modification, supportive personnel (*including paraprofessionals and specialized instructional support personnel*), and instructional aids and devices.

[(32)] TECH PREP PROGRAM.—The term “tech prep program” means a tech prep program described in section 203(c).]

[(33)] (46) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—The term “tribally controlled college or university” has the meaning given the term in section 2(a) of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801(a)).

[(34)] (47) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION.—The term “tribally controlled postsecondary career and technical institution” means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965, except that subsection (a)(2) of such section shall not be applicable and the reference to Secretary in subsection (a)(5) of such section shall be deemed to refer to the Secretary of the Interior) that—

(A) is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or Indian tribes;

(B) offers a technical degree or certificate granting program;

(C) is governed by a board of directors or trustees, a majority of whom are Indians;

(D) demonstrates adherence to stated goals, a philosophy, or a plan of operation, that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated tribal goals of developing individual entrepreneurship and self-sustaining economic infrastructures on reservations;

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

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

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

(48) *UNIVERSAL DESIGN FOR LEARNING.*—The term “universal design for learning” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(49) *WORK-BASED LEARNING.*—The term “work-based learning” means sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution that foster in-depth, first-hand engagement with the tasks required of a given career field, that are aligned to curriculum and instruction.

#### SEC. 4. TRANSITION PROVISIONS.

The Secretary shall take such steps as [the Secretary determines to be appropriate] *are necessary* to provide for the orderly transition to the authority of this Act (as amended by the [Carl D. Perkins Career and Technical Education Improvement Act of 2006] *Strengthening Career and Technical Education for the 21st Century Act*) from any authority under the provisions of the Carl D. Perkins Vocational and Technical Education Act of [1998] *2006*, as in effect on the day before the date of enactment of the [Carl D. Perkins Career and Technical Education Improvement Act of 2006] *Strengthening Career and Technical Education for the 21st Century Act*. The Secretary shall give each eligible agency the opportunity to submit a transition plan for the first fiscal year following the date of enactment of the [Carl D. Perkins Career and Technical Education Improvement Act of 2006] *Strengthening Career and Technical Education for the 21st Century Act*.

\* \* \* \* \*

#### SEC. 8. PROHIBITIONS.

(a) *LOCAL CONTROL.*—Nothing in this Act shall be construed to authorize an officer or employee of the [Federal Government to mandate, direct, or control a State, local educational agency, or school’s curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act, ex-

cept as required under sections 112(b), 311(b), and 323.] *Federal Government—*

(1) *to condition or incentivize the receipt of any grant, contract, or cooperative agreement, or the receipt of any priority or preference under such grant, contract, or cooperative agreement, upon a State, local educational agency, eligible agency, eligible recipient, eligible entity, or school's adoption or implementation of specific instructional content, academic standards and assessments, curricula, or program of instruction (including any condition, priority, or preference to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards);*

(2) *through grants, contracts, or other cooperative agreements, to mandate, direct, or control a State, local educational agency, eligible agency, eligible recipient, eligible entity, or school's specific instructional content, academic standards and assessments, curricula, or program of instruction (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards); and*

(3) *except as required under sections 112(b), 211(b), and 223—*

(A) *to mandate, direct, or control the allocation of State or local resources; or*

(B) *to mandate that a State or a political subdivision of a State spend any funds or incur any costs not paid for under this Act.*

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

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

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

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

#### **[SEC. 9. AUTHORIZATION OF APPROPRIATIONS.]**

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



**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

*There are to be authorized to be appropriated to carry out this Act (other than sections 114 and 117)—*

- (1) \$1,133,002,074 for fiscal year 2018;*
- (2) \$1,148,618,465 for fiscal year 2019;*
- (3) \$1,164,450,099 for fiscal year 2020;*
- (4) \$1,180,499,945 for fiscal year 2021;*
- (5) \$1,196,771,008 for fiscal year 2022; and*
- (6) \$1,213,266,339 for fiscal year 2023.*

## **TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES**

### **PART A—ALLOTMENT AND ALLOCATION**

**SEC. 111. RESERVATIONS AND STATE ALLOTMENT.**

(a) RESERVATIONS AND STATE ALLOTMENT.—

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

- (A) 0.13 percent to carry out section 115; and
- (B) 1.50 percent to carry out section 116, of which—
  - (i) 1.25 percent of the sum shall be available to carry out section 116(b); and
  - (ii) 0.25 percent of the sum shall be available to carry out section 116(h).

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

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

(B) an amount that bears the same ratio to 20 percent of the sum being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

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

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

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

(A) IN GENERAL.—Notwithstanding any other provision of law and subject to subparagraphs (B) and (C), and paragraph (5), for a fiscal year for which there are no additional funds (as such term is defined in paragraph (4)(D)), no State shall receive for such fiscal year under this subsection less than  $\frac{1}{2}$  of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

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

(C) SPECIAL RULE.—

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

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

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

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

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

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

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

(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (5), for a fiscal year for which there are additional funds, no State shall receive for such fiscal year under this subsection less than  $\frac{1}{2}$  of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

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

(i)  $\frac{1}{2}$  of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for such fiscal year; and

(ii) the sum of—

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

(II) the product of—

(aa)  $\frac{1}{3}$  of the additional funds; multiplied by

(bb) the quotient of—

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

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

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

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

(ii)  $\frac{1}{2}$  of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for the fiscal year for which the determination is made.

(D) **DEFINITIONS.**—In this paragraph:

(i) **ADDITIONAL FUNDS.**—The term “additional funds” means the amount by which—

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

(II) the sum of—

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

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

(cc) \$827,671.

(ii) **QUALIFYING STATE.**—The term “qualifying State” means a State (except the United States Virgin Islands) that, for the fiscal year for which a determination under this paragraph is made, would receive, under the allotment formula under paragraph (2) (without the application of this paragraph and paragraphs (3) and (5)), an amount that would be less than the amount the State would receive under subparagraph (A) for such fiscal year.

(5) **HOLD HARMLESS.**—

(A) **IN GENERAL.**—**[No State]** *For each of fiscal years 2018, 2019, and 2020, no State* shall receive an allotment under this section for a fiscal year that is less than the allotment the State received under part A of title I of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2311 et seq.) (as such part was in effect on the day before the date of enactment of the Carl

D. Perkins Vocational and Applied Technology Education Amendments of 1998) for fiscal year 1998.

*(B) FISCAL YEAR 2021 AND EACH SUCCEEDING FISCAL YEAR.—For fiscal year 2021 and each of the succeeding fiscal years, no State shall receive an allotment under this section for a fiscal year that is less than 90 percent of the allotment the State received under this section for the preceding fiscal year.*

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

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

**(c) ALLOTMENT RATIO.**—

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

**(A)** 0.50; and

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

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

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

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

**(3) DEFINITION OF PER CAPITA INCOME.**—For the purpose of this section, the term “per capita income” means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

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

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

**SEC. 112. WITHIN STATE ALLOCATION.**

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

(1) not less than 85 percent for distribution under section 131 or 132, of which not more than ~~10 percent~~ *15 percent* of the 85 percent may be used in accordance with subsection (c);

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

(A) an amount equal to not more than ~~1 percent~~ *2 percent* of the amount allotted to the State under section 111 for the fiscal year shall be made available to serve individuals in State institutions, such as ~~State correctional institutions and institutions~~ *State correctional institutions, juvenile justice facilities, and educational institutions* that serve individuals with disabilities; and

(B) not less than \$60,000 and not more than \$150,000 shall be ~~available for services~~ *available to assist eligible recipients in providing services* that prepare individuals for non-traditional fields; and

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

(A) developing the State plan;

(B) reviewing ~~a local plan;~~ *local applications*;

(C) monitoring and evaluating program effectiveness;

(D) assuring compliance with all applicable Federal laws;

(E) providing technical assistance; and

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

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

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

~~[(1) rural areas;~~

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

~~[(3) areas with high numbers of career and technical education students.] section 135—~~

~~(1) in—~~

~~(A) rural areas;~~

~~(B) areas with high percentages of CTE concentrators or CTE participants; and~~

~~(C) areas with high numbers of CTE concentrators or CTE participants; and~~

~~(2) in order to—~~

(A) *foster innovation through the identification and promotion of promising and proven career and technical education programs, practices, and strategies, which may include practices and strategies that prepare individuals for nontraditional fields; or*

(B) *promote the development, implementation, and adoption of programs of study or career pathways aligned with State-identified in-demand occupations or industries.*

**SEC. 113. ACCOUNTABILITY.**

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

(b) **STATE PERFORMANCE MEASURES.**—

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

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

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

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

**[(2) INDICATORS OF PERFORMANCE.**—

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

**[(i)]** Student attainment of the challenging State academic standards, as adopted by a State in accordance with section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the State determined levels of achievement on the academic assessments described in section 1111(b)(2) of such Act.

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

**[(iii)]** Student rates of attainment of each of the following:

**[(I)]** A secondary school diploma.

**[(II)]** A General Education Development (GED) credential, or other State-recognized equivalent

(including recognized alternative standards for individuals with disabilities).

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

[(iv) Student graduation rates (as described in section 1111(c)(4)(A)(i)(I)(bb) of the Elementary and Secondary Education Act of 1965).

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

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

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

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

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

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

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

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

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

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

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

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

(2) INDICATORS OF PERFORMANCE.—

(A) CORE INDICATORS OF PERFORMANCE FOR CTE CONCENTRATORS AT THE SECONDARY LEVEL *Each eligible agency shall identify in the State plan core indicators of performance for CTE concentrators at the secondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:*

(i) *The percentage of CTE concentrators who graduate high school, as measured by—*

(I) *the four-year adjusted cohort graduation rate (defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); and*

(II) *at the State's discretion, the extended-year adjusted cohort graduation rate defined in such section 8101 (20 U.S.C. 7801).*

(ii) *CTE concentrator attainment of challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)), and measured by the academic assessments described in section 1111(b)(2) of such Act (20 U.S.C. 6311(b)(2)).*

(iii) *The percentage of CTE concentrators who, in the second quarter following the program year after exiting from secondary education, are in postsecondary education or advanced training, military service, or unsubsidized employment.*

(iv) *Not less than one indicator of career and technical education program quality that—*

(I) *shall include, not less than one of the following—*

(aa) *the percentage of CTE concentrators, as defined in section 3(11)(A)(ii), graduating from high school having attained recognized postsecondary credentials;*

(bb) *the percentage of CTE concentrators, as defined in section 3(11)(A)(ii), graduating from high school having attained postsecondary credits in the relevant career and technical educational program or program of study earned through dual and concurrent enrollment or another credit transfer agreement; or*

(cc) *the percentage of CTE concentrators, as defined in section 3(11)(A)(ii), graduating from high school having participated in work-based learning; and*



(II) may include any other measure of student success in career and technical education that is statewide, valid, and reliable.

(v) The percentage of CTE concentrators, as defined in section 3(11)(A)(ii), in career and technical education programs and programs of study that lead to nontraditional fields.

(B) *CORE INDICATORS OF PERFORMANCE FOR CTE CONCENTRATORS AT THE POSTSECONDARY LEVEL.*—Each eligible agency shall identify in the State plan core indicators of performance for CTE concentrators at the postsecondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

(i) The percentage of CTE concentrators, who, during the second quarter after program completion, are in education or training activities, advanced training, or unsubsidized employment.

(ii) The median earnings of CTE concentrators in unsubsidized employment two quarters after program completion.

(iii) The percentage of CTE concentrators who receive a recognized postsecondary credential during participation in or within 1 year of program completion.

(iv) The percentage of CTE concentrators in career and technical education programs and programs of study that lead to nontraditional fields.

(C) *ALIGNMENT OF PERFORMANCE INDICATORS.*—In developing core indicators of performance under subparagraphs (A) and (B), an eligible agency shall, to the greatest extent possible, align the indicators so that substantially similar information gathered for other State and Federal programs, or for any other purpose, may be used to meet the requirements of this section.

(3) *STATE LEVELS OF PERFORMANCE.*—

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

[(i) *IN GENERAL.*—Each eligible agency, with input from eligible recipients, shall establish in the State plan submitted under section 122, levels of performance for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

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

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

[(ii) *IDENTIFICATION IN THE STATE PLAN.*—Subject to section 4, each eligible agency shall identify, in the State plan submitted under section 122, levels of performance for each of the core indicators of performance

for the first 2 program years covered by the State plan.

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

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

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

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

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

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

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

[(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible agency shall identify in the State plan State levels of performance for each of the additional indicators of performance described in paragraph (2)(C).

Such levels shall be considered to be the State levels of performance for purposes of this title.】

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

(i) *IN GENERAL.*—Each eligible agency, with input from eligible recipients, shall establish and identify in the State plan submitted under section 122, for the first 2 program years covered by the State plan, State levels of performance for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

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

(II) be sufficiently ambitious to allow for meaningful evaluation of program quality.

(ii) *STATE ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.*—Prior to the third program year covered by the State plan, each eligible agency shall revise the State levels of performance for each of the core indicators of performance for the subsequent program years covered by the State plan, taking into account the extent to which such levels of performance promote meaningful program improvement on such indicators. The State adjusted levels of performance identified under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.

(iii) *REPORTING.*—The eligible agency shall, for each year described in clauses (i) and (iii), publicly report and widely disseminate the State levels of performance described in this subparagraph.

(iv) *REVISIONS.*—If unanticipated circumstances arise in a State, the eligible agency may revise the State adjusted levels of performance required under this subparagraph, and submit such revised levels of performance with evidence supporting the revision and demonstrating public consultation, in a manner consistent with the procedure described in subsections (d) and (f) of section 122.

(B) *ACTUAL LEVELS OF PERFORMANCE.*—At the end of each program year, the eligible agency shall determine actual levels of performance on each of the core indicators of performance and publicly report and widely disseminate the actual levels of performance described in this subparagraph.

(C) *ESTABLISHMENT OF LEVELS OF PERFORMANCE.*—An eligible agency shall establish State levels of performance under subparagraph (A) in a manner consistent with the procedure adopted by the eligible agency under section 122(d)(9).

(4) *LOCAL LEVELS OF PERFORMANCE.*—

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

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

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

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

*(II) be sufficiently ambitious to allow for meaningful evaluation of program quality.*

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

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

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

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

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

(II) *local economic conditions;*

**[(II)] (III)** the extent to which the local adjusted levels of performance **[promote continuous improvement on the core indicators of performance by the eligible recipient.]** *advance the eligible recipient's accomplishments of the goals set forth in the local application; and*

(IV) *the eligible recipient's ability and capacity to collect and access valid, reliable, and cost effective data.*

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

(vii) REPORTING.—*The eligible recipient shall, for each year described in clauses (iii) and (iv), publicly report the local levels of performance described in this subparagraph.*

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

**[(C)] (B)** LOCAL REPORT.—

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

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

(I) disaggregate data for each of the indicators of performance under paragraph (2) for the subgroups of students described in **[section 1111(h)(1)(C)(i)]** *section 1111(h)(1)(C)(ii)* of the Elementary and Secondary Education Act of 1965

and [section 3(29)] *section 3(40)* that are served under this Act; and

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

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

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

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

(c) *STATE REPORT.*—

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

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

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

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

(A) disaggregate data for each of the indicators of performance under subsection (b)(2) for the [categories] *subgroups* of students described in [section 1111(h)(1)(C)(i)] *section 1111(h)(1)(C)(ii)* of the Elementary and Secondary Education Act of 1965 and [section 3(29)] *section 3(40)* that are served under this Act; and

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

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

(4) RULES FOR REPORTING OF DATA.—The disaggregation of data under paragraph (2) shall not be required when the number of students in a category is insufficient to yield statistically

reliable information or when the results would reveal personally identifiable information about an individual student.

(5) INFORMATION DISSEMINATION.—The Secretary—

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

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

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

#### SEC. 114. NATIONAL ACTIVITIES.

(a) PROGRAM PERFORMANCE INFORMATION.—

(1) IN GENERAL.—~~【The Secretary shall】~~ *The Secretary shall, in consultation with the Director of the Institute for Education Sciences, collect performance information about, and report on, the condition of career and technical education and on the effectiveness of State and local programs, services, and activities carried out under this title in order to provide the Secretary and Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of career and technical education. The Secretary shall report annually to Congress on the Secretary's aggregate analysis of performance information collected each year pursuant to this title from eligible agencies under section 113(c), including an analysis of performance data regarding special populations.*

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

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

【(b) MISCELLANEOUS PROVISIONS.—

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

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

*(b) REASONABLE COST.—The Secretary shall take such action as may be necessary to secure at reasonable cost the information required by this title. To ensure reasonable cost, the Secretary, in consultation with the National Center for Education Statistics and the Office of Career, Technical, and Adult Education shall determine the methodology to be used and the frequency with which such information is to be collected.*

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

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

(2) PLAN.—Such plan shall—

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

(B) describe how the Secretary, *acting through the Director of the Institute for Education Sciences*, will evaluate such career and technical education activities in accordance with subsection (d)(2); and

(C) include such other information as the Secretary, *in consultation with the Director of the Institute for Education Sciences*, determines to be appropriate.

(d) ADVISORY PANEL; EVALUATION; REPORTS.—

(1) INDEPENDENT ADVISORY PANEL.—

(A) IN GENERAL.—The Secretary, *acting through the Director of the Institute for Education Sciences*, shall appoint an independent advisory panel to advise the Secretary on the implementation of the [assessment] *evaluation* described in paragraph (2) *and the plan developed under subsection (c)*, including the issues to be addressed and the methodology of the studies involved to ensure that the [assessment] *evaluation* adheres to the highest standards of quality.

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

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

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

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

(iv) parents;

(v) career guidance and academic counseling professionals[; and];

(vi) other individuals and intermediaries with relevant expertise[.], *which may include individuals with expertise in addressing inequities in access to, and in opportunities for academic and technical skill attainment; and*

(vii) *representatives of special populations.*

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



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

(2) EVALUATION [AND ASSESSMENT].—

(A) IN GENERAL.—From amounts made available under subsection (e), the Secretary, *acting through the Director of the Institute for Education Sciences*, shall provide for the conduct of [an independent evaluation and assessment] *a series of research and evaluation initiatives for each year for which funds are appropriated to carry out this Act, which are aligned with the plan in subsection (c)(2), of career and technical education programs under this Act, including the implementation of the [Carl D. Perkins Career and Technical Education Improvement Act of 2006] Strengthening Career and Technical Education for the 21st Century Act*, to the extent practicable, through studies and analyses conducted independently through grants[, contracts, and cooperative agreements that are] *to institutions of higher education or a consortia of one or more institutions of higher education and one or more private nonprofit organizations or agencies awarded on a competitive basis. Such evaluation shall, whenever possible, use the most recent data available.*

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

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

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

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

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

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

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

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

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

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

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

(i) *the extent and success of the integration of challenging State academic standards adopted under 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)) and career and technical education for students participating in career and technical education programs, including a review of the effect of such integration on the academic and technical proficiency achievement of such students (including the number of such students that receive a regular high school diploma, as such term is defined under section 8101 of the Elementary and Secondary Education Act of 1965 or a State-defined alternative diploma described in section 8101(25)(A)(ii)(I)(bb) of such Act (20 U.S.C. 7801(25)(A)(ii)(I)(bb))];*

(ii) *the extent to which career and technical education programs and programs of study prepare students, including special populations, for subsequent employment in high-skill, high-wage occupations (including those in which mathematics and science, which may include computer science, skills are critical), or for participation in postsecondary education;*

(iii) *employer involvement in, benefit from, and satisfaction with, career and technical education programs and programs of study and career and technical education students' preparation for employment;*

(iv) *efforts to expand access to career and technical education programs of study for all students;*

(v) *innovative approaches to work-based learning programs that increase participation and alignment with employment in high-growth industries, including in rural and low-income areas;*

(vi) *the extent to which career and technical education programs supported by this Act are grounded on evidence-based research;*

(vii) *the impact of the amendments to this Act made under the Strengthening Career and Technical Education for the 21st Century Act, including comparisons, where appropriate, of—*

(I) *the use of the comprehensive needs assessment under section 134(b);*

(II) *the implementation of programs of study; and*

(III) *coordination of planning and program delivery with other relevant laws, including the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);*

(viii) *changes in career and technical education program accountability as described in section 113 and any effects of such changes on program delivery and program quality; and*

(ix) *changes in student enrollment patterns.*

(C) REPORTS.—

(i) IN GENERAL.—The Secretary, *in consultation with the Director of the Institute for Education Sciences*, shall submit to the relevant committees of Congress—

(I) *an interim report regarding the [assessment] evaluation and summary of research activities carried out under this section on or before January 1, [2010] 2021; and*

(II) *a final report, summarizing all studies and analyses that relate to the [assessment] evaluation and summary of research activities carried out under this section and that are completed after the interim report, on or before July 1, [2011] 2023.*

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

(iii) DISSEMINATION.—*In addition to submitting the reports required under clause (i), the Secretary shall disseminate the results of the evaluation widely and on a timely basis in order to increase the understanding among State and local officials and educators of the effectiveness of programs and activities supported under the Act and of the career and technical education programs that are most likely to produce positive educational and employment outcomes.*

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

[(A) IN GENERAL.—The Secretary may collect and disseminate information from States regarding State efforts to meet State adjusted levels of performance described in section 113(b).

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

[(4) RESEARCH.—

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

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

[(I) the integration of—

[(aa) career and technical instruction; and

[(bb) academic, secondary and postsecondary instruction;

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

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

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

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

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

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

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

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

in the career and technical education classroom, including—

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

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

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

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

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

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

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

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

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

(3) INNOVATION.—

(A) GRANT PROGRAM.—*To identify and support evidence-based and innovative strategies and activities to improve career and technical education and align workforce skills with labor market needs as part of the plan developed under subsection (c) and the requirements of this subsection, the Secretary may award grants to eligible entities to—*

*(i) create, develop, implement, or take to scale evidence-based, field initiated innovations, including*

through a pay for success initiative to improve student outcomes in career and technical education; and

(ii) rigorously evaluate such innovations.

**(B) MATCHING FUNDS.—**

(i) **MATCHING FUNDS REQUIRED.**—Except as provided under clause (ii), to receive a grant under this paragraph, an eligible entity shall, through cash or in-kind contributions, provide matching funds from public or private sources in an amount equal to at least 50 percent of the funds provided under such grant.

(ii) **EXCEPTION.**—The Secretary may waive the matching fund requirement under clause (i) if the eligible entity demonstrates exceptional circumstances.

**(C) APPLICATION.**—To receive a grant under this paragraph, an eligible entity shall submit to the Secretary at such a time as the Secretary may require, an application that—

(i) identifies and designates the agency, institution, or school responsible for the administration and supervision of the program assisted under this paragraph;

(ii) identifies the source and amount of the matching funds required under subparagraph (B)(i);

(iii) describes how the eligible entity will use the grant funds, including how such funds will directly benefit students, including special populations, served by the eligible entity;

(iv) describes how the program assisted under this paragraph will be coordinated with the activities carried out under section 124 or 135;

(v) describes how the program assisted under this paragraph aligns with the single plan described in subsection (c); and

(vi) describes how the program assisted under this paragraph will be evaluated and how that evaluation may inform the report described in subsection (d)(2)(C).

**(D) PRIORITY.**—In awarding grants under this paragraph, the Secretary shall give priority to applications from eligible entities that will predominantly serve students from low-income families.

**(E) GEOGRAPHIC DIVERSITY.—**

(i) **IN GENERAL.**—In awarding grants under this paragraph, the Secretary shall award no less than 25 percent of the total available funds for any fiscal year to eligible entities proposing to fund career and technical education activities that serve—

(I) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

(II) an institution of higher education primarily serving the one or more areas served by such a local educational agency;

(III) a consortium of such local educational agencies or such institutions of higher education;

(IV) a partnership between—

- (aa) an educational service agency or a non-profit organization; and
- (bb) such a local educational agency or such an institution of higher education; or
- (V) a partnership between—
  - (aa) a grant recipient described in subclause (I) or (II); and
  - (bb) a State educational agency.

(ii) *EXCEPTION.*—Notwithstanding clause (i), the Secretary shall reduce the amount of funds made available under such clause if the Secretary does not receive a sufficient number of applications of sufficient quality.

(F) *USES OF FUNDS.*—An eligible entity that is awarded a grant under this paragraph shall use the grant funds, in a manner consistent with subparagraph (A)(i), to—

- (i) improve career and technical education outcomes of students served by eligible entities under this title;
- (ii) improve career and technical education teacher effectiveness;
- (iii) improve the transition of students from secondary education to postsecondary education or employment;
- (iv) improve the incorporation of comprehensive work-based learning into career and technical education;
- (v) increase the effective use of technology within career and technical education programs;
- (vi) support new models for integrating academic content and career and technical education content in such programs;
- (vii) support the development and enhancement of innovative delivery models for career and technical education;
- (viii) work with industry to design and implement courses or programs of study aligned to labor market needs in new or emerging fields;
- (ix) integrate science, technology, engineering, and mathematics fields, including computer science education, with career and technical education;
- (x) support innovative approaches to career and technical education by redesigning the high school experience for students, which may include evidence-based transitional support strategies for students who have not met postsecondary education eligibility requirements;
- (xi) improve CTE concentrator employment outcomes in nontraditional fields; or
- (xii) support the use of career and technical education programs and programs of study in a coordinated strategy to address identified employer needs and workforce shortages, such as shortages in the early childhood, elementary school, and secondary school education workforce.

(G) *EVALUATION.*—Each eligible entity receiving a grant under this paragraph shall provide for an independent

*evaluation of the activities carried out using such grant and submit to the Secretary an annual report that includes—*

*(i) a description of how funds received under this paragraph were used;*

*(ii) the performance of the eligible entity with respect to, at a minimum, the performance indicators described under section 113, as applicable, and disaggregated by—*

*(I) subgroups of students described in section 1111(c)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(2)(B));*

*(II) special populations; and*

*(III) as appropriate, each career and technical education program and program of study; and*

*(iii) a quantitative analysis of the effectiveness of the project carried out under this paragraph.*

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

*(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—*

*(1) \$7,523,285 for fiscal year 2018;*

*(2) \$7,626,980 for fiscal year 2019;*

*(3) \$7,732,104 for fiscal year 2020;*

*(4) \$7,838,677 for fiscal year 2021;*

*(5) \$7,946,719 for fiscal year 2022; and*

*(6) \$8,056,251 for fiscal year 2023.*

#### **SEC. 115. ASSISTANCE FOR THE OUTLYING AREAS.**

**(a) OUTLYING AREAS.—**From funds reserved pursuant to section 111(a)(1)(A), the Secretary shall—

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

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

**(3)** make a grant of \$160,000 to the Republic of Palau, subject to subsection **[(d)] (b)**.

**[(b) REMAINDER.—**

**[(1) FIRST YEAR.—**Subject to subsection (a), for the first fiscal year following the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, the Secretary shall make a grant of the remainder of funds reserved pursuant to section 111(a)(1)(A) to the Pacific Region Educational Laboratory in Honolulu, Hawaii, to make grants for career and technical education and training in Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of providing direct career and technical educational services, including—

**[(A)]** teacher and counselor training and retraining;

**[(B)]** curriculum development; and

**[(C)]** the improvement of career and technical education and training programs in secondary schools and institutions of higher education, or improving cooperative education programs involving secondary schools and institutions of higher education.



[(2) SUBSEQUENT YEARS.—Subject to subsection (a), for the second fiscal year following the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, and each subsequent year, the Secretary shall make a grant of the remainder of funds reserved pursuant to section 111(a)(1)(A) and subject to subsection (a), in equal proportion, to each of Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be used to provide direct career and technical educational services as described in subparagraphs (A) through (C) of paragraph (1).

[(c) LIMITATION.—The Pacific Region Educational Laboratory may use not more than 5 percent of the funds received under subsection (b)(1) for administrative costs.]

[(d)] (b) RESTRICTION.—The Republic of Palau shall cease to be eligible to receive funding under this section upon entering into an agreement for an extension of United States educational assistance under the Compact of Free Association, unless otherwise provided in such agreement.

\* \* \* \* \*

#### **SEC. 117. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.**

(a) GRANT PROGRAM.—Subject to the availability of appropriations, the Secretary shall make grants under this section, to provide basic support for the education and training of Indian students, to tribally controlled postsecondary career and technical institutions that are not receiving Federal assistance as of the date on which the grant is provided under—

(1) title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1802 et seq.); or

(2) the Navajo Community College Act (25 U.S.C. 640a et seq.).

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

(c) AMOUNT OF GRANTS.—

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

(2) PER CAPITA DETERMINATION.—For the purposes of paragraph (1), the per capita payment for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled postsecondary career and technical institutions under this section for such program year by the sum of the Indian student counts of such institutions for such program year.

The Secretary shall, on the basis of the most accurate data available from the institutions, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this section.

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

(d) APPLICATIONS.—To be eligible to receive a grant under this section, a tribally controlled postsecondary career and technical institution that is not receiving Federal assistance under title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1802 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) EXPENSES.—

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

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

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

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

(D) institutional support of career and technical education.

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

(f) OTHER PROGRAMS.—

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

(2) PROHIBITION ON ALTERATION OF GRANT AMOUNT.—The amount of any grant for which tribally controlled postsecondary career and technical institutions are eligible under this

section shall not be altered because of funds allocated to any such institution from funds appropriated under the Act of November 2, 1921 (commonly known as the "Snyder Act") (25 U.S.C. 13).

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

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

(h) DEFINITIONS.—In this section:

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

(2) INDIAN STUDENT COUNT.—

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

(B) DETERMINATION.—

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

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

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

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

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

(II) 12.

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

(iv) STUDENTS WITHOUT SECONDARY SCHOOL DEGREES.—

(I) IN GENERAL.—A credit earned at a tribally controlled postsecondary career and technical in-

stitution by any Indian student that has not obtained a secondary school degree (or the recognized equivalent of such a degree) shall be counted toward the determination of the Indian student count if the institution at which the student is enrolled has established criteria for the admission of the student on the basis of the ability of the student to benefit from the education or training of the institution.

(II) PRESUMPTION.—The institution shall be presumed to have established the criteria described in subclause (I) if the admission procedures for the institution include counseling or testing that measures the aptitude of a student to successfully complete a course in which the student is enrolled.

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

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

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

(i) AUTHORIZATION OF APPROPRIATIONS.—*There are authorized to be appropriated to carry out this section—*

- (1) \$8,400,208 for fiscal year 2018;
- (2) \$8,515,989 for fiscal year 2019;
- (3) \$8,633,367 for fiscal year 2020;
- (4) \$8,752,362 for fiscal year 2021;
- (5) \$8,872,998 for fiscal year 2022; and
- (6) \$8,995,296 for fiscal year 2023.

#### **[SEC. 118. OCCUPATIONAL AND EMPLOYMENT INFORMATION.**

[(a) NATIONAL ACTIVITIES.—From funds appropriated under subsection (g), the Secretary, in consultation with appropriate Federal agencies, is authorized—

[(1) to provide assistance to an entity to enable the entity—

[(A) to provide technical assistance to State entities designated under subsection (c) to enable the State entities to carry out the activities described in such subsection;

[(B) to disseminate information that promotes the replication of high quality practices described in subsection (c); and

[(C) to develop and disseminate products and services related to the activities described in subsection (c); and

[(2) to award grants to States that designate State entities in accordance with subsection (c) to enable the State entities to carry out the State level activities described in such subsection.

[(b) STATE APPLICATION.—

[(1) IN GENERAL.—A jointly designated State entity described in subsection (c) that desires to receive a grant under this section shall submit an application to the Secretary at the same time the State submits its State plan under section 122, in such manner, and accompanied by such additional information, as the Secretary may reasonably require.

[(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of how the jointly designated State entity described in subsection (c) will provide information based on trends provided pursuant to section 15 of the Wagner-Peyser Act to inform program development.

[(c) STATE LEVEL ACTIVITIES.—In order for a State to receive a grant under this section, the eligible agency and the Governor of the State shall jointly designate an entity in the State—

[(1) to provide support for career guidance and academic counseling programs designed to promote improved career and education decision making by students (and parents, as appropriate) regarding education (including postsecondary education) and training options and preparations for high skill, high wage, or high demand occupations and non-traditional fields;

[(2) to make available to students, parents, teachers, administrators, faculty, and career guidance and academic counselors, and to improve accessibility with respect to, information and planning resources that relate academic and career and technical educational preparation to career goals and expectations;

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

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

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

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

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

- [(A) information relative to employment sectors;
- [(B) information on occupation supply and demand; and
- [(C) other information provided pursuant to section 15 of the Wagner-Peyser Act as the jointly designated State entity considers relevant.

[(d) NONDUPLICATION.—

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

[(2) WORKFORCE INNOVATION AND OPPORTUNITY ACT.—None of the functions and activities assisted under this section shall duplicate the functions and activities carried out under the Workforce Innovation and Opportunity Act.

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

- [(1) not less than 85 percent to carry out subsection (c); and
- [(2) not more than 15 percent to carry out subsection (a).

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

- [(1) a description of activities assisted under this section during the prior program year;
- [(2) a description of the specific products and services assisted under this section that were delivered in the prior program year; and
- [(3) an assessment of the extent to which States have effectively coordinated activities assisted under this section with activities authorized under section 15 of the Wagner-Peyser Act.

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

## PART B—STATE PROVISIONS

\* \* \* \* \*

### SEC. 122. STATE PLAN.

(a) STATE PLAN.—

(1) IN GENERAL.—Each eligible agency desiring assistance under this title for any fiscal year shall prepare and submit to the Secretary a State plan for a [6-year period] *4-year period*, together with such annual revisions as the eligible agency determines to be necessary, except that, during the period described in section 4, each eligible agency may submit a transition plan that shall fulfill the eligible agency's obligation to submit a State plan under this section for the first fiscal year following the date of enactment of the [Carl D. Perkins Career and Technical Education Improvement Act of 2006] *Strengthening Career and Technical Education for the 21st Century Act*.

(2) REVISIONS.—Each eligible agency—

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

(B) shall, after the second year of the **[6-year period]** *4-year period*, conduct a review of activities assisted under this title and submit any revisions of the State plan that the eligible agency determines necessary to the Secretary.

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

**[(b) PLAN DEVELOPMENT.—**

**[(1) IN GENERAL.—**The eligible agency shall—

**[(A) develop the State plan in consultation with—**

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

**[(ii) career guidance and academic counselors;**

**[(iii) eligible recipients;**

**[(iv) charter school authorizers and organizers consistent with State law;**

**[(v) parents and students;**

**[(vi) institutions of higher education;**

**[(vii) the State tech prep coordinator and representatives of tech prep consortia (if applicable);**

**[(viii) entities participating in activities described in section 101 of the Workforce Innovation and Opportunity Act;**

**[(ix) interested community members (including parent and community organizations);**

**[(x) representatives of special populations;**

**[(xi) representatives of business and industry (including representatives of small business); and**

**[(xii) representatives of labor organizations in the State; and**

**[(B) consult the Governor of the State with respect to such development.**

**[(2) ACTIVITIES AND PROCEDURES.—**The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals and entities described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.

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

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

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

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

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

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

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

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

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

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

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

[(F) the criteria that will be used by the eligible agency to approve eligible recipients for funds under this Act, including criteria to assess the extent to which the local plan will—

[(i) promote continuous improvement in academic achievement;

[(ii) promote continuous improvement of technical skill attainment; and

[(iii) identify and address current or emerging occupational opportunities;

[(G) how programs at the secondary level will prepare career and technical education students, including special populations, to graduate from secondary school with a diploma;



[(H) how such programs will prepare career and technical education students, including special populations, academically and technically for opportunities in postsecondary education or entry into high skill, high wage, or high demand occupations in current or emerging occupations, and how participating students will be made aware of such opportunities;

[(I) how funds will be used to improve or develop new career and technical education courses—

[(i) at the secondary level that are aligned with challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;

[(ii) at the postsecondary level that are relevant and challenging; and

[(iii) that lead to employment in high skill, high wage, or high demand occupations;

[(J) how the eligible agency will facilitate and coordinate communication on best practices among successful recipients of tech prep program grants under title II and eligible recipients to improve program quality and student achievement;

[(K) how funds will be used effectively to link academic and career and technical education at the secondary level and at the postsecondary level in a manner that increases student academic and career and technical achievement; and

[(L) how the eligible agency will report on the integration of coherent and rigorous content aligned with challenging academic standards in career and technical education programs in order to adequately evaluate the extent of such integration;

[(2) describes how comprehensive professional development (including initial teacher preparation and activities that support recruitment) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors will be provided, especially professional development that—

[(A) promotes the integration of coherent and rigorous academic content standards and career and technical education curricula, including through opportunities for the appropriate academic and career and technical education teachers to jointly develop and implement curricula and pedagogical strategies, as appropriate;

[(B) increases the percentage of teachers that meet teacher certification or licensing requirements;

[(C) is high quality, sustained, intensive, and focused on instruction, and increases the academic knowledge and understanding of industry standards, as appropriate, of career and technical education teachers;

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

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

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

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

[(3) describes efforts to improve—

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

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

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

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

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

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

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

[(7) describes how the eligible agency will—

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

[(i) a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965); and

[(ii) career and technical education subjects;

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

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

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

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

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

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

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

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

[(10) describes—

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

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

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

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

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

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

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

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

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

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

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

[(20) contains the description and information specified in subparagraphs (B) and (C)(iii) of section 102(b)(2), and, as appropriate, section 103(b)(3)(A), and section 121(c), of the Workforce Innovation and Opportunity Act concerning the provision of services only for postsecondary students and school drop-outs.

[(d) PLAN OPTIONS.—

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

[(2) PLAN SUBMITTED AS PART OF COMBINED PLAN.—The eligible agency may submit the plan required under this section as part of the plan submitted under section 103 of the Workforce Innovation and Opportunity Act, if the plan submitted pursuant to the requirement of this section meets the requirements of this Act.

[(e) PLAN APPROVAL.—

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

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

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

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

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

[(4) TIMEFRAME.—A State plan shall be deemed approved by the Secretary if the Secretary has not responded to the eligible

agency regarding the State plan within 90 days of the date the Secretary receives the State plan.】

(b) *OPTIONS FOR SUBMISSION OF STATE PLAN.*—

(1) *COMBINED PLAN.*—*The eligible agency may submit a combined plan that meets the requirements of this section and the requirements of section 103 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3113), unless the eligible agency opts to submit a single plan under paragraph (2) and informs the Secretary of such decision.*

(2) *SINGLE PLAN.*—*If the eligible agency elects not to submit a combined plan as described in paragraph (1), such eligible agency shall submit a single State plan.*

(c) *PLAN DEVELOPMENT.*—

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

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

(i) *representatives of secondary and postsecondary career and technical education programs, including eligible recipients and representatives of 2-year Minority-Serving Institutions and Historically Black Colleges and Universities in States where such institutions are in existence, and charter school representatives in States where such schools are in existence, which shall include teachers, faculty, school leaders, specialized instructional support personnel (including guidance counselors), and paraprofessionals;*

(ii) *interested community representatives, including parents and students;*

(iii) *the State workforce development board described in section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111);*

(iv) *representatives of special populations;*

(v) *representatives of business and industry (including representatives of small business), which shall include representatives of industry and sector partnerships in the State, as appropriate, and representatives of labor organizations in the State;*

(vi) *representatives of agencies serving out-of-school youth, homeless children and youth, and at-risk youth; and*

(vii) *representatives of Indian tribes located in the State; and*

(B) *consult the Governor of the State, and the heads of other State agencies with authority for career and technical education programs that are not the eligible agency, with respect to the development of the State plan.*

(2) *ACTIVITIES AND PROCEDURES.*—*The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals and entities described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.*

(d) *PLAN CONTENTS.*—*The State plan shall include—*

(1) *a summary of State-supported workforce development activities (including education and training) in the State, including the degree to which the State's career and technical edu-*

cation programs and programs of study are aligned with such activities;

(2) the State's strategic vision and set of goals for preparing an educated and skilled workforce (including special populations) and for meeting the skilled workforce needs of employers, including in-demand industry sectors and occupations as identified by the State, and how the State's career and technical education programs will help to meet these goals;

(3) a summary of the strategic planning elements of the unified State plan required under section 102(b)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3112(b)(1)), including the elements related to system alignment under section 102(b)(2)(B) of such Act (29 U.S.C. 3112(b)(2)(B));

(4) a description of the career and technical education programs or programs of study that will be supported, developed, or improved, including descriptions of—

(A) the programs of study to be developed at the State level and made available for adoption by eligible recipients;

(B) the process and criteria to be used for approving locally developed programs of study or career pathways, including how such programs address State workforce development and education needs; and

(C) how the eligible agency will—

(i) make information on approved programs of study and career pathways, including career exploration, work-based learning opportunities, dual and concurrent enrollment opportunities, and guidance and advisement resources, available to students and parents;

(ii) ensure nonduplication of eligible recipients' development of programs of study and career pathways;

(iii) determine alignment of eligible recipients' programs of study to the State, regional or local economy, including in-demand fields and occupations identified by the State workforce development board as appropriate;

(iv) provide equal access to activities assisted under this Act for special populations;

(v) coordinate with the State workforce board to support the local development of career pathways and articulate processes by which career pathways will be developed by local workforce development boards;

(vi) use State, regional, or local labor market data to align career and technical education with State labor market needs;

(vii) support effective and meaningful collaboration between secondary schools, postsecondary institutions, and employers, which may include the development of articulation agreements described in section 124(b)(3); and

(viii) improve outcomes for CTE concentrators, including those who are members of special populations;

(5) a description of the criteria and process for how the eligible agency will approve eligible recipients for funds under this Act, including how—

- (A) each eligible recipient will promote academic achievement;
- (B) each eligible recipient will promote skill attainment, including skill attainment that leads to a recognized post-secondary credential; and
- (C) each eligible recipient will ensure the local needs assessment under section 134 takes into consideration local economic and education needs, including where appropriate, in-demand industry sectors and occupations;
- (6) a description of how the eligible agency will support the recruitment and preparation of teachers, including special education teachers, faculty, administrators, specialized instructional support personnel, and paraprofessionals to provide career and technical education instruction, leadership, and support;
- (7) a description of how the eligible agency will use State leadership funding to meet the requirements of section 124(b);
- (8) a description of how funds received by the eligible agency through the allotment made under section 111 will be distributed—
  - (A) among career and technical education at the secondary level, or career and technical education at the post-secondary and adult level, or both, including how such distribution will most effectively provide students with the skills needed to succeed in the workplace; and
  - (B) among any consortia that may be formed among secondary schools and eligible institutions, and how funds will be distributed among the members of the consortia, including the rationale for such distribution and how it will most effectively provide students with the skills needed to succeed in the workplace;
- (9) a description of the procedure the eligible agency will adopt for determining State adjusted levels of performance described in section 113, which at a minimum shall include—
  - (A) consultation with stakeholders identified in paragraph (1);
  - (B) opportunities for the public to comment in person and in writing on the State adjusted levels of performance included in the State plan; and
  - (C) submission of public comment on State adjusted levels of performance as part of the State plan; and
- (10) assurances that—
  - (A) the eligible agency will comply with the requirements of this Act and the provisions of the State plan, including the provision of a financial audit of funds received under this Act, which may be included as part of an audit of other Federal or State programs;
  - (B) none of the funds expended under this Act will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the acquiring entity or the employees of the acquiring entity, or any affiliate of such an organization;

(C) the eligible agency will use the funds to promote preparation for high-skill, high-wage, or in-demand occupations and nontraditional fields, as identified by the State;

(D) the eligible agency will use the funds provided under this Act to implement career and technical education programs and programs of study for individuals in State correctional institutions, including juvenile justice facilities; and

(E) the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance, including technical assistance on how to close gaps in student participation and performance in career and technical education programs.

(e) CONSULTATION.—

(1) IN GENERAL.—The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult career and technical education, postsecondary career and technical education, and secondary career and technical education after consultation with the—

(A) State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary career and technical education;

(B) the State agency responsible for secondary education; and

(C) the State agency responsible for adult education.

(2) OBJECTIONS OF STATE AGENCIES.—If a State agency other than the eligible agency finds that a portion of the final State plan is objectionable, that objection shall be filed together with the State plan. The eligible agency shall respond to any objections of such State agency in the State plan submitted to the Secretary.

(f) PLAN APPROVAL.—

(1) IN GENERAL.—The Secretary shall approve a State plan not later than 120 days after its submission to the Secretary unless the Secretary—

(A) determines that the State plan does not meet the requirements of this Act, including the requirements described in section 113; and

(B) meets the requirements of paragraph (2) with respect to such plan.

(2) DISAPPROVAL.—The Secretary shall—

(A) have the authority to disapprove a State plan only if the Secretary—

(i) determines how the State plan fails to meet the requirements of this Act; and

(ii) provides to the eligible agency, in writing, notice of such determination and the supporting information and rationale to substantiate such determination; and

(B) not finally disapprove a State plan, except after making the determination and providing the information described in subparagraph (A), and giving the eligible agency notice and an opportunity for a hearing.



**SEC. 123. IMPROVEMENT PLANS.****(a) STATE PROGRAM IMPROVEMENT.—**

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

(2) **TECHNICAL ASSISTANCE.**—If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the [purposes of this Act,] *purposes of this section, including after implementation of the improvement plan described in paragraph (1)*, based on the State's adjusted levels of performance, the Secretary shall [work with the eligible agency] *provide the eligible agency technical assistance* to implement the improvement activities consistent with the requirements of this Act.

**(3) SUBSEQUENT ACTION.—**

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

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

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

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

**(A) IN GENERAL.**—*If the eligible agency fails to make any improvement in meeting any of the State adjusted levels of performance for any of the core indicators of performance identified under paragraph (1) during the first 2 years of implementation of the improvement plan required under paragraph (1), the eligible agency—*

*(i) shall develop and implement, in consultation with the stakeholders described in section 122(c)(1)(A), a revised improvement plan (with special consideration of performance gaps identified under section 113(c)(2)(B)) to address the reasons for such failure; and*

*(ii) shall continue to implement such improvement plan until the eligible agency meets at least 90 percent of the State adjusted level of performance for the same core indicators of performance for which the plan is revised.*

(B) *REVISED PERFORMANCE IMPROVEMENT PLAN IMPLEMENTATION.*—The Secretary shall provide technical assistance, monitoring, and oversight to each eligible agency with a plan revised under subparagraph (A)(i) until such agency meets the requirements of subparagraph (A)(ii).

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

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

(b) *LOCAL PROGRAM IMPROVEMENT.*—

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

(2) *PLAN.*—If, after reviewing the evaluation in paragraph (1), the eligible agency determines that an eligible recipient failed to meet at least 90 percent of an agreed upon local adjusted level of performance for any of the core indicators of performance described in section 113(b)(4), the eligible recipient shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 113(b)(4)(C)(ii)(II)) in consultation with [the eligible agency, appropriate agencies, individuals, and organizations] *local stakeholders included in section 134(d)(1)* during the first program year succeeding the program year for which the eligible recipient failed to so meet any of the local adjusted levels of performance for any of the core indicators of performance.

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

(4) *SUBSEQUENT ACTION.*—

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

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

[(ii) fails to make any improvement in meeting any of the local adjusted levels of performance for the core

indicators of performance identified under paragraph (2) within the first program year of implementation of its improvement plan described in paragraph (2); or

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

(A) *IN GENERAL.—If the eligible recipient fails to make any improvement in meeting any of the local adjusted levels of performance for any of the core indicators of performance identified under paragraph (2) during a number of years determined by the eligible agency, the eligible recipient—*

*(i) shall revise the improvement plan described in paragraph (2) to address the reasons for such failure; and*

*(ii) shall continue to implement such improvement plan until such recipient meets at least 90 percent of an agreed upon local adjusted level of performance for the same core indicators of performance for which the plan is revised.*

(B) *WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—[In determining whether to impose sanctions under subparagraph (A), the] The eligible agency may [waive imposing sanctions] waive the requirements of subparagraph (A)—*

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

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

*(iii) in response to a public request from an eligible recipient consistent with clauses (i) and (ii).*

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

(c) *PLAN DEVELOPMENT.—Except for consultation described in subsection (b)(2), the State and local improvement plans, and the elements of such plans, required under this section shall be developed solely by the eligible agency or the eligible recipient, respectively.*

#### **SEC. 124. STATE LEADERSHIP ACTIVITIES.**

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

*(1) conduct State leadership activities directly; and*

*(2) report on the effectiveness of such use of funds in achieving the goals described in section 122(d)(2) and the State adjusted levels of performance described in section 113(b)(3)(A).*

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

[(1) an assessment of the career and technical education programs carried out with funds under this title, including an as-

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

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

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

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

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

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

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

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

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

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

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

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

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

[(D) will support education programs for teachers of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students to ensure that teachers and personnel—

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

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

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

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

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

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

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

[(A) a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965); and

[(B) career and technical education subjects;]

(1) *developing statewide programs of study, which may include standards, curriculum, and course development, and career exploration, guidance, and advisement activities and resources;*

(2) *approving locally developed programs of study that meet the requirements established in section 122(d)(4)(B);*

(3) *establishing statewide articulation agreements aligned to approved programs of study;*

(4) *establishing statewide partnerships among local educational agencies, institutions of higher education, and employers, including small businesses, to develop and implement programs of study aligned to State and local economic and education needs, including as appropriate, in-demand industry sectors and occupations;*

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

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

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

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

[(9) technical assistance for eligible recipients.]

(6) *support services for individuals in State institutions, such as State correctional institutions, including juvenile justice facilities, and educational institutions that serve individuals with disabilities;*

(7) *for faculty and teachers providing career and technical education instruction, support services, and specialized instructional support services, high-quality comprehensive professional development that is, to the extent practicable, grounded in evidence-based research (to the extent a State determines that such evidence is reasonably available) that identifies the most effective educator professional development process and is coordinated and aligned with other professional development activities carried out by the State (including under title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) and title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.)), including programming that—*

*(A) promotes the integration of the challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)) and relevant technical knowledge and skills;*

*(B) prepares career and technical education teachers, faculty, specialized instructional support personnel, and paraprofessionals to provide appropriate accommodations for students who are members of special populations, including through the use of principles of universal design for learning; and*

*(C) increases understanding of industry standards, as appropriate, for faculty providing career and technical education instruction; and*

(8) *technical assistance for eligible recipients.*

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

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

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

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

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

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

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

- [(B) postsecondary dual and concurrent enrollment programs;
- [(C) academic and financial aid counseling; and
- [(D) other initiatives—
  - [(i) to encourage the pursuit of a baccalaureate degree; and
  - [(ii) to overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;
- [(4) support for career and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;
- [(5) support for public charter schools operating career and technical education programs;
- [(6) support for career and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;
- [(7) support for family and consumer sciences programs;
- [(8) support for partnerships between education and business or business intermediaries, including cooperative education and adjunct faculty arrangements at the secondary and postsecondary levels;
- [(9) support to improve or develop new career and technical education courses and initiatives, including career clusters, career academies, and distance education, that prepare individuals academically and technically for high skill, high wage, or high demand occupations;
- [(10) awarding incentive grants to eligible recipients—
  - [(A) for exemplary performance in carrying out programs under this Act, which awards shall be based on—
    - [(i) eligible recipients exceeding the local adjusted levels of performance established under section 113(b) in a manner that reflects sustained or significant improvement;
    - [(ii) eligible recipients effectively developing connections between secondary education and postsecondary education and training;
    - [(iii) the adoption and integration of coherent and rigorous content aligned with challenging academic standards and technical coursework;
    - [(iv) eligible recipients' progress in having special populations who participate in career and technical education programs meet local adjusted levels of performance; or
    - [(v) other factors relating to the performance of eligible recipients under this Act as the eligible agency determines are appropriate; or
  - [(B) if an eligible recipient elects to use funds as permitted under section 135(c)(19);
- [(11) providing for activities to support entrepreneurship education and training;
- [(12) providing career and technical education programs for adults and school dropouts to complete their secondary school education, in coordination, to the extent practicable, with ac-

tivities authorized under the Adult Education and Family Literacy Act;

[(13) providing assistance to individuals, who have participated in services and activities under this title, in continuing the individuals' education or training or finding appropriate jobs, such as through referral to the system established under section 121 of the Workforce Innovation and Opportunity Act;

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

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

[(16) improving—

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

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

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

(1) *awarding incentive grants to eligible recipients—*

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

(i) *eligible recipients exceeding the local adjusted level of performance established under section 113(b)(4)(A) in a manner that reflects sustained or significant improvement;*

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

(iii) *the integration of academic and technical standards;*

(iv) *eligible recipients' progress in closing achievement gaps among subpopulations who participate in programs of study; or*

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

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

(2) *providing support for the adoption and integration of recognized postsecondary credentials or for consultation and coordination with other State agencies for the identification, consolidation, or elimination of licenses or certifications which pose an unnecessary barrier to entry for aspiring workers and provide limited consumer protection;*

(3) *the creation, implementation, and support of pay-for-success initiatives leading to recognized postsecondary credentials;*

(4) *support for career and technical education programs for adults and out-of-school youth concurrent with their completion of their secondary school education in a school or other educational setting;*



(5) *the creation, evaluation, and support of competency-based curricula;*

(6) *support for the development, implementation, and expansion of programs of study or career pathways in areas declared to be in a state of emergency under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191);*

(7) *providing support for dual or concurrent enrollment programs, such as early college high schools;*

(8) *improvement of career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including academic and financial aid counseling;*

(9) *support for the integration of employability skills into career and technical education programs and programs of study;*

(10) *support for programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science), particularly for students who are members of groups underrepresented in such subject fields, such as female students, minority students, and students who are members of special populations;*

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

(12) *support for establishing and expanding work-based learning opportunities;*

(13) *support for preparing, retaining, and training of career and technical education teachers, faculty, specialized instructional support personnel, and paraprofessionals, such as preservice, professional development, and leadership development programs;*

(14) *integrating and aligning programs of study and career pathways;*

(15) *supporting the use of career and technical education programs and programs of study aligned with State, regional, or local in-demand industry sectors or occupations identified by State or local workforce development boards;*

(16) *making all forms of instructional content widely available, which may include use of open educational resources;*

(17) *support for the integration of arts and design skills, when appropriate, into career and technical education programs and programs of study; and*

(18) *support for accelerated learning programs (described in section 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7114(b)(3)(A)(i)(IV)) when any such program is part of a program of study.*

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

## **PART C—LOCAL PROVISIONS**

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**SEC. 134. [LOCAL PLAN] LOCAL APPLICATION FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.**

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

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

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

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

**[(3)** describe how the eligible recipient will—

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

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

**[(i)** a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965); and

**[(ii)** career and technical education subjects;

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

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

**[(E)** encourage career and technical education students at the secondary level to enroll in rigorous and challenging courses in order to provide a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965);

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

**[(5)** describe how parents, students, academic and career and technical education teachers, faculty, administrators, ca-

reer guidance and academic counselors, representatives of tech prep consortia (if applicable), representatives of the entities participating in activities described in section 107 of the Workforce Innovation and Opportunity Act (if applicable), representatives of business (including small business) and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of career and technical education programs assisted under this title, and how such individuals and entities are effectively informed about, and assisted in understanding, the requirements of this title, including career and technical programs of study;

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

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

[(8) describe how the eligible recipient will—

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

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

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

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

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

[(11) describe how career guidance and academic counseling will be provided to career and technical education students, including linkages to future education and training opportunities; and

[(12) describe efforts to improve—

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

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

(b) *CONTENTS.*—*The eligible agency shall determine the requirements for local applications, except that each local application shall contain—*

*(1) a description of the results of the comprehensive needs assessment conducted under subsection (c);*

*(2) information on the programs of study approved by a State under section 124(b)(2) supported by the eligible recipient with funds under this part, including—*

- (A) *how the results of the comprehensive needs assessment described in subsection (c) informed the selection of the specific career and technical education programs and activities selected to be funded; and*
- (B) *a description of any new programs of study the eligible recipient will develop and submit to the State for approval;*
- (3) *a description of how the eligible recipient will provide—*
  - (A) *career exploration and career development coursework, activities, or services;*
  - (B) *career information; and*
  - (C) *an organized system of career guidance and academic counseling to students before enrolling and while participating in a career and technical education program; and*
- (4) *a description of how the eligible recipient will—*
  - (A) *provide activities to prepare special populations for high-skill, high-wage, or in-demand occupations that will lead to self-sufficiency; and*
  - (B) *prepare CTE participants for nontraditional fields.*
- (c) **COMPREHENSIVE NEEDS ASSESSMENT.**—
  - (1) **IN GENERAL.**—*To be eligible to receive financial assistance under this part, an eligible recipient shall—*
    - (A) *conduct a comprehensive local needs assessment related to career and technical education; and*
    - (B) *not less than once every 2 years, update such comprehensive local needs assessment.*
  - (2) **REQUIREMENTS.**—*The comprehensive local needs assessment described under paragraph (1) shall include—*
    - (A) *an evaluation of the performance of the students served by the eligible recipient with respect to State and local adjusted levels of performance established pursuant to section 113, including an evaluation of performance for special populations;*
    - (B) *a description of how career and technical education programs offered by the eligible recipient are—*
      - (i) *sufficient in size, scope, and quality to meet the needs of all students served by the eligible recipient; and*
      - (ii) *(I) aligned to State, regional, or local in-demand industry sectors or occupations identified by the State or local workforce development board, including career pathways, where appropriate; or*
      - (II) designed to meet local education or economic needs not identified by State or local workforce development boards;*
    - (C) *an evaluation of progress toward the implementation of career and technical education programs and programs of study;*
    - (D) *an evaluation of strategies needed to overcome barriers that result in lowering rates of access to, or lowering success in, career and technical education programs for special populations, which may include strategies to establish or utilize existing flexible learning and manufacturing facilities, such as makerspaces;*

(E) a description of how the eligible recipient will improve recruitment, retention, and training of career and technical education teachers, faculty, specialized instructional support personnel, paraprofessionals, and career, academic, and guidance counselors, including individuals in groups underrepresented in such professions; and

(F) a description of how the eligible recipient will support the transition to teaching from business and industry.

(d) *CONSULTATION.*—In conducting the comprehensive needs assessment under subsection (c), an eligible recipient shall involve a diverse body of stakeholders, including, at a minimum—

(1) representatives of career and technical education programs in a local educational agency or educational service agency, including teachers and administrators;

(2) representatives of career and technical education programs at postsecondary educational institutions, including faculty and administrators;

(3) representatives of State or local workforce development boards and a range of local or regional businesses or industries;

(4) parents and students;

(5) representatives of special populations; and

(6) representatives of local agencies serving out-of-school youth, homeless children and youth, and at-risk youth (as defined in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472)).

(e) *CONTINUED CONSULTATION.*—An eligible recipient receiving financial assistance under this part shall consult with the entities described in subsection (d) on an ongoing basis to—

(1) provide input on annual updates to the comprehensive needs assessment required under subsection (c);

(2) ensure programs of study are—

(A) responsive to community employment needs;

(B) aligned with employment priorities in the State, regional, or local economy identified by employers and the entities described in subsection (d), which may include in-demand industry sectors or occupations identified by the local workforce development board;

(C) informed by labor market information, including information provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)(2)(C));

(D) designed to meet current, intermediate, or long-term labor market projections; and

(E) allow employer input, including input from industry or sector partnerships in the local area, where applicable, into the development and implementation of programs of study to ensure programs align with skills required by local employment opportunities, including activities such as the identification of relevant standards, curriculum, industry-recognized credentials, and current technology and equipment;

(3) identify and encourage opportunities for work-based learning; and

(4) ensure funding under this part is used in a coordinated manner with other local resources.

**[SEC. 135. LOCAL USES OF FUNDS.**

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

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

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

**[(A) a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965); and**

**[(B) career and technical education subjects;**

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

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

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

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

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

**[(C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs, including programs that improve the mathematics and science knowledge of students;**

**[(5) provide professional development programs that are consistent with section 122 to secondary and postsecondary teachers, faculty, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs, including—**

**[(A) in-service and preservice training on—**

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

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

**[(iii) effective practices to improve parental and community involvement; and**

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

[(B) support of education programs for teachers of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students, to ensure that such teachers and personnel stay current with all aspects of an industry;

[(C) internship programs that provide relevant business experience; and

[(D) programs designed to train teachers specifically in the effective use and application of technology to improve instruction;

[(6) develop and implement evaluations of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;

[(7) initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology;

[(8) provide services and activities that are of sufficient size, scope, and quality to be effective; and

[(9) provide activities to prepare special populations, including single parents and displaced homemakers who are enrolled in career and technical education programs, for high skill, high wage, or high demand occupations that will lead to self-sufficiency.

[(c) PERMISSIVE.—Funds made available to an eligible recipient under this title may be used—

[(1) to involve parents, businesses, and labor organizations as appropriate, in the design, implementation, and evaluation of career and technical education programs authorized under this title, including establishing effective programs and procedures to enable informed and effective participation in such programs;

[(2) to provide career guidance and academic counseling, which may include information described in section 118, for students participating in career and technical education programs, that—

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

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

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

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

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

- [(C) industry experience for teachers and faculty;
- [(4) to provide programs for special populations;
- [(5) to assist career and technical student organizations;
- [(6) for mentoring and support services;
- [(7) for leasing, purchasing, upgrading or adapting equipment, including instructional aids and publications (including support for library resources) designed to strengthen and support academic and technical skill achievement;
- [(8) for teacher preparation programs that address the integration of academic and career and technical education and that assist individuals who are interested in becoming career and technical education teachers and faculty, including individuals with experience in business and industry;
- [(9) to develop and expand postsecondary program offerings at times and in formats that are accessible for students, including working students, including through the use of distance education;
- [(10) to develop initiatives that facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs, including—
  - [(A) articulation agreements between sub-baccalaureate degree granting career and technical education postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;
  - [(B) postsecondary dual and concurrent enrollment programs;
  - [(C) academic and financial aid counseling for sub-baccalaureate career and technical education students that informs the students of the opportunities for pursuing a baccalaureate degree and advises the students on how to meet any transfer requirements; and
  - [(D) other initiatives—
    - [(i) to encourage the pursuit of a baccalaureate degree; and
    - [(ii) to overcome barriers to enrollment in and completion of baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;
- [(11) to provide activities to support entrepreneurship education and training;
- [(12) for improving or developing new career and technical education courses, including the development of new proposed career and technical programs of study for consideration by the eligible agency and courses that prepare individuals academically and technically for high skill, high wage, or high demand occupations and dual or concurrent enrollment opportunities by which career and technical education students at the secondary level could obtain postsecondary credit to count towards an associate or baccalaureate degree;
- [(13) to develop and support small, personalized career-themed learning communities;
- [(14) to provide support for family and consumer sciences programs;
- [(15) to provide career and technical education programs for adults and school dropouts to complete the secondary school



education, or upgrade the technical skills, of the adults and school dropouts;

[(16) to provide assistance to individuals who have participated in services and activities under this Act in continuing their education or training or finding an appropriate job, such as through referral to the system established under section 121 of the Workforce Innovation and Opportunity Act;

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

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

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

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

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

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

[(ii) reporting data under this Act;

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

[(D) implementing technical assessments; and

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

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

#### **SEC. 135. LOCAL USES OF FUNDS.**

(a) *GENERAL AUTHORITY.*—Each eligible recipient that receives funds under this part shall use such funds to develop, coordinate, implement, or improve career and technical education programs to meet the needs identified in the comprehensive needs assessment described in section 134(c).

(b) *REQUIREMENTS FOR USES OF FUNDS.*—Funds made available to eligible recipients under this part shall be used to support career and technical education programs that are of sufficient size, scope, and quality to be effective and—

(1) *provide career exploration and career development activities through an organized, systematic framework designed to aid students, before enrolling and while participating in a career and technical education program, in making informed plans and decisions about future education and career opportunities and programs of study, which may include—*

(A) *introductory courses or activities focused on career exploration and career awareness;*

(B) *readily available career and labor market information, including information on—*

(i) *occupational supply and demand;*

(ii) *educational requirements;*

(iii) *other information on careers aligned to State or local economic priorities; and*

(iv) *employment sectors;*

- (C) *programs and activities related to the development of student graduation and career plans;*
- (D) *career guidance and academic counselors that provide information on postsecondary education and career options; or*
- (E) *any other activity that advances knowledge of career opportunities and assists students in making informed decisions about future education and employment goals;*
- (2) *provide professional development for teachers, principals, school leaders, administrators, faculty, and career and guidance counselors with respect to content and pedagogy that—*
  - (A) *supports individualized academic and career and technical education instructional approaches, including the integration of academic and career and technical education standards and curriculum;*
  - (B) *ensures labor market information is used to inform the programs, guidance, and advisement offered to students;*
  - (C) *provides educators with opportunities to advance knowledge, skills, and understanding of all aspects of an industry, including the latest workplace equipment, technologies, standards, and credentials;*
  - (D) *supports administrators in managing career and technical education programs in the schools, institutions, or local educational agencies of such administrators;*
  - (E) *supports the implementation of strategies to improve student achievement and close gaps in student participation and performance in career and technical education programs; and*
  - (F) *provides educators with opportunities to advance knowledge, skills, and understanding in pedagogical practices, including, to the extent the eligible recipient determines that such evidence is reasonably available, evidence-based pedagogical practices;*
- (3) *provide career and technical education students, including special populations, with the skills necessary to pursue high-skill, high-wage occupations;*
- (4) *support integration of academic skills into career and technical education programs and programs of study to support CTE participants at the secondary school level in meeting the challenging State academic standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)) by the State in which the eligible recipient is located;*
- (5) *plan and carry out elements that support the implementation of career and technical education programs and programs of study and student achievement of the local adjusted levels of performance established under section 113, which may include—*
  - (A) *curriculum aligned with the requirements for a program of study;*
  - (B) *sustainable relationships among education, business and industry, and other community stakeholders, including industry or sector partnerships in the local area, where applicable, that are designed to facilitate the process of con-*

*tinuously updating and aligning programs of study with skills in demand in the State, regional, or local economy;*

*(C) dual or concurrent enrollment programs, including early college high schools, and the development or implementation of articulation agreements;*

*(D) appropriate equipment, technology, and instructional materials (including support for library resources) aligned with business and industry needs, including machinery, testing equipment, tools, implements, hardware and software, and other new and emerging instructional materials;*

*(E) a continuum of work-based learning opportunities;*

*(F) industry-recognized certification exams or other assessments leading toward industry-recognized postsecondary credentials;*

*(G) efforts to recruit and retain career and technical education program administrators and educators;*

*(H) where applicable, coordination with other education and workforce development programs and initiatives, including career pathways and sector partnerships developed under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and other Federal laws and initiatives that provide students with transition-related services, including the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);*

*(I) expanding opportunities for students to participate in distance career and technical education and blended-learning programs;*

*(J) expanding opportunities for students to participate in competency-based education programs;*

*(K) improving career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including academic and financial aid counseling;*

*(L) supporting the integration of employability skills into career and technical education programs and programs of study;*

*(M) supporting programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science) for students who are members of groups underrepresented in such subject fields;*

*(N) providing career and technical education, in a school or other educational setting, for adults or a school-aged individual who has dropped out of a secondary school to complete secondary school education or upgrade technical skills;*

*(O) career and technical student organizations, including student preparation for and participation in technical skills competitions aligned with career and technical education program standards and curriculum;*

*(P) making all forms of instructional content widely available, which may include use of open educational resources;*

(Q) supporting the integration of arts and design skills, when appropriate, into career and technical education programs and programs of study;

(R) where appropriate, expanding opportunities for CTE concentrators to participate in accelerated learning programs (described in section 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7114(b)(3)(A)(i)(IV)) as part of a program of study; and

(S) other activities to improve career and technical education programs; and

(6) develop and implement evaluations of the activities carried out with funds under this part, including evaluations necessary to complete the comprehensive needs assessment required under section 134(c) and the local report required under section 113(b)(4)(C).

(c) **POOLING FUNDS.**—An eligible recipient may pool a portion of funds received under this Act with a portion of funds received under this Act available to not less than one other eligible recipient to support implementation of programs of study through the activities described in subsection (b)(2).

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

## **[TITLE II—TECH PREP EDUCATION**

### **[SEC. 201. STATE ALLOTMENT AND APPLICATION.**

[(a) **IN GENERAL.**—For any fiscal year, the Secretary shall allot the amount made available under section 206 among the States in the same manner as funds are allotted to States under paragraph (2) of section 111(a).

[(b) **PAYMENTS TO ELIGIBLE AGENCIES.**—The Secretary shall make a payment in the amount of a State's allotment under subsection (a) to the eligible agency that serves the State and has an application approved under subsection (c).

[(c) **STATE APPLICATION.**—Each eligible agency desiring an allotment under this title shall submit, as part of its State plan under section 122, an application that—

[(1) describes how activities under this title will be coordinated, to the extent practicable, with activities described in the State plan submitted under section 122; and

[(2) contains such information as the Secretary may require.

### **[SEC. 202. CONSOLIDATION OF FUNDS.**

[(a) **IN GENERAL.**—An eligible agency receiving an allotment under sections 111 and 201 may choose to consolidate all, or a portion of, funds received under section 201 with funds received under section 111 in order to carry out the activities described in the State plan submitted under section 122.

[(b) **NOTIFICATION REQUIREMENT.**—Each eligible agency that chooses to consolidate funds under this section shall notify the Secretary, in the State plan submitted under section 122, of the eligible agency's decision to consolidate funds under this section.

[(c) TREATMENT OF CONSOLIDATED FUNDS.—Funds consolidated under this section shall be considered as funds allotted under section 111 and shall be distributed in accordance with section 112.

**[SEC. 203. TECH PREP PROGRAM.**

**[(a) GRANT PROGRAM AUTHORIZED.—**

**[(1) IN GENERAL.—**From amounts made available to each eligible agency under section 201, the eligible agency, in accordance with the provisions of this title, shall award grants, on a competitive basis or on the basis of a formula determined by the eligible agency, for tech prep programs described in subsection (c). The grants shall be awarded to consortia between or among—

**[(A)** a local educational agency, an intermediate educational agency, educational service agency, or area career and technical education school, serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and

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

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

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

**[(AA)** an institution receiving assistance under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.); and

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

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

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

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

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

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

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

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

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

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

**[(2)** consist of a program of study that—

[(A) combines—

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

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

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

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

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

[(D) builds student competence in technical skills and as part of a well-rounded education(as defined in section 8101 of the Elementary and SecondaryEducation Act of 1965), as appropriate, through applied, contextual, and integrated instruction, in a coherent sequence of courses;

【E】 leads to technical skill proficiency, an industry-recognized credential, a certificate, or a degree, in a specific career field:

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

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

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

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

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

【(i) nonduplicative sequences of courses in career fields:

[(ii) the use of articulation agreements; and

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

worksite learning experiences in conjunction with business and all aspects of an industry; and

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

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

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

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

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

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

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

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

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

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

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

[(C) provide information on related employment opportunities;

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

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

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

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

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

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

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

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

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

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

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

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

[(e) INDICATORS OF PERFORMANCE AND ACCOUNTABILITY.—

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

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

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

- [(i) enroll in postsecondary education;
- [(ii) enroll in postsecondary education in the same field or major as the secondary education tech prep students were enrolled at the secondary level;
- [(iii) complete a State or industry-recognized certification or licensure;
- [(iv) successfully complete, as a secondary school student, courses that award postsecondary credit at the secondary level; and
- [(v) enroll in remedial mathematics, writing, or reading courses upon entering postsecondary education.

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

- [(i) are placed in a related field of employment not later than 12 months after graduation from the tech prep program;
- [(ii) complete a State or industry-recognized certification or licensure;
- [(iii) complete a 2-year degree or certificate program within the normal time for completion of such program; and
- [(iv) complete a baccalaureate degree program within the normal time for completion of such program.

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

#### **[SEC. 204. CONSORTIUM APPLICATIONS.**

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

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

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

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

- [(1) provide for effective employment placement activities or the transfer of students to baccalaureate or advanced degree programs;
- [(2) are developed in consultation with business, industry, institutions of higher education, and labor organizations;
- [(3) address effectively the issues of school dropout prevention and reentry, and the needs of special populations;
- [(4) provide education and training in an area or skill, including an emerging technology, in which there is a significant



workforce shortage based on the data provided by the eligible entity in the State under section 118;

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

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

**[(e) PERFORMANCE LEVELS.—**

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

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

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

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

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

**[SEC. 205. REPORT.**

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

**[SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

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

## **TITLE [III] II—GENERAL PROVISIONS**

### **PART A—FEDERAL ADMINISTRATIVE PROVISIONS**

**SEC. [311.] 211. FISCAL REQUIREMENTS.**

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

(b) MAINTENANCE OF EFFORT.—

(1) DETERMINATION.—

[(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no payments shall be made under this Act for any fiscal year to a State for career and technical edu-

cation programs or tech prep programs unless the Secretary determines that the fiscal effort per student or the aggregate expenditures of such State for career and technical education programs for the fiscal year preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for career and technical education programs for the second fiscal year preceding the fiscal year for which the determination is made.】

(A) *IN GENERAL.*—*Except as provided in subparagraph (B), (C), or (D), in order for a State to receive its full allotment of funds under this Act for any fiscal year, the Secretary must find that the State's fiscal effort per student, or the aggregate expenditures of such State, with respect to career and technical education for the preceding fiscal year was not less than the fiscal effort per student, or the aggregate expenditures of such State, for the second preceding fiscal year.*

(B) *COMPUTATION.*—*In computing the fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary 【shall exclude capital expenditures, special 1-time project costs, and the cost of pilot programs.】 shall, at the request of the State, exclude competitive or incentive-based programs established by the State, capital expenditures, special one-time project costs, and the cost of pilot programs.*

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

(D) *ESTABLISHING THE STATE BASELINE.*—

(i) *IN GENERAL.*—*For purposes of subparagraph (A), the State may—*

(I) *continue to use the State's fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education, as was in effect on the day before the date of enactment of the Strengthening Career and Technical Education for the 21st Century Act; or*

(II) *establish a new level of fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education, which is not less than 90 percent of the State's fiscal effort per student, or the aggregate expenditures of such State, with respect to career and technical education for the preceding fiscal year.*

(ii) *AMOUNT.* *The amount of the new level described in clause (i)(II) shall be the State's fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education, for the first full*

*fiscal year following the enactment of the Strengthening Career and Technical Education for the 21st Century Act.*

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

(2) **FAILURE TO MEET.**—*The Secretary shall reduce the amount of a State's allotment of funds under this Act for any fiscal year in the exact proportion by which the State fails to meet the requirement of paragraph (1) by falling below the State's fiscal effort per student or the State's aggregate expenditures (using the measure most favorable to the State), if the State failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.*

(3) **WAIVER.**—*The Secretary may waive paragraph (2) due to exceptional or uncontrollable circumstances affecting the ability of the State to meet the requirement of paragraph (1).*

**SEC. [312.] 212. AUTHORITY TO MAKE PAYMENTS.**

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

**SEC. [313.] 213. CONSTRUCTION.**

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

**SEC. [314.] 214. VOLUNTARY SELECTION AND PARTICIPATION.**

No funds made available under this Act shall be used—

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

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

**SEC. [315.] 215. LIMITATION FOR CERTAIN STUDENTS.**

No funds received under this Act may be used to provide career and technical education programs to students prior to the seventh

grade, except that equipment and facilities purchased with funds under this Act may be used by such students.

**SEC. [316.] 216. FEDERAL LAWS GUARANTEEING CIVIL RIGHTS.**

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

**SEC. [317.] 217. PARTICIPATION OF PRIVATE SCHOOL PERSONNEL AND CHILDREN.**

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

(b) **STUDENT PARTICIPATION.**—

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

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

**SEC. [318.] 218. LIMITATION ON FEDERAL REGULATIONS.**

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

**SEC. 219. STUDY ON PROGRAMS OF STUDY ALIGNED TO HIGH-SKILL, HIGH-WAGE OCCUPATIONS.**

(a) **SCOPE OF STUDY.**—*The Comptroller General of the United States shall conduct a study to evaluate—*

*(1) the strategies, components, policies, and practices used by eligible agencies or eligible recipients receiving funding under this Act to successfully assist—*

*(A) all students in pursuing and completing programs of study aligned to high-skill, high-wage occupations; and*

*(B) any specific subgroup of students identified in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(ii)) in pursuing and completing programs of study aligned to high-skill,*

- high-wage occupations in fields in which such subgroup is underrepresented; and*
- (2) any challenges associated with replication of such strategies, components, policies, and practices.*
- (b) CONSULTATION.—In carrying out the study conducted under subsection (a), the Comptroller General of the United States shall consult with a geographically diverse (including urban, suburban, and rural) representation of—*
- (1) students and parents;*
  - (2) eligible agencies and eligible recipients;*
  - (3) teachers, faculty, specialized instructional support personnel, and paraprofessionals, including those with expertise in preparing CTE students for nontraditional fields;*
  - (4) special populations; and*
  - (5) representatives of business and industry.*
- (c) SUBMISSION.—Upon completion, the Comptroller General of the United States shall submit the study conducted under subsection (a) to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.*

## **PART B—STATE ADMINISTRATIVE PROVISIONS**

### **SEC. [321.] 221. JOINT FUNDING.**

- (a) GENERAL AUTHORITY.—Funds made available to eligible agencies under this Act may be used to provide additional funds under an applicable program if—*
- (1) such program otherwise meets the requirements of this Act and the requirements of the applicable program;*
  - (2) such program serves the same individuals that are served under this Act;*
  - (3) such program provides services in a coordinated manner with services provided under this Act; and*
  - (4) such funds are used to supplement, and not supplant, funds provided from non-Federal sources.*
- (b) APPLICABLE PROGRAM.—For the purposes of this section, the term “applicable program” means any program under any of the following provisions of law:*
- (1) Chapters 2 and 3 of subtitle B of title I of the Workforce Innovation and Opportunity Act.*
  - (2) The Wagner-Peyser Act.*
- (c) USE OF FUNDS AS MATCHING FUNDS.—For the purposes of this section, the term “additional funds” does not include funds used as matching funds.*

### **SEC. [322.] 222. PROHIBITION ON USE OF FUNDS TO INDUCE OUT-OF-STATE RELOCATION OF BUSINESSES.**

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

**SEC. [323.] 223. STATE ADMINISTRATIVE COSTS.**

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

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

**SEC. [324.] 224. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.**

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

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

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

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

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

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**WAGNER-PEYSER ACT**

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**SEC. 15. EMPLOYMENT STATISTICS.****(a) SYSTEM CONTENT.—**

(1) **IN GENERAL.**—The Secretary, in accordance with the provisions of this section, shall oversee the development, maintenance, and continuous improvement of a nationwide employment statistics system of employment statistics that includes—

(A) statistical data from cooperative statistical survey and projection programs and data from administrative reporting systems that, taken together, enumerate, estimate, and project employment opportunities and conditions at national, State, and local levels in a timely manner, including statistics on—

(i) employment and unemployment status of national, State, and local populations, including self-employed, part-time, and seasonal workers;

(ii) industrial distribution of occupations, as well as current and projected employment opportunities, wages, benefits (where data is available), and skill trends by occupation and industry, with particular attention paid to State and local conditions;

(iii) the incidence of, industrial and geographical location of, and number of workers displaced by, permanent layoffs and plant closings; and

(iv) employment and earnings information maintained in a longitudinal manner to be used for research and program evaluation;

(B) information on State and local employment opportunities, and other appropriate statistical data related to labor market dynamics, which—

(i) shall be current and comprehensive;

(ii) shall meet the needs identified through the consultations described in subparagraphs (A) and (B) of subsection (e)(2); and

(iii) shall meet the needs for the information identified in section 134(d);

(C) technical standards (which the Secretary shall publish annually) for data and information described in subparagraphs (A) and (B) that, at a minimum, meet the criteria of chapter 35 of title 44, United States Code;

(D) procedures to ensure compatibility and additivity of the data and information described in subparagraphs (A) and (B) from national, State, and local levels;

(E) procedures to support standardization and aggregation of data from administrative reporting systems described in subparagraph (A) of employment-related programs;

(F) analysis of data and information described in subparagraphs (A) and (B) for uses such as—

(i) national, State, and local policymaking;

(ii) implementation of Federal policies (including allocation formulas);

(iii) program planning and evaluation; and

(iv) researching labor market dynamics;

(G) wide dissemination of such data, information, and analysis in a user-friendly manner and voluntary technical standards for dissemination mechanisms; and

(H) programs of—

- (i) training for effective data dissemination;
- (ii) research and demonstration; and
- (iii) programs and technical assistance.

(2) INFORMATION TO BE CONFIDENTIAL.—

(A) IN GENERAL.—No officer or employee of the Federal Government or agent of the Federal Government may—

(i) use any submission that is furnished for exclusively statistical purposes under the provisions of this section for any purpose other than the statistical purposes for which the submission is furnished;

(ii) make any publication or media transmittal of the data contained in the submission described in clause (i) that permits information concerning individual subjects to be reasonably inferred by either direct or indirect means; or

(iii) permit anyone other than a sworn officer, employee, or agent of any Federal department or agency, or a contractor (including an employee of a contractor) of such department or agency, to examine an individual submission described in clause (i);

without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission.

(B) IMMUNITY FROM LEGAL PROCESS.—Any submission (including any data derived from the submission) that is collected and retained by a Federal department or agency, or an officer, employee, agent, or contractor of such a department or agency, for exclusively statistical purposes under this section shall be immune from the legal process and shall not, without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

(C) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide immunity from the legal process for such submission (including any data derived from the submission) if the submission is in the possession of any person, agency, or entity other than the Federal Government or an officer, employee, agent, or contractor of the Federal Government, or if the submission is independently collected, retained, or produced for purposes other than the purposes of this Act.

(b) SYSTEM RESPONSIBILITIES.—

(1) IN GENERAL.—

(A) STRUCTURE.—The workforce and labor market information system described in subsection (a) shall be evaluated and improved by the Secretary, in consultation with the Workforce Information Advisory Council established in subsection (d).

(B) GRANTS AND RESPONSIBILITIES.—



(i) IN GENERAL.—The Secretary shall carry out the provisions of this section in a timely manner, through grants to or agreements with States.

(ii) DISTRIBUTION OF FUNDS.—Using amounts appropriated under subsection (g), the Secretary shall provide funds through those grants and agreements. In distributing the funds (relating to workforce and labor market information funding) for fiscal years 2015 through 2020, the Secretary shall continue to distribute the funds to States in the manner in which the Secretary distributed funds to the States under this section for fiscal years 2004 through 2008.

(2) DUTIES.—The Secretary, with respect to data collection, analysis, and dissemination of workforce and labor market information for the system, shall carry out the following duties:

(A) Assign responsibilities within the Department of Labor for elements of the workforce and labor market information system described in subsection (a) to ensure that the statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions, and that the information is accessible and understandable to users of such data.

(B) Actively seek the cooperation of heads of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.

(C) Solicit, receive, and evaluate the recommendations from the Workforce Information Advisory Council established in subsection (d) concerning the evaluation and improvement of the workforce and labor market information system described in subsection (a) and respond in writing to the Council regarding the recommendations.

(D) Eliminate gaps and duplication in statistical undertakings.

(E) Through the Bureau of Labor Statistics and the Employment and Training Administration, and in collaboration with States, develop and maintain the elements of the workforce and labor market information system described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).

(F) Establish procedures for the system to ensure that—  
 (i) such data and information are timely; and  
 (ii) paperwork and reporting for the system are reduced to a minimum.

(c) TWO-YEAR PLAN.—The Secretary, acting through the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training, and in consultation with the Workforce Information Advisory Council described in subsection (d) and heads of other appropriate Federal agencies, shall prepare a 2-year plan for the workforce and labor market information system. The plan shall be developed and implemented in a manner that takes into account the activities described in State plans submitted by States under

section 102 or 103 of the Workforce Innovation and Opportunity Act and shall be submitted to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. The plan shall include—

(1) a description of how the Secretary will work with the States to manage the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system;

(2) a description of the steps to be taken in the following 2 years to carry out the duties described in subsection (b)(2);

(3) an evaluation of the performance of the system, with particular attention to the improvements needed at the State and local levels;

(4) a description of the involvement of States in the development of the plan, through consultation by the Secretary with the Workforce Information Advisory Council in accordance with subsection (d); and

(5) a description of the written recommendations received from the Workforce Information Advisory Council established under subsection (d), and the extent to which those recommendations were incorporated into the plan.

(d) WORKFORCE INFORMATION ADVISORY COUNCIL.—

(1) IN GENERAL.—The Secretary, through the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training, shall formally consult at least twice annually with the Workforce Information Advisory Council established in accordance with paragraph (2). Such consultations shall address the evaluation and improvement of the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system and how the Department of Labor and the States will cooperate in the management of such systems. The Council shall provide written recommendations to the Secretary concerning the evaluation and improvement of the nationwide system, including any recommendations regarding the 2-year plan described in subsection (c).

(2) ESTABLISHMENT OF COUNCIL.—

(A) ESTABLISHMENT.—The Secretary shall establish an advisory council that shall be known as the Workforce Information Advisory Council (referred to in this section as the “Council”) to participate in the consultations and provide the recommendations described in paragraph (1).

(B) MEMBERSHIP.—The Secretary shall appoint the members of the Council, which shall consist of—

(i) 4 members who are representatives of lead State agencies with responsibility for workforce investment activities, or State agencies described in section 4, who have been nominated by such agencies or by a national organization that represents such agencies;

(ii) 4 members who are representatives of the State workforce and labor market information directors affiliated with the State agencies that perform the du-

ties described in subsection (e)(2), who have been nominated by the directors;

(iii) 1 member who is a representative of providers of training services under section 122 of the Workforce Innovation and Opportunity Act;

(iv) 1 member who is a representative of economic development entities;

(v) 1 member who is a representative of businesses, who has been nominated by national business organizations or trade associations;

(vi) 1 member who is a representative of labor organizations, who has been nominated by a national labor federation;

(vii) 1 member who is a representative of local workforce development boards, who has been nominated by a national organization representing such boards; and

(viii) 1 member who is a representative of research entities that utilize workforce and labor market information.

(C) GEOGRAPHIC DIVERSITY.—The Secretary shall ensure that the membership of the Council is geographically diverse and that no 2 of the members appointed under clauses (i), (ii), and (vii) represent the same State.

(D) PERIOD OF APPOINTMENT; VACANCIES.—

(i) IN GENERAL.—Each member of the Council shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

(ii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(E) TRAVEL EXPENSES.—The members of the Council shall not receive compensation for the performance of services for the Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the Council.

(F) PERMANENT COUNCIL.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

(e) STATE RESPONSIBILITIES.—

(1) DESIGNATION OF STATE AGENCY.—In order to receive Federal financial assistance under this section, the Governor of a State shall—

(A) designate a single State agency to be responsible for the management of the portions of the workforce and labor market information system described in subsection (a) that comprise a statewide workforce and labor market information system and for the State's participation in the development of the plan described in subsection (c); and

(B) establish a process for the oversight of such system.

(2) DUTIES.—In order to receive Federal financial assistance under this section, the State agency shall—

(A) consult with State and local employers, participants, and local workforce investment boards about the labor market relevance of the data to be collected and disseminated through the statewide workforce and labor market information system;

[(B) consult with State educational agencies and local educational agencies concerning the provision of workforce and labor market information in order to meet the needs of secondary school and postsecondary school students who seek such information;]

*(B) consult with eligible agencies (defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)), State educational agencies, and local educational agencies concerning the provision of workforce and labor market information in order to—*

*(i) meet the needs of secondary school and postsecondary school students who seek such information; and*

*(ii) annually inform the development and implementation of programs of study defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302), and career pathways;*

(C) collect and disseminate for the system, on behalf of the State and localities in the State, the information and data described in subparagraphs (A) and (B) of subsection (a)(1);

(D) maintain and continuously improve the statewide workforce and labor market information system in accordance with this section;

(E) perform contract and grant responsibilities for data collection, analysis, and dissemination for such system;

(F) conduct such other data collection, analysis, and dissemination activities as will ensure an effective statewide workforce and labor market information system;

(G) actively seek the participation of other State and local agencies in data collection, analysis, and dissemination activities in order to ensure complementarity, compatibility, and usefulness of data; [and]

(H) utilize the quarterly records described in section 116(i)(2) of the Workforce Innovation and Opportunity Act to assist the State and other States in measuring State progress on State performance measures[.]; and

*(I) provide, on an annual and timely basis to each eligible agency (defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)), the data and information described in subparagraphs (A) and (B) of subsection (a)(1).*

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the ability of a State agency to conduct additional data collection, analysis, and dissemination activities with State funds or with Federal funds from sources other than this section.

(f) NONDUPLICATION REQUIREMENT.—None of the functions and activities carried out pursuant to this section shall duplicate the functions and activities carried out under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 through 2004.

(h) DEFINITION.—In this section, the term “local area” means the smallest geographical area for which data can be produced with statistical reliability.

\* \* \* \* \*

## ADDITIONAL VIEWS

While this bipartisan bill makes many needed improvements over current law, we wish to highlight one important aspect of this compromise legislation that we believe is still in need of improvement as comprehensive reauthorization of the Carl D. Perkins Career and Technical Education Act of 2006 advances through the legislative process.

H.R. 2353, the Strengthening Career and Technical Education for the 21st Century Act, would remove an accountability provision in current law (Section 123(a)(3); 20 USC 2301). That provision authorizes the Secretary of Education to sanction a state, through withholding of federal funds, in the event that such State (1) fails to implement an improvement plan; (2) fails to make any improvement in meeting the State's adjusted levels of performance within the first program year of improvement plan implementation; or (3) does not achieve at least 90 percent of its revised performance levels for any of the law's core indicators of performance for three consecutive years.

If H.R. 2353 were to be enacted without further improvement to the bill, the following would hold true concerning the sanctioning authority outlined in section 123(a)(3) of current law:

(1): Because both current law (section 123(a)(1)) and H.R. 2353 (section 122(1)(A)) clearly require states to develop and implement improvement plans upon satisfying certain conditions, the Secretary would maintain the authority to withhold federal funds for a State's failure to implement an improvement plan, despite the amendments to Section 123 of current law made by H.R. 2353 during Committee markup. This is because the Secretary's enforcement authority authorized by the General Education Provisions Act (20 USC 1221 et seq.), specifically sections 410 and part D of such Act, allows the Secretary to withhold funding from recipients of federal funds for failure to comply with statutory requirements.

(2): Upon enactment of H.R. 2353, as adopted by Committee, the Secretary would no longer be authorized to sanction a State, through the withholding of federal funds, for failing to make any improvement in meeting the State's adjusted levels of performance within the first program year of improvement plan implementation. Removing this authority has the potential to weaken accountability provisions.

(3): The authority to sanction a State for failing to achieve at least 90 percent of its revised performance levels for any of the law's core indicators for three consecutive years would become irrelevant upon enactment because H.R. 2353 shortens the Perkins CTE grant term from six years to four years (Sec. 121(1)(A)(i) of H.R. 2353). Committee Democrats believe that, should H.R. 2353 be amended to include a grant term longer than 4 years, Congress

must maintain this sanctioning authority to avoid successive years of state inaction to improve program quality.

While H.R. 2353 replaces the sanctioning authority with a requirement that the Secretary provide additional technical assistance, oversight, and monitoring to States that are required by statute to implement revised program improvement plans, Committee Democrats worry that these actions are insufficient oversight mechanisms to ensure meaningful program improvement when a state has previously failed to make any improvement. Without the backstop of the authority under current law to sanction through withholding federal funds for failure to improve, States would continue to enroll students in low-quality programs and receive federal funding for the fourth year of their grant with no expectation that they take corrective action to improve performance outcomes.

History tells us that without federal involvement States and school districts often fail to adequately serve the most vulnerable students. Thus, the Secretary has an important role in protecting and promoting the civil rights and equity of educational opportunity for all students. Of particular concern, our nation's career and technical education system has a history of inadequately serving vulnerable students. For these reasons, we believe that robust program accountability, including the Secretary's authority to sanction for failure to improve program quality, is of the utmost importance as Congress works to improve current law. Additionally, amending this legislation to preserve the Secretary's authority to hold States accountable through performance-based sanctions would continue to improve alignment of state CTE programs with programs funded through the Workforce Innovation and Opportunity Act (WIOA). Committee Democrats note that WIOA includes federal authority to sanction states as a valuable tool for holding programs accountable for program improvement. Alignment with WIOA has been a bipartisan goal throughout the reauthorization process.

To address these concerns, Committee Democrats offered an amendment during Committee consideration of H.R. 2353 to strike Section 122 of H.R. 2353 to retain Secretarial authority to sanction state agencies in current law. In addition to Representatives Bonamici and Polis, Ranking Member Scott spoke in favor of the amendment, which was ultimately withdrawn. As the bill moves through Congress, Committee Democrats hope that the Bonamici-Polis amendment will be reconsidered. Congress should insist on maintaining critical accountability in CTE programs to ensure equity of opportunity, so that all students, regardless of background, can access and benefit from high-quality career and technical education programs that receive federal funding.

ROBERT C. "BOBBY" SCOTT,  
*Ranking Member.*

JARED POLIS.

RAÚL M. GRIJALVA.

MARCIA L. FUDGE.

FREDERICA S. WILSON.

ALMA S. ADAMS.

DONALD NORCROSS.

RAJA KRISHNAMOORTHY.

ADRIANO ESPAILLAT.  
SUZANNE BONAMICI.  
SUSAN A. DAVIS.  
JOE COURTNEY.  
GREGORIO KILILI CAMACHO  
SABLAN.  
MARK TAKANO.  
MARK DESAULNIER.  
LISA BLUNT ROCHESTER.  
CAROL SHEA PORTER.



## ADDITIONAL VIEWS

During the mark-up of H.R. 2353, The Strengthening Career and Technical Education for the 21st Century Act, I offered an amendment to define special populations to include individuals who are ex-offenders. My amendment would have further aligned the definition of special populations with the definition of an “individual with a barrier to employment,” in the Workforce Innovation and Opportunity Act.

Ex-offenders, who are disproportionately young men of color due to the bias in the criminal justice system, face numerous hurdles when they try to reintegrate into society after serving their time. Finding a decent job is a necessary first-step towards developing self-esteem and self-sufficiency. Unfortunately, and too often, a prior criminal history is a barrier to ex-offenders seeking employment. Sadly, some employers use this as an excuse to force them to continue paying for their crimes long after they have served their time. In addition, in some states, one mistake can lead to the loss of basic civil rights, like the right to vote, the right to certain licenses, and the right to work in certain careers.

Formerly incarcerated persons live not only with the stigma of being an ex-offender, but are also prevented from opportunities to develop the skills, training or work history that can help them secure good jobs. This disproportionately impacts young men of color who are already burdened by institutional racism and a criminal record.

While this bipartisan bill makes needed improvements to the current law, my amendment would have provided more federal support for the skill development and training programs that ex-offenders need. I withdrew the amendment because of the important work that H.R. 2353 tackles. Nevertheless, it is my view that my amendment be considered as the bill moves forward in the House and hopefully will be considered during a future conference consideration.

Members of Congress should ensure that ex-offenders are afforded every opportunity to reintegrate fully into community life and become contributing and tax paying members of our society. Doing so would ensure that young people with non-violent criminal pasts have access to the technical and educational programs that will put them on the path of employment and out of poverty.

FREDERICA S. WILSON.

