

Union Calendar No. 109

105TH CONGRESS
1ST Session

H. R. 1853

[Report No. 105-177]

A BILL

To amend the Carl D. Perkins Vocational and
Applied Technology Education Act.

JULY 14, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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To amend the Carl D. Perkins Vocational and Applied Technology Education Act.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1997

Mr. RIGGS introduced the following bill; which was referred to the Committee on Education and the Workforce

JULY 14, 1997

Additional sponsors: Mr. PETERSON of Pennsylvania, Mr. GREENWOOD, and Mr. GRAHAM

JULY 14, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 10, 1997]

A BILL

To amend the Carl D. Perkins Vocational and Applied Technology Education Act.

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Carl D. Perkins Voca-*
3 *tional-Technical Education Act Amendments of 1997”.*

4 **SEC. 2. REFERENCES TO ACT.**

5 (a) *SHORT TITLE OF ACT.*—Section 1(a) of the Act
6 is amended by striking “(a) *SHORT TITLE.*—” and further
7 by striking “Vocational and Applied Technology” and in-
8 serting “Vocational-Technical”.

9 (b) *REFERENCES TO ACT.*—Except as otherwise ex-
10 pressly provided, whenever in this Act an amendment or
11 repeal is expressed in terms of an amendment to, or repeal
12 of, a title, chapter, part, subpart, section, subsection, or
13 other provision, the reference shall be considered to be made
14 to a title, chapter, part, subpart, section, subsection, or
15 other provision of the Carl D. Perkins Vocational-Tech-
16 nology Education Act as amended in subsection (a).

17 **SEC. 3. TABLE OF CONTENTS.**

18 *Section 1(b) is repealed.*

19 **SEC. 4. PURPOSE.**

20 *Section 2 of the Act is amended to read as follows:*

21 **“SEC. 2. PURPOSE.**

22 *“It is the purpose of this Act to develop more fully*
23 *the academic, occupational, and technical skills of individ-*
24 *uals participating in vocational-technical education pro-*
25 *grams. This purpose will be achieved through concentrating*
26 *resources on improving vocational-technical education pro-*

1 *grams leading to academic and technical skill competencies*
2 *needed to work in a technologically advanced society.”.*

3 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

4 *Section 3 of the Act is amended—*

5 *(1) in subsection (a) by striking*
6 *“\$1,600,000,000” and all that follows and inserting*
7 *“\$1,300,000,000, for fiscal year 1998 and such sums*
8 *as may be necessary for each of the 4 succeeding fiscal*
9 *years to carry out the provisions of titles I and II.”;*

10 *(2) by amending subsection (b) to read as fol-*
11 *lows:*

12 *“(b) TITLE I.—Of the amounts made available under*
13 *subsection (a)—*

14 *“(1) 1.5 percent shall be reserved to carry out*
15 *section 103, relating to Indian and Native Hawaiians*
16 *programs; and*

17 *“(2) 0.2 percent shall be reserved to carry out*
18 *section 101A, relating to the territories.”; and*

19 *(3) by striking subsections (c) through (f).*

1 **TITLE I—VOCATIONAL-TECH-**
 2 **NICAL EDUCATION ASSIST-**
 3 **ANCE TO THE STATES**

4 **SEC. 101. ALLOTMENT.**

5 (a) *IN GENERAL.*—Title I is amended by striking the
 6 matter preceding the text of section 101 and inserting the
 7 following:

8 **“TITLE I—VOCATIONAL-TECH-**
 9 **NICAL EDUCATION ASSIST-**
 10 **ANCE TO THE STATES**

11 **“PART A—ALLOTMENT AND ALLOCATION”**

12 **“SEC. 101. ALLOTMENT.”.**

13 (b) *ALLOTMENT.*—

14 (1) *Paragraphs (1) and (2) of section 101(a) are*
 15 *amended to read as follows:*

16 *“(a) SPECIFIC POPULATIONS.—*

17 *“(1) IN GENERAL.—In each fiscal year, from*
 18 *amounts made available under section 3(a), the Sec-*
 19 *retary shall reserve—*

20 *“(A) 1.5 percent to carry out section 103, of*
 21 *which—*

22 *“(i) 1.25 percent shall be available to*
 23 *carry out section 103(c); and*

24 *“(ii) 0.25 percent shall be available to*
 25 *carry out section 103(i); and*

1 “(B) 0.2 percent for the purpose of carrying
2 out section 101A.

3 “(2) *REMAINDER OF FUNDS.*—From the remain-
4 der of the sums appropriated pursuant to section 3,
5 the Secretary shall allot to each State for each fiscal
6 year—

7 “(A) an amount which bears the same ratio
8 to 50 percent of the sums being allotted as the
9 product of the population aged 15 to 19 inclu-
10 sive, in the State in the fiscal year preceding the
11 fiscal year for which the determination is made
12 and the State’s allotment ratio bears to the sum
13 of the corresponding products for all the States;
14 and

15 “(B) an amount which bears the same ratio
16 to 50 percent of the sums being allotted as the
17 product of the population aged 20 to 24, inclu-
18 sive, in the State in the fiscal year preceding the
19 fiscal year for which the determination is made
20 and the State’s allotment ratio bears to the sum
21 of the corresponding products for all the States.”

22 (2) Paragraph (3) of section 101(a) is amend-
23 ed—

24 (A) by striking subparagraphs (A) and (C);

1 (B) by redesignating subparagraphs (B)
2 and (D) as (A) and (B), respectively;

3 (C) in subparagraph (A), as redesignated,
4 by striking clause (i), and inserting the follow-
5 ing:

6 “(i) Notwithstanding any other provi-
7 sion of law and subject to subparagraph (B)
8 and clause (ii), no State shall receive less
9 than $\frac{1}{2}$ of 1 percent of the amount available
10 for each such program for each fiscal year
11 under this subsection.”; and

12 (D) in subparagraph (A)(ii), as redesi-
13 gnated, by striking “or part A, B, C, D, or E of
14 title III”.

15 (3) By amending subsection (c) to read as fol-
16 lows:

17 “(c) ALLOTMENT RATIO.—

18 “(1) IN GENERAL.—The allotment ratio for any
19 State shall be 1.00 less the product of—

20 “(A) 0.50; and

21 “(B) the quotient obtained by dividing the
22 per capita income for the State by the per capita
23 income for all the States (exclusive of Puerto
24 Rico and the Virgin Islands), except that—

1 “(i) the allotment ratio in no case shall
2 be more than 0.55 or less than 0.40; and

3 “(ii) the allotment ratio for Puerto
4 Rico and the Virgin Islands shall be 0.55.

5 “(2) ALLOTMENT RATIOS.—The allotment ratios
6 shall be promulgated by the Secretary for each fiscal
7 year between October 1 and December 31 of the fiscal
8 year preceding the fiscal year for which the deter-
9 mination is made. Allotment ratios shall be computed
10 on the basis of the average of the appropriate per cap-
11 ita incomes for the 3 most recent consecutive fiscal
12 years for which satisfactory data are available.

13 “(3) DEFINITION.—The term ‘per capita income’
14 means, with respect to a fiscal year, the total personal
15 income in the calendar year ending in such year, di-
16 vided by the population of the area concerned in such
17 year.

18 “(4) POPULATION DETERMINATION.—For the
19 purposes of this section, population shall be deter-
20 mined by the Secretary on the basis of the latest esti-
21 mates available to the Department.”.

22 **SEC. 101A. THE TERRITORIES.**

23 Section 101A of the Act is amended by inserting after
24 subsection (c) the following new subsection:

1 “(d) *RESTRICTION.*—Notwithstanding any other pro-
2 vision of law, the Republic of the Marshall Islands, the Fed-
3 erated States of Micronesia, and the Republic of Palau shall
4 not receive any funds under this part for any fiscal year
5 that begins after September 30, 2001.”.

6 **SEC. 102. WITHIN STATE ALLOTMENTS.**

7 Section 102 is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1) by striking “at least”
10 and all that follows through the semicolon and
11 inserting “an amount equal to not less than 90
12 percent of the allotment shall be available for
13 basic programs under part B of title II;”;

14 (B) by striking paragraph (2);

15 (C) by redesignating paragraphs (3) and
16 (4) as paragraphs (2) and (3), respectively;

17 (D) in paragraph (2), as redesignated, by
18 striking “8.5” and inserting “8” and further by
19 adding after the semicolon “and”;

20 (E) in paragraph (3), as redesignated—

21 (i) by striking “5” and inserting “2”;

22 (ii) by striking “of which—” and all
23 that follows through “and” at the end and
24 inserting the following:

25 “which may be used for the costs of—

1 “(A) developing the State application;

2 “(B) reviewing local applications;

3 “(C) monitoring and evaluating program
4 effectiveness; and

5 “(D) assuring compliance with all applica-
6 ble Federal laws.”; and

7 (F) by striking paragraph (5);

8 (2) in subsection (b) by striking “(a)(4)” and in-
9 sserting “(a)(3)”; and

10 (3) by striking subsection (c) and inserting the
11 following:

12 “(c) *RURAL RESERVE*.—A State may reserve not more
13 than 10 percent of the allotment made under section
14 102(a)(1) to use for grants to rural areas.

15 “(d) *INCENTIVE AWARDS*.—A State may reserve not
16 more than 5 percent of the allotment made under section
17 102(a)(1) to make awards—

18 “(1) to a local eligible recipient that meets or ex-
19 ceeds the State benchmarks described in section 114;

20 “(2) to a local eligible recipient that meets or ex-
21 ceeds the average State graduation rate; or

22 “(3) to assist a local eligible recipient that has
23 significantly failed to meet the State benchmarks de-
24 scribed in section 114, or has a graduation rate that

1 *is significantly below the average State graduation*
2 *rate.”*

3 **SEC. 103. INDIAN AND NATIVE HAWAIIAN PROGRAMS.**

4 *Section 103 of the Act is amended to read as follows:*

5 **“SEC. 103. NATIVE AMERICAN PROGRAM.**

6 *“(a) INDIAN POLICY.—All programs assisted under*
7 *this section shall be administered in a manner consistent*
8 *with the principles of the Indian Self-Determination and*
9 *Education Assistance Act (25 U.S.C. 450 et seq.) and the*
10 *government-to-government relationship between the Federal*
11 *Government and Indian tribal governments.*

12 *“(b) DEFINITIONS.—As used in this section:*

13 *“(1) ALASKA NATIVE.—The term ‘Alaska Native’*
14 *means a Native as such term is defined in section*
15 *3(b) of the Alaska Native Claims Settlement Act (43*
16 *U.S.C. 1602(b)).*

17 *“(2) BUREAU FUNDED.—The term ‘Bureau fund-*
18 *ed school’ means—*

19 *“(A) a Bureau school;*

20 *“(B) a contract school; or*

21 *“(C) a school for which assistance is pro-*
22 *vided under the Tribally Controlled Schools Act*
23 *of 1988.*

24 *“(3) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANI-*
25 *ZATION.—The terms ‘Indian’, ‘Indian tribe’, and*

1 *‘tribal organization’ have the meanings given such*
2 *terms in subsections (d), (e), and (l), respectively, of*
3 *section 4 of the Indian Self-Determination and Edu-*
4 *cation Assistance Act (25 U.S.C. 450b).*

5 “(4) *INSTITUTION OF HIGHER EDUCATION.*—*The*
6 *term ‘institution of higher education’ has the meaning*
7 *given such term in section 1201(a) of the Higher*
8 *Education Act of 1965 (20 U.S.C. 1141(a)).*

9 “(5) *NATIVE HAWAIIAN AND NATIVE HAWAIIAN*
10 *ORGANIZATION.*—*The terms ‘Native Hawaiian’ and*
11 *‘Native Hawaiian organization’ have the meanings*
12 *given such terms in paragraphs (1) and (3), respec-*
13 *tively, of section 9212 of the Native Hawaiian Edu-*
14 *cation Act (20 U.S.C. 7912).*

15 “(6) *TRIBALLY CONTROLLED COMMUNITY COL-*
16 *LEGE.*—*The term ‘tribally controlled community col-*
17 *lege’ has the meaning given such term in section*
18 *2(a)(4) of the Tribally Controlled Community College*
19 *Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).*

20 “(7) *TRIBALLY CONTROLLED POSTSECONDARY*
21 *VOCATIONAL INSTITUTION.*—*The term ‘tribally con-*
22 *trolled postsecondary vocational institution’ means an*
23 *institution of higher education that—*

1 “(A) is formally controlled, or has been for-
2 mally sanctioned or chartered, by the governing
3 body of an Indian tribe or Indian tribes;

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

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

8 “(D) demonstrates adherence to stated goals,
9 a philosophy, or a plan of operation, that fosters
10 individual Indian economic and self-sufficiency
11 opportunity, including programs that are appro-
12 priate to stated tribal goals of developing indi-
13 vidual entrepreneurships and self-sustaining eco-
14 nomic infrastructures on reservations;

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

17 “(F) holds accreditation with or is a can-
18 didate for accreditation by a nationally recog-
19 nized accrediting authority for postsecondary vo-
20 cational-technical education; and

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

24 “(c) PROGRAM AUTHORIZED.—

1 “(1) *IN GENERAL.*—*From amounts reserved*
2 *under section 101(a)(1)(A)(i), the Secretary shall*
3 *make grants to Indian tribes, tribal organizations*
4 *and Alaska Native entities to carry out the authorized*
5 *programs described in subsection (d), except that such*
6 *terms shall not include secondary school programs in*
7 *Bureau funded schools.*

8 “(2) *SPECIAL AUTHORITY RELATING TO SECOND-*
9 *ARY SCHOOLS OPERATED OR SUPPORTED BY THE BU-*
10 *REAU OF INDIAN AFFAIRS.*—*An Indian tribe, a tribal*
11 *organization, or an Alaska Native entity, that re-*
12 *ceives funds through a grant made or contract entered*
13 *into under paragraph (1) may use the funds to pro-*
14 *vide assistance to a secondary school operated or sup-*
15 *ported by the Bureau of Indian Affairs to enable such*
16 *school to carry out vocational-technical education*
17 *programs.*

18 “(d) *AUTHORIZED PROGRAMS.*—*Funds made avail-*
19 *able under this section shall be used to carry out vocational-*
20 *technical education programs consistent with the purposes*
21 *of this Act.*

22 “(e) *GRANT APPLICATION.*—*In order to receive a grant*
23 *under this section an entity described in subsection (c) shall*
24 *submit an application to the Secretary and shall include*

1 *an assurance that such entity shall comply with the require-*
2 *ments of this Act.*

3 “(f) *SPECIAL CONSIDERATION.—The Secretary, in*
4 *making grants under subsection (c), shall give special con-*
5 *sideration to—*

6 “(1) *grants which involve, coordinate with, or*
7 *encourage tribal economic development plans; and*

8 “(2) *applications from tribally controlled com-*
9 *munity colleges which—*

10 “(A) *are accredited or are candidates for*
11 *accreditation by a nationally recognized accredi-*
12 *tation organization as an institution of post-*
13 *secondary vocational-technical education; or*

14 “(B) *operate vocational-technical education*
15 *programs that are accredited or are candidates*
16 *for accreditation by a nationally recognized ac-*
17 *creditation organization and issue certificates for*
18 *completion of vocational-technical education pro-*
19 *grams.*

20 “(g) *CONSOLIDATION OF FUNDS.—Each entity receiv-*
21 *ing assistance under this section may consolidate such as-*
22 *sistance with assistance received from related programs in*
23 *accordance with the provisions of the Indian Employment,*
24 *Training and Related Services Demonstration Act of 1992*
25 *(25 U.S.C 3401 et seq.).*

1 “(h) *NONDUPLICATIVE AND NONEXCLUSIVE SERV-*
2 *ICES.—Nothing in this section shall be construed—*

3 “(1) *to limit the eligibility of any entity de-*
4 *scribed in subsection (c) to participate in any activ-*
5 *ity offered by a State or local entity under this title;*
6 *or*

7 “(2) *to preclude or discourage any agreement,*
8 *between any entity described in subsection (c) and*
9 *any State or local entity, to facilitate the provision*
10 *of services by such entity or to the population served*
11 *by such entity.*

12 “(i) *NATIVE HAWAIIAN PROGRAMS.—From the funds*
13 *reserved pursuant to section 101(a)(1)(A)(ii), the Secretary*
14 *is directed to enter into contracts with organizations pri-*
15 *marily serving and representing Native Hawaiian Pro-*
16 *grams which are recognized by the Governor of the State*
17 *of Hawaii to plan, conduct, and administer programs, or*
18 *portions thereof, which are authorized by and consistent*
19 *with the provisions of this section for the benefit of Native*
20 *Hawaiian Programs.”.*

21 **SEC. 104. TRIBALLY CONTROLLED POSTSECONDARY VOCA-**
22 **TIONAL INSTITUTIONS.**

23 *Part A of title I of the Act is amended by adding at*
24 *the end the following:*

1 **“SEC. 104. TRIBALLY CONTROLLED POSTSECONDARY VOCA-**
2 **TIONAL-TECHNICAL EDUCATION PROGRAMS**

3 “(a) *GRANTS AUTHORIZED.*—*The Secretary shall, sub-*
4 *ject to the availability of appropriations, make grants pur-*
5 *suant to this section to tribally controlled postsecondary vo-*
6 *cational-technical institutions to provide basic support for*
7 *the education and training of Indian students.*

8 “(b) *USE OF GRANTS.*—*Amounts made available pur-*
9 *suant to this section shall be used for vocational-technical*
10 *education programs.*

11 “(c) *ELIGIBLE GRANT RECIPIENTS.*—*To be eligible for*
12 *assistance under this section a tribally controlled post-*
13 *secondary vocational-technical institution shall—*

14 “(1) *be governed by a board of directors or trust-*
15 *ees, a majority of whom are Indians;*

16 “(2) *have been in operation for at least 3 years;*

17 “(3) *hold accreditation with or be a candidate*
18 *for accreditation by a nationally recognized accredit-*
19 *ing authority for postsecondary vocational-technical*
20 *education; and*

21 “(4) *enroll the full-time equivalent of not less*
22 *than 100 students, of whom a majority are Indians.*

23 “(d) *APPLICATIONS.*—*Any tribally controlled post-*
24 *secondary vocational-technical institution that desires to re-*
25 *ceive a grant under this section shall submit an application*

1 *to the Secretary in such manner and form as the Secretary*
2 *may require.*

3 “(e) *OTHER PROGRAMS.*—

4 “(1) *IN GENERAL.*—*Except as specifically pro-*
5 *vided in this Act, eligibility for assistance under this*
6 *section shall not preclude any tribally controlled post-*
7 *secondary vocational-technical institution from re-*
8 *ceiving Federal financial assistance under any pro-*
9 *gram authorized under the Higher Education Act of*
10 *1965 or any other applicable program for the benefit*
11 *of institutions of higher education or vocational-techn-*
12 *ical education.*

13 “(2) *PROHIBITION ON ALLOCATION OF GRANT*
14 *AMOUNT.*—*The amount of any grant for which trib-*
15 *ally controlled postsecondary vocational-technical in-*
16 *stitutions are eligible under this subpart shall not be*
17 *altered because of funds allocated to any such institu-*
18 *tion from funds appropriated under the Act of No-*
19 *vember 2, 1921.*

20 “(3) *PROHIBITION ON CONTRACT DENIAL.*—*No*
21 *tribally controlled postsecondary vocational-technical*
22 *institution for which an Indian tribe has designated*
23 *a portion of the funds appropriated for the tribe from*
24 *funds appropriated under the Act of November 2,*
25 *1921, may be denied a contract for such portion*

1 *under the Indian Self-Determination and Education*
2 *Assistance Act (except as provided in that Act), or de-*
3 *nyed appropriate contract support to administer such*
4 *portion of the appropriated funds.*

5 *“(f) DEFINITIONS.—For the purposes of this section:*

6 *“(1) INDIAN.—The terms ‘Indian’ and ‘Indian*
7 *tribe’ have the meanings given such terms in section*
8 *2 of the Tribally Controlled Community College As-*
9 *sistance Act of 1978.*

10 *“(2) TRIBALLY CONTROLLED POSTSECONDARY*
11 *VOCATIONAL-TECHNICAL INSTITUTION.—The term*
12 *‘tribally controlled postsecondary vocational-technical*
13 *institution’ means an institution of higher education*
14 *which is formally controlled, or has been formally*
15 *sanctioned or chartered by the governing body of an*
16 *Indian tribe or tribes which offers technical degrees or*
17 *certificate granting programs.*

18 *“(3) INDIAN STUDENT COUNT.—The term ‘In-*
19 *dian student count’ means a number equal to the*
20 *total number of Indian students enrolled in each trib-*
21 *ally controlled vocational-technical institution, deter-*
22 *mined as follows:*

23 *“(A) REGISTRATIONS.—The registrations of*
24 *Indian students as in effect on October 1 of each*
25 *year.*

1 “(B) *SUMMER TERM.*—Credits or clock
2 hours toward a certificate earned in classes of-
3 ferred during a summer term shall be counted to-
4 ward the computation of the Indian student
5 count in the succeeding fall term.

6 “(C) *ADMISSION CRITERIA.*—Credits or
7 clock hours toward a certificate earned in classes
8 during a summer term shall be counted toward
9 the computation of the Indian student count if
10 the institution at which the student is in attend-
11 ance has established criteria for the admission of
12 such student on the basis of the student’s ability
13 to benefit from the education or training offered.
14 The institution shall be presumed to have estab-
15 lished such criteria if the admission procedures
16 for such studies include counseling or testing
17 that measures the student’s aptitude to success-
18 fully complete the course in which the student
19 has enrolled. No credit earned by such student
20 for purposes of obtaining a high school degree or
21 its equivalent shall be counted toward the com-
22 putation of the Indian student count.

23 “(D) *DETERMINATION OF HOURS.*—Indian
24 students earning credits in any continuing edu-
25 cation program of a tribally controlled voca-

1 *tional-technical institution shall be included in*
 2 *determining the sum of all credit or clock hours.*

3 “(E) *CONTINUING EDUCATION.—Credits or*
 4 *clock hours earned in a continuing education*
 5 *program shall be converted to the basis that is in*
 6 *accordance with the institution’s system for pro-*
 7 *viding credit for participation in such programs.*

8 “(g) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 9 *authorized to be appropriated not more than \$4,000,000 for*
 10 *fiscal year 1998 and such sums as may be necessary for*
 11 *each of the 4 succeeding fiscal years to carry out the provi-*
 12 *sions of this section.”.*

13 ***PART B—STATE ORGANIZATIONAL AND***
 14 ***PLANNING RESPONSIBILITIES***

15 ***SEC. 111. STATE ADMINISTRATION.***

16 *Section 111 of this Act is amended—*

17 (1) *in subsection (a)(1)(A), by striking “pursu-*
 18 *ant to section 113(b)(8), section 116, and section*
 19 *117”;*

20 (2) *by striking subsection (a)(1)(B);*

21 (3) *in subsection (a)(1)(C), by striking “con-*
 22 *sultation with” and all that follows through the semi-*
 23 *colon at the end of subsection (a)(1)(C) and inserting*
 24 *“consultation with the Governor and appropriate*
 25 *agencies, groups, and individuals, including business,*

1 *industry and representatives of employees involved in*
2 *the planning, administration, evaluation, and coordi-*
3 *nation of programs funded under this Act;”;* and

4 *(4) by striking subsections (b) through (g) and*
5 *inserting the following:*

6 *“(b) LIST OF PROGRAMS ASSISTED.—The State board*
7 *shall make available to each Private Industry Council es-*
8 *tablished under section 102 of the Job Training Partnership*
9 *Act within the State a listing of all programs assisted under*
10 *this Act.”.*

11 **SEC. 112. STATE COUNCIL ON VOCATIONAL EDUCATION.**

12 *Section 112 of the Act is repealed.*

13 **SEC. 113. STATE APPLICATION.**

14 *Section 113 of the Act is amended—*

15 *(1) by redesignating such section as section 112;*

16 *(2) by striking “PLAN” in the section heading*
17 *and inserting “APPLICATION”;*

18 *(3) in subsection (a)—*

19 *(A) in paragraph (1), by striking “(A)”*
20 *and further by striking all that follows after*
21 *“Secretary” and inserting “an application in*
22 *such manner and accompanied by such informa-*
23 *tion as the Secretary may require but which, at*
24 *a minimum, shall be for a 5-year period.”;*

1 (B) in paragraph (1), by striking subpara-
2 graph (B);

3 (C) by amending paragraph (2) to read as
4 follows:

5 “(2) The State board shall conduct public hearings in
6 the State, after appropriate and sufficient notice, for the
7 purpose of affording all segments of the public and inter-
8 ested organizations and groups an opportunity to present
9 their views and make recommendations regarding the State
10 application. A summary of such recommendations and the
11 State board’s response shall be included with the State ap-
12 plication.”; and

13 (D) by striking paragraph (3); and

14 (4) by striking subsections (b) and (c) and in-
15 serting the following:

16 “(b) CONTENTS.—Each State application shall—

17 “(1) describe the vocational-technical education
18 programs that will be carried out with funds received
19 by the State under this Act, including a description
20 of—

21 “(A) the secondary and postsecondary voca-
22 tional-technical education programs to be carried
23 out at the State level pursuant to section 201,
24 including programs that will be carried out by
25 the State to develop, improve, and expand access

1 to quality, state-of-the-art technology in voca-
2 tional-technical education programs;

3 “(B) the criteria that will be used by the
4 State in approving applications of eligible re-
5 cipients of funds under this Act; and

6 “(C) how such programs will prepare voca-
7 tional-technical education students for opportu-
8 nities in postsecondary education or entry into
9 high skill, high wage jobs;

10 “(2) describe how the State will actively involve
11 parents, teachers, local businesses (including small-
12 and medium-sized businesses) and representatives of
13 employees in the planning, development, and imple-
14 mentation of such vocational-technical education pro-
15 grams;

16 “(3) describe how funds received by the State
17 through the allotment made under section 102 will be
18 allocated among secondary school vocational-technical
19 education, or postsecondary and adult vocational-
20 technical education, or both, including the rationale
21 for such allotment;

22 “(4) describe how the State will—

23 “(A) improve the academic and technical
24 skills of students participating in vocational-
25 technical education programs which includes

1 *strengthening the academic component of voca-*
2 *tional-technical education programs through the*
3 *integration of academics with vocational-tech-*
4 *nical education to ensure learning in the core*
5 *academic subjects and provide students with*
6 *strong experience and understanding of all as-*
7 *pects of the industry; and*

8 *“(B) ensure that students who participate*
9 *in such vocational-technical education programs*
10 *are taught to the same challenging academic pro-*
11 *ficiencies as are provided for all other students;*

12 *“(5) describe how the State will annually evalu-*
13 *ate the effectiveness of such vocational-technical edu-*
14 *cation programs and describe how the State is coordi-*
15 *nating such programs to ensure nonduplication with*
16 *other existing Federal programs;*

17 *“(6) identify the benchmarks that the State will*
18 *use to measure the progress of the State, including a*
19 *description of how such benchmarks will ensure con-*
20 *tinuous improvement for vocational-technical students*
21 *in meeting such benchmarks;*

22 *“(7) describe how the State will—*

23 *“(A) provide vocational-technical education*
24 *programs that lead to high skill, high wage ca-*
25 *reers for members of special populations, dis-*

1 *placed homemakers, single parents, and single*
2 *pregnant women; and*

3 “(B) *ensure that members of special popu-*
4 *lations meet State benchmarks established under*
5 *section 114 and are prepared for postsecondary*
6 *education, further learning, and high skill, high*
7 *wage careers;*

8 “(8) *provide a financial audit of funds received*
9 *under this Act; and*

10 “(9) *provide assurances that none of the funds*
11 *expended under this Act will be used to acquire equip-*
12 *ment (including computer software) in any instance*
13 *in which such acquisition results in a direct financial*
14 *benefit to any organization representing the interests*
15 *of the purchasing entity or its employees or any affil-*
16 *iate of such an organization.*

17 “(c) *AMENDMENTS.—The State board may submit*
18 *amendments to the State application, as necessary, during*
19 *the 5-year period. Such amendments shall be submitted in*
20 *accordance with section 113(c).”.*

21 **SEC. 114. SUBMISSION OF STATE APPLICATION.**

22 *Section 114 of the Act is amended—*

23 (1) *by redesignating such section as section 113;*

1 (2) by striking “**STATE PLAN APPROVAL**” in
2 the section heading and inserting “**SUBMISSION OF**
3 **STATE APPLICATION**”;

4 (3) by striking subsections (a) and (b); and

5 (4) by adding at the end the following:

6 “(a) *APPLICATION.*—Each State application shall be
7 submitted to the Secretary by not later than May 1 preced-
8 ing the beginning of the first fiscal year for which a State
9 application is to be in effect.

10 “(b) *CONSULTATION.*—The State board shall develop
11 the portion of each State application relating to the amount
12 and uses of any funds proposed to be reserved for adult vo-
13 cational-technical education, postsecondary vocational-tech-
14 nical education, tech-prep education, and secondary voca-
15 tional-technical education after consultation with the State
16 agency responsible for supervision of community colleges,
17 technical institutes, or other 2-year postsecondary institu-
18 tions primarily engaged in providing postsecondary voca-
19 tional-technical education, and the State agency responsible
20 for secondary education. If a State agency finds that a por-
21 tion of the final State application is objectionable, such
22 agency shall file such objections with the State board. The
23 State board shall respond to any objections of such agency
24 in submitting such application to the Secretary.

1 “(c) *APPLICATION SUBMISSION.*—A State application
2 submitted to the Secretary under this section shall be ap-
3 proved by the Secretary unless the Secretary makes a writ-
4 ten determination, within 90 days after receiving the appli-
5 cation, that the application is in violation of the provisions
6 of this Act.”.

7 **SEC. 115. ACCOUNTABILITY.**

8 Part B of title I is amended by inserting after section
9 113, as redesignated, the following:

10 **“SEC. 114. ACCOUNTABILITY.**

11 “(a) *BENCHMARKS.*—To be eligible to receive an allot-
12 ment under section 102, a State shall develop and identify
13 in the State application submitted under section 113 pro-
14 posed rigorous and quantifiable benchmarks to measure the
15 statewide progress of the State, which shall include, at a
16 minimum, measures, of—

17 “(1) attainment of challenging State academic
18 proficiencies;

19 “(2) attainment of secondary school diplomas or
20 general equivalency diplomas; and

21 “(3) placement in, retention in, and completion
22 of, postsecondary education or advanced training, or
23 placement and retention in military service, or em-
24 ployment.

25 “(b) *PROGRAM IMPROVEMENT AND SANCTIONS.*—

1 “(1) *STATE PROGRAM IMPROVEMENT PLAN.*—If a
2 *State fails to meet its State benchmarks as described*
3 *in the report submitted under subsection (c), the State*
4 *shall develop and implement a program improvement*
5 *plan in consultation with appropriate agencies, indi-*
6 *viduals, and organizations for the first program year*
7 *succeeding the program year in which the State failed*
8 *to meet its benchmarks in order to avoid a sanction*
9 *as provided under paragraph (3).*

10 “(2) *LOCAL IMPROVEMENT PLAN.*—If an eligible
11 *recipient fails to meet its State benchmarks, the eligi-*
12 *ble recipient shall develop a program improvement*
13 *plan with appropriate agencies, individuals, and or-*
14 *ganizations for the succeeding program year.*

15 “(3) *SANCTIONS.*—

16 “(A) *IN GENERAL.*—If a State fails to meet
17 *the State benchmarks required under subsection*
18 *(a), and has not implemented an improvement*
19 *plan as described in paragraph (1), has not*
20 *demonstrated improvement in meeting its bench-*
21 *marks, or has failed to meet its benchmarks for*
22 *2 or more consecutive years, the Secretary may,*
23 *after notice and opportunity for a hearing, or*
24 *withhold from the State all, or a portion of, the*
25 *State’s allotment under this Act. The Secretary*

1 *may waive the sanction due to exceptional or*
2 *uncontrollable circumstances such as a natural*
3 *disaster or a precipitous and unforeseen decline*
4 *in the financial resources of the State.*

5 “(B) *FUNDS RESULTING FROM REDUCED*
6 *ALLOTMENTS.—The amount of funds retained by*
7 *the Secretary as a result of a reduction in an al-*
8 *lotment made under subparagraph (A) shall be*
9 *redistributed to other States in accordance with*
10 *section 101.*

11 “(c) *REPORT.—*

12 “(1) *IN GENERAL.—*

13 “(A) *INFORMATION.—Each State that re-*
14 *ceives an allotment under section 102 shall an-*
15 *nually prepare and submit to the Secretary a re-*
16 *port on how the State is performing on State*
17 *benchmarks that relate to vocational-technical*
18 *education programs. In preparing the report, the*
19 *State may include information on such addi-*
20 *tional vocational-technical education benchmarks*
21 *as the State may establish.*

22 “(B) *SPECIAL POPULATIONS.—The report*
23 *submitted by the State in accordance with sub-*
24 *paragraph (A) shall include a description of how*
25 *special populations, displaced homemakers, sin-*

1 *gle parents, and single pregnant women partici-*
 2 *pating in vocational-technical education pro-*
 3 *grams have met the vocational-technical edu-*
 4 *cation benchmarks established by the State.*

5 “(2) *INFORMATION DISSEMINATION.*—*The Sec-*
 6 *retary shall make the information contained in such*
 7 *reports available to the general public through publi-*
 8 *cation and other appropriate methods which may in-*
 9 *clude electronic communication.*

10 “(3) *BENCHMARK PERFORMANCE.*—*Each local*
 11 *recipient shall make available to the general public*
 12 *information regarding how the local recipient is per-*
 13 *forming in regard to the State benchmarks.”.*

14 **SEC. 116. PROGRAM EVALUATION.**

15 *Sections 115, 116, 117, and 118 of the Act are re-*
 16 *pealed.*

17 **TITLE II—BASIC STATE GRANTS**
 18 **FOR VOCATIONAL-TECHNICAL**
 19 **EDUCATION**

20 **SEC. 201. STATE PROGRAMS.**

21 (a) *HEADING.*—*The heading for title II is amended to*
 22 *read as follows:*

1 **“TITLE II—BASIC STATE GRANTS**
2 **FOR VOCATIONAL-TECHNICAL**
3 **EDUCATION”.**

4 *(b) PROGRAMS.—Section 201 of the Act is amended—*

5 *(1) in subsection (a), by striking “102(a)(3)”*
6 *and inserting “102(a)(2)”;*

7 *(2) by amending subsection (b) to read as fol-*
8 *lows:*

9 *“(b) REQUIRED USES OF FUNDS.—The programs de-*
10 *scribed in subsection (a) shall include—*

11 *“(1) an assessment of the vocational-technical*
12 *education programs carried out with funds under this*
13 *Act that includes an assessment of how the needs of*
14 *special populations are being met and how such pro-*
15 *grams will ensure that the benchmarks established*
16 *under section 114 are being met;*

17 *“(2) developing, improving, or expanding the use*
18 *of technology in vocational-technical education which*
19 *may include—*

20 *“(A) training of vocational-technical edu-*
21 *cation personnel to use State-of-the art tech-*
22 *nology, which may include distance learning;*

23 *“(B) providing vocational-technical edu-*
24 *cation students with the academic and technical*

1 *skills that lead to entry into the high technology*
2 *and telecommunications field; or*

3 “(C) *encouraging schools to work with high*
4 *tech industries to offer voluntary internships and*
5 *mentoring programs;*

6 “(3) *professional development programs, includ-*
7 *ing—*

8 “(A) *inservice and preservice training in*
9 *state-of-the-art vocational-technical education*
10 *programs and techniques; and*

11 “(B) *support of education programs for*
12 *teachers of vocational-technical education in*
13 *public schools and other public school personnel*
14 *who are involved in the direct delivery of edu-*
15 *cational services to vocational education students*
16 *to ensure that such teachers stay current with the*
17 *needs, expectations, and methods of industry;*
18 *and*

19 “(4) *support for vocational-technical education*
20 *programs that improve the academic and technical*
21 *skills of students participating in vocational-technical*
22 *education programs by strengthening the academic*
23 *component of such vocational-technical education pro-*
24 *grams through the integration of academics with vo-*

1 *cational-technical education to ensure learning in the*
2 *core academic subjects.”;*

3 *(3) by amending subsection (c) to read as fol-*
4 *lows:*

5 *“(c) PERMISSIBLE USES OF FUNDS.—The programs*
6 *under subsection (a) may include—*

7 *“(1) technical support for eligible recipients;*

8 *“(2) support for tech-prep programs;*

9 *“(3) support for programs for single parents,*
10 *displaced homemakers, single pregnant women, and*
11 *individuals in nontraditional occupations that lead to*
12 *high skill, high wage careers;*

13 *“(4) support for cooperative education;*

14 *“(5) support for vocational student organiza-*
15 *tions;*

16 *“(6) support for public charter schools operating*
17 *secondary vocational-technical education programs;*

18 *“(7) support for vocational-technical education*
19 *programs that offer experience in, and understanding*
20 *of, all aspects of the industry for which students are*
21 *preparing to enter;*

22 *“(8) support for family and consumer sciences*
23 *programs; and*

24 *“(9) support for corrections vocational-technical*
25 *education.”; and*

1 (4) *by adding after subsection (c) the following*
2 *new subsection:*

3 “(d) *RESTRICTION ON USES OF FUNDS.—A State that*
4 *receives funds under section 102(a)(2) may not use any of*
5 *such funds to pay administrative costs.”.*

6 **SEC. 202. SECONDARY, POSTSECONDARY, AND ADULT VOCA-**
7 **TION-TECHNICAL EDUCATION PROGRAMS.**

8 *Part B of title II of the Act is amended to read as*
9 *follows:*

10 **“PART B—SECONDARY, POSTSECONDARY, AND**
11 **ADULT VOCATIONAL-TECHNICAL EDUCATION**
12 **PROGRAMS**

13 **“Subpart 1—Within-State Allocation**

14 **“SEC. 221. DISTRIBUTION OF FUNDS TO SECONDARY**
15 **SCHOOL PROGRAMS.**

16 “(a) *GENERAL RULE.—Except as otherwise provided*
17 *in this section and section 223, each State shall distribute*
18 *the funds received under this Act and available in fiscal*
19 *year 1998 for secondary school vocational-technical edu-*
20 *cation to local educational agencies within the State as fol-*
21 *lows:*

22 “(1) *From 70 percent of such funds, each local*
23 *educational agency shall be allocated an amount that*
24 *bears the same relationship to such 70 percent as the*
25 *amount such local educational agency was allocated*

1 *under section 1124 or such section's predecessor au-*
2 *thority of the Elementary and Secondary Education*
3 *Act of 1965 in the preceding fiscal year bears to the*
4 *total amount received under such section by local edu-*
5 *cational agencies in the State in such year.*

6 *“(2) From 20 percent of such funds, each local*
7 *educational agency shall be allocated an amount that*
8 *bears the same relationship to such 20 percent as the*
9 *number of students with disabilities who have indi-*
10 *vidualized education programs under section 614(d)*
11 *of the Individuals with Disabilities Education Act*
12 *who are served by such local educational agency in*
13 *the preceding fiscal year bears to the total number of*
14 *such students served by local educational agencies in*
15 *the State in such year.*

16 *“(3) From 10 percent of such funds, each local*
17 *educational agency shall be allocated an amount that*
18 *bears the same relationship to such 10 percent as the*
19 *number of students enrolled in schools and adults en-*
20 *rolled in training programs under the jurisdiction of*
21 *such local educational agency in the preceding fiscal*
22 *year bears to the number of students enrolled in*
23 *schools and adults enrolled in training programs*
24 *under the jurisdiction of all local educational agencies*
25 *in the State in such year.*

1 “(b) *ALLOCATION FOR SUBSEQUENT FISCAL YEARS.*—
2 *In fiscal year 1999, and the succeeding 3 fiscal years, each*
3 *State shall distribute the funds available in any such fiscal*
4 *year for secondary school vocational-technical education*
5 *programs to local educational agencies within the State as*
6 *follows:*

7 “(1) *POPULATION.*—50 percent shall be allocated
8 *to such agencies in proportion to the number of indi-*
9 *viduals aged 15 to 19, inclusive, who reside in the*
10 *school district served by such agency for the preceding*
11 *fiscal year compared to the total number of such indi-*
12 *viduals who reside in the school districts served by*
13 *all local educational agencies in the State for such*
14 *preceding year.*

15 “(2) *INCOME.*—50 percent shall be allocated to
16 *such agencies in proportion to the number of individ-*
17 *uals aged 15 through 19, inclusive, who reside in the*
18 *school district served by such agency from families*
19 *with incomes below the poverty line (as defined by the*
20 *Office of Management and Budget and revised annu-*
21 *ally in accordance with section 673(2) of the Commu-*
22 *nity Services Block Grant Act (42 U.S.C. 9902(2)))*
23 *applicable to a family of the size involved for the fis-*
24 *cal year for which the determination is made com-*

1 *pared to the number of such individuals in all the*
2 *local educational agencies in the State.*

3 *“(c) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—*

4 *The Secretary may waive the application of subsection (b)*
5 *in the case of any State that submits to the Secretary an*
6 *application for such a waiver that—*

7 *“(1) demonstrates that the formula described in*
8 *subsection (b) does not result in a distribution of*
9 *funds to local educational agencies within the State*
10 *that have the greatest economic need and that an al-*
11 *ternative formula would result in such a distribution;*
12 *and*

13 *“(2) includes a proposal for such an alternative*
14 *formula.*

15 *“(d) MINIMUM GRANT AMOUNT.—*

16 *“(1) IN GENERAL.—Except as provided in para-*
17 *graph (2), no local educational agency shall be eligi-*
18 *ble for a grant under this part unless the amount al-*
19 *located to such agency under subsections (a) and (b)*
20 *is not less than \$7,500. A local educational agency*
21 *may enter into a consortium with other local edu-*
22 *cational agencies for purposes of meeting the mini-*
23 *imum allocation requirement of this paragraph.*

1 “(2) *WAIVER.*—*The State shall waive the appli-*
2 *cation of paragraph (1) in any case in which the*
3 *local educational agency—*

4 “(A)(i) *is located in a rural, sparsely popu-*
5 *lated area, or*

6 “(ii) *is a public charter school operating*
7 *secondary vocational-technical education pro-*
8 *grams; and*

9 “(B) *demonstrates that the agency is unable*
10 *to enter into a consortium for purposes of pro-*
11 *viding services under this part.*

12 “(3) *REDISTRIBUTION.*—*Any amounts that are*
13 *not allocated by reason of paragraph (1) or para-*
14 *graph (2) shall be redistributed to local educational*
15 *agencies that meet the requirements of paragraph (1)*
16 *or (2) in accordance with the provisions of this sec-*
17 *tion.*

18 “(e) *LIMITED JURISDICTION AGENCIES.*—

19 “(1) *IN GENERAL.*—*In applying the provisions*
20 *of subsections (a), (b), (c), and (d), no State receiving*
21 *assistance under this Act shall allocate funds to a*
22 *local educational agency that serves only elementary*
23 *schools, but shall distribute such funds to the local*
24 *educational agency or regional educational agency*

1 *that provides secondary school services to secondary*
2 *school students in the same attendance area.*

3 “(2) *SECONDARY SCHOOL JURISDICTION.—The*
4 *amount to be allocated under paragraph (1) to a local*
5 *educational agency that has jurisdiction only over*
6 *secondary schools shall be determined based on the*
7 *number of students that were enrolled in such second-*
8 *ary schools in the previous year from the elementary*
9 *schools involved.*

10 “(f) *ALLOCATIONS TO AREA VOCATIONAL-TECHNICAL*
11 *EDUCATION SCHOOLS AND EDUCATIONAL SERVICE AGEN-*
12 *CIES.—*

13 “(1) *IN GENERAL.—Each State shall distribute*
14 *funds available for secondary school vocational-tech-*
15 *nical education programs to the appropriate area vo-*
16 *cational-technical education school or educational*
17 *service agency in any case in which the area voca-*
18 *tional-technical education school or educational serv-*
19 *ice agency and the local educational agency con-*
20 *cerned—*

21 “(A) *have formed or will form a consortium*
22 *for the purpose of receiving funds under this sec-*
23 *tion; or*

24 “(B) *have entered into or will enter into a*
25 *cooperative arrangement for such purpose.*

1 “(2) *ALLOCATION BASIS.*—*If an area vocational-*
2 *technical education school or educational service agen-*
3 *cy meets the requirements of paragraph (1), then the*
4 *amount that would otherwise be distributed to the*
5 *local educational agency shall be allocated to the area*
6 *vocational-technical education school, the educational*
7 *service agency, and the local educational agency based*
8 *on each school’s or entity’s relative share of students*
9 *who are attending vocational-technical education pro-*
10 *grams (based, if practicable, on the average enroll-*
11 *ment for the prior 3 years).*

12 “(3) *APPEALS PROCEDURE.*—*The State board*
13 *shall establish an appeals procedure for resolution of*
14 *any dispute arising between a local educational agen-*
15 *cy and an area vocational-technical education school*
16 *or an educational service agency with respect to the*
17 *allocation procedures described in this section, includ-*
18 *ing the decision of a local educational agency to leave*
19 *a consortium or terminate a cooperative arrangement.*

20 “(g) *CONSORTIUM REQUIREMENTS.*—

21 “(1) *ALLIANCE.*—*Any local educational agency*
22 *receiving an allocation that is not sufficient to con-*
23 *duct a program which meets the requirements of sec-*
24 *tion 225 is encouraged to—*

1 “(A) form a consortium or enter into a co-
2 operative agreement with an area vocational-
3 technical education school or educational service
4 agency offering programs that meet the require-
5 ments of section 225;

6 “(B) transfer such allocation to the area vo-
7 cational-technical education school or edu-
8 cational service agency; and

9 “(C) be of sufficient size, scope, and quality
10 as to be effective.

11 “(2) FUNDS TO CONSORTIUM.—Funds allocated
12 to a consortium formed to meet the requirements of
13 this paragraph shall be used only for purposes and
14 programs that are mutually beneficial to all members
15 of the consortium and can be used only for programs
16 authorized under this Act. Such funds may not be re-
17 allocated to individual members of the consortium for
18 purposes or programs benefiting only one member of
19 the consortium.

20 “(h) DATA.—The Secretary shall collect information
21 from States regarding the specific dollar allocations made
22 available by the State for vocational-technical education
23 programs under subsections (a), (b), (c), and (d) and how
24 these allocations are distributed to local educational agen-
25 cies, area vocational-technical education schools, edu-

1 *cational services agencies, and eligible institutions within*
2 *the State in accordance with this section.*

3 **“SEC. 222. DISTRIBUTION OF FUNDS FOR POSTSECONDARY**
4 **AND ADULT VOCATIONAL-TECHNICAL EDU-**
5 **CATION PROGRAMS.**

6 “(a) *ALLOCATION.*—

7 “(1) *IN GENERAL.*—*Except as provided in sub-*
8 *sections (b) and (c) and section 223, each State shall*
9 *distribute funds available in any fiscal year for post-*
10 *secondary and adult vocational-technical education*
11 *programs to eligible institutions or consortia of eligi-*
12 *ble institutions within the State.*

13 “(2) *FORMULA.*—*Each eligible institution or*
14 *consortium of eligible institutions shall receive an*
15 *amount that bears the same relationship to the*
16 *amount of funds available under such section as the*
17 *number of individuals who are Pell Grant recipients*
18 *or recipients of assistance from the Bureau of Indian*
19 *Affairs and are enrolled in programs meeting the re-*
20 *quirements of section 225 offered by such institution*
21 *or consortium in the preceding fiscal year bears to the*
22 *number of such recipients enrolled in such programs*
23 *within the State for such year.*

24 “(3) *CONSORTIUM REQUIREMENTS.*—

1 “(A) *IN GENERAL.*—*In order for a consor-*
2 *tium of eligible institutions described in para-*
3 *graph (2) to receive assistance pursuant to such*
4 *paragraph, such consortium shall operate joint*
5 *projects that—*

6 “(i) *provide services to all postsecond-*
7 *ary institutions participating in the consor-*
8 *tium; and*

9 “(ii) *are of sufficient size, scope, and*
10 *quality as to be effective.*

11 “(B) *FUNDS TO CONSORTIUM.*—*Funds allo-*
12 *cated to a consortium formed to meet the require-*
13 *ments of this section shall be used only for pur-*
14 *poses and programs that are mutually beneficial*
15 *to all members of the consortium and can be*
16 *used only for programs authorized under this*
17 *Act. Such funds may not be reallocated to indi-*
18 *vidual members of the consortium for purposes*
19 *or programs benefiting only one member of the*
20 *consortium.*

21 “(b) *WAIVER FOR MORE EQUITABLE DISTRIBUTION.*—
22 *The Secretary may waive the application of subsection (a)*
23 *in the case of any State that submits to the Secretary of*
24 *Education an application for such a waiver that—*

1 “(1) demonstrates that the formula described in
2 subsection (a) does not result in a distribution of
3 funds to the institutions or consortia within the State
4 that have the highest numbers of economically dis-
5 advantaged individuals and that an alternative for-
6 mula would result in such a distribution; and

7 “(2) includes a proposal for such an alternative
8 formula.

9 “(c) *MINIMUM GRANT AMOUNT.*—

10 “(1) *IN GENERAL.*—No funds provided to any
11 institution or consortium under this section shall be
12 for an amount that is less than \$20,000.

13 “(2) *REDISTRIBUTION.*—Any amounts that are
14 not distributed by reason of paragraph (1) shall be re-
15 distributed to eligible institutions or consortia of eli-
16 gible institutions in accordance with the provisions of
17 this section.

18 “(d) *DEFINITIONS.*—For the purposes of this section—

19 “(1) the term ‘eligible institution’ means an in-
20 stitution of higher education as such term is defined
21 in section 1201(a) of the Higher Education Act of
22 1965, a local educational agency serving adults, or an
23 area vocational education school serving adults that
24 offers or will offer a program that meets the require-

1 *ments of section 225 and seeks to receive assistance*
2 *under this part; and*

3 *“(2) the term ‘Pell Grant’ means a recipient of*
4 *financial aid under subpart 1 of part A of title IV*
5 *of the Higher Education Act of 1965.*

6 **“SEC. 223. SPECIAL RULES FOR VOCATIONAL-TECHNICAL**
7 **EDUCATION.**

8 *“(a) SPECIAL RULE FOR MINIMAL ALLOCATION.—*

9 *“(1) GENERAL AUTHORITY.—Notwithstanding*
10 *the provisions of sections 221 and 222 and in order*
11 *to make a more equitable distribution of funds for*
12 *programs serving the areas of greatest economic need,*
13 *for any program year for which a minimal amount*
14 *is made available by a State for distribution under*
15 *section 221 or 222, such State may distribute such*
16 *minimal amount for such year—*

17 *“(A) on a competitive basis; or*

18 *“(B) through any alternative method deter-*
19 *mined by the State.*

20 *“(2) MINIMAL AMOUNT.—For purposes of this*
21 *section, the term ‘minimal amount’ means not more*
22 *than 15 percent of the total amount made available*
23 *for distribution under this part.*

24 *“(b) REDISTRIBUTION.—*

1 “(1) *IN GENERAL.*—*In any academic year that*
2 *a local educational agency or eligible institution does*
3 *not expend all of the amounts it is allocated for such*
4 *year under section 221 or 222, such recipient shall re-*
5 *turn any unexpended amounts to the State to be re-*
6 *allocated under section 221 or 222, as appropriate.*

7 “(2) *REDISTRIBUTION OF AMOUNTS RETURNED*
8 *LATE IN AN ACADEMIC YEAR.*—*In any academic year*
9 *in which amounts are returned to the State under sec-*
10 *tion 221 or 222 and the State is unable to reallocate*
11 *such amounts according to such sections in time for*
12 *such amounts to be expended in such academic year,*
13 *the State shall retain such amounts for distribution*
14 *in combination with amounts provided under this*
15 *title for the following academic year.*

16 “(c) *CONSTRUCTION.*—*Nothing in section 221 or 222*
17 *shall be construed—*

18 “(1) *to prohibit a local educational agency (or a*
19 *consortium thereof) that receives assistance under sec-*
20 *tion 221, from working with an eligible recipient (or*
21 *consortium thereof) that receives assistance under sec-*
22 *tion 222, to carry out secondary school vocational-*
23 *technical education programs in accordance with this*
24 *title;*

1 “(2) to prohibit an eligible recipient (or consor-
2 tium thereof) that receives assistance under section
3 222, from working with a local educational agency
4 (or consortium thereof) that receives assistance under
5 section 221, to carry out postsecondary and adult vo-
6 cational-technical education programs in accordance
7 with this title; or

8 “(3) to require a charter school that is a local
9 educational agency to jointly establish its eligibility
10 unless the charter school is explicitly permitted to do
11 so under the State’s charter school statute.

12 “(d) **CONSISTENT APPLICATION.**—For purposes of this
13 section, the State board shall provide funds to charter
14 schools that offer vocational-technical education programs
15 that are public schools of the local educational agency in
16 the same manner as it provides those funds to other schools
17 of the local educational agency. Such program within a
18 charter school shall be of sufficient size, scope, and quality
19 as to be effective.

20 “**SEC. 224. LOCAL APPLICATION FOR VOCATIONAL-TECH-**
21 **NICAL EDUCATION PROGRAMS.**

22 “(a) **APPLICATION REQUIRED.**—Any eligible recipient
23 desiring financial assistance under this part shall, in ac-
24 cordance with requirements established by the State board,
25 submit an application to the State board. Such application

1 *shall cover the same period of time as the period of time*
2 *applicable to the State application submitted under section*
3 *112.*

4 “(b) *CONTENTS.—The State board shall determine re-*
5 *quirements for local applications, except that each applica-*
6 *tion shall—*

7 “(1) *describe how the vocational-technical edu-*
8 *cation programs required under section 225(b) will be*
9 *carried out with funds received under this part;*

10 “(2) *describe how students participating in voca-*
11 *tional-technical education programs carried out with*
12 *funds under this Act will reach the State benchmarks*
13 *as established under section 114;*

14 “(3) *describe how the eligible recipient will—*

15 “(A) *improve the academic and technical*
16 *skills of students participating in vocational-*
17 *technical education programs by strengthening*
18 *the academic component of such programs*
19 *through the integration of academics with voca-*
20 *tional-technical education programs through a*
21 *coherent sequence of courses to ensure learning in*
22 *the core academic subjects; and*

23 “(B) *ensure that students who participate*
24 *in such vocational-technical education programs*

1 *are taught to the same challenging academic pro-*
2 *ficiencies as are provided for all other students;*

3 “(4) *describe how parents, students, teachers,*
4 *business and representatives of employees are involved*
5 *in the development and implementation of vocational-*
6 *technical education programs assisted under this Act;*
7 *and*

8 “(5) *provide assurances that the eligible recipient*
9 *will provide a vocational-technical education program*
10 *that is of such size, scope, and quality as to bring*
11 *about improvement in the quality of vocational-techn-*
12 *ical education programs.*

13 **“SEC. 225. LOCAL USES OF FUNDS.**

14 “(a) *GENERAL AUTHORITY.—Each eligible recipient*
15 *that receives a grant under this part shall use such funds*
16 *to improve vocational-technical education programs.*

17 “(b) *REQUIREMENTS FOR USES OF FUNDS.—Funds*
18 *made available under this part shall be used to provide vo-*
19 *cational-technical education programs that—*

20 “(1) *strengthen the academic and technical skills*
21 *of students participating in vocational-technical edu-*
22 *cation programs by strengthening the academic com-*
23 *ponent of such programs through the integration of*
24 *academics with vocational-technical education pro-*

1 *grams through a coherent sequence of courses to en-*
2 *sure learning in the core academic subjects;*

3 *“(2) develop, improve, or expand the use of tech-*
4 *nology in vocational-technical education which may*
5 *include—*

6 *“(A) training of vocational-technical edu-*
7 *cation personnel to use State-of-the art tech-*
8 *nology, which may include distance learning;*

9 *“(B) providing vocational-technical edu-*
10 *cation students with the academic and technical*
11 *skills that lead to entry into the high technology*
12 *and telecommunications field; or*

13 *“(C) encouraging schools to work with high*
14 *tech industries to offer voluntary internships and*
15 *mentoring programs;*

16 *“(3) provide professional development programs,*
17 *including—*

18 *“(A) inservice training in state-of-the-art*
19 *vocational-technical education programs and*
20 *techniques; and*

21 *“(B) support of education programs for*
22 *teachers of vocational-technical education in*
23 *public schools and other public school personnel*
24 *who are involved in the direct delivery of edu-*
25 *cational services to vocational education stu-*

1 *dents, to ensure that such teachers stay current*
2 *with the needs, expectations, and methods of in-*
3 *dustry;*

4 “(4) *support vocational-technical education pro-*
5 *grams that improve the academic and technical skills*
6 *of students participating in vocational-technical edu-*
7 *cation programs by strengthening the academic com-*
8 *ponent of such vocational-technical education pro-*
9 *grams through the integration of academics with vo-*
10 *cational-technical education to ensure learning in the*
11 *core academic subjects; and*

12 “(5) *provide an assessment of the vocational-*
13 *technical education programs carried out with funds*
14 *under this Act, including an assessment of how the*
15 *needs of special populations are being met, and how*
16 *such programs will ensure that the benchmarks estab-*
17 *lished under section 114 are being met.*

18 “(c) *PERMISSIBLE ACTIVITIES.—The vocational-tech-*
19 *nical education programs described in subsection (b) may*
20 *be used for—*

21 “(1) *establishing agreements between secondary*
22 *and postsecondary vocational-technical education pro-*
23 *grams in order to provide postsecondary education*
24 *and training opportunities for students participating*

1 *in such vocational-technical programs, such as tech-*
2 *prep programs;*

3 *“(2) involving parents, business, and representa-*
4 *tives of employees in the design and implementation*
5 *of vocational-technical education programs authorized*
6 *under this Act;*

7 *“(3) providing career guidance and counseling;*

8 *“(4) providing work related experience, such as*
9 *internships, cooperative education, school-based enter-*
10 *prises, entrepreneurship, and job shadowing that are*
11 *related to vocational-technical education programs;*

12 *“(5) programs for single parents, displaced*
13 *homemakers, and single pregnant women;*

14 *“(6) local education and business partnerships;*

15 *“(7) vocational student organizations;*

16 *“(8) mentoring and support services;*

17 *“(9) leasing, purchasing, or upgrading of equip-*
18 *ment; and*

19 *“(10) establishing effective programs and proce-*
20 *dures to enable vocational-technical education pro-*
21 *gram participants and their parents to participate*
22 *directly in decisions that influence the programs, in-*
23 *cluding providing information and assistance for in-*
24 *formed effective participation.*

1 “(d) *ADMINISTRATIVE COSTS.*—Each eligible recipient
2 receiving funds under this part shall not use more than 2
3 percent of the funds for administrative costs associated with
4 the administration of the grant.”.

5 **SEC. 203. REPEAL OF PART C.**

6 *Part C of title II is repealed.*

7 **TITLE III—RESEARCH AND**
8 **DEVELOPMENT**

9 **SEC. 301. EVALUATION; RESEARCH, DEMONSTRATIONS AND**
10 **DISSEMINATION.**

11 (a) *HEADING.*—The heading for title III is amended
12 to read as follows:

13 **“TITLE III—RESEARCH AND**
14 **DEVELOPMENT”.**

15 (b) *PART A.*—Part A of title III is amended to read
16 as follows:

17 **“PART A—RESEARCH AND DEVELOPMENT**
18 **“SEC. 301. EVALUATION; RESEARCH; DEMONSTRATIONS;**
19 **AND DISSEMINATION.**

20 “(a) *SINGLE PLAN.*—

21 “(1) *IN GENERAL.*—The Secretary shall develop
22 a single plan for evaluation and assessment, research,
23 demonstrations, and dissemination with regard to the
24 vocational-technical education programs assisted
25 under this Act.

1 “(2) *PLAN.*—Such plan shall—

2 “(A) *identify the vocational-technical edu-*
3 *cation programs the Secretary will carry out*
4 *under this section;*

5 “(B) *describe how the Secretary will evalu-*
6 *ate such vocational-technical education programs*
7 *in accordance with subsection (b); and*

8 “(C) *include such other information as the*
9 *Secretary determines to be appropriate.*

10 “(b) *EVALUATION AND ASSESSMENT.*—

11 “(1) *IN GENERAL.*—From amounts made avail-
12 *able under subsection (g), the Secretary shall provide*
13 *for the conduct of an independent evaluation and as-*
14 *essment of vocational-technical education programs*
15 *under this Act through studies and analyses con-*
16 *ducted independently through grants and contracts*
17 *awarded on a competitive basis.*

18 “(2) *CONTENTS.*—Such evaluation and assess-
19 *ment of vocational-technical education programs shall*
20 *include descriptions of—*

21 “(A) *the extent to which State, local, and*
22 *tribal entities have developed, implemented, or*
23 *improved State and local vocational-technical*
24 *education programs;*

1 “(B) the degree to which the expenditures at
2 the Federal, State, local, and tribal levels address
3 improvement in vocational-technical education
4 programs;

5 “(C) the extent to which vocational-tech-
6 nical education programs succeed in preparing
7 individuals participating in such programs for
8 entry into postsecondary education, further
9 learning, or high skill, high wage careers; and

10 “(D) the effect of State benchmarks, per-
11 formance measures, and other measures of ac-
12 countability on the delivery of vocational-tech-
13 nical education programs.

14 “(c) *INFORMATION COLLECTION AND REPORT.*—

15 “(1) *IN GENERAL.*—The Secretary may collect
16 and disseminate information from States regarding
17 State efforts to meet State benchmarks described in
18 section 114.

19 “(2) *REPORT.*—The Secretary shall gather any
20 information collected pursuant to paragraph (1) and
21 submit a report to the Committee on Education and
22 the Workforce of the House of Representatives and the
23 Committee on Labor and Human Resources of the
24 Senate.

25 “(d) *RESEARCH.*—

1 “(1) *IN GENERAL.*—*The Secretary shall award*
2 *grants, on a competitive basis, to an institution of*
3 *higher education, a public or private organization or*
4 *agency, or a consortium of such institutions, organi-*
5 *zations, or agencies to establish a national research*
6 *center or centers—*

7 “(A) *to carry out research for the purpose*
8 *of developing, improving, and identifying the*
9 *most successful methods for successfully address-*
10 *ing the education, employment, and training*
11 *needs of participants in vocational-technical*
12 *education programs;*

13 “(B) *to carry out research to increase the ef-*
14 *fectiveness and improve the implementation of*
15 *vocational-technical education programs, includ-*
16 *ing conducting research and development and*
17 *studies providing longitudinal information or*
18 *formative evaluation with respect to vocational-*
19 *technical education programs;*

20 “(C) *to carry out such other programs as*
21 *the Secretary determines to be appropriate to*
22 *achieve the purposes of this Act.*

23 “(2) *SUMMARY.*—*The Secretary shall provide an*
24 *annual report summarizing the evaluations and as-*
25 *sessments described in subsection (b), and the research*

1 *conducted pursuant to this subsection, and the find-*
2 *ings of such evaluations and assessments, and re-*
3 *search, to the Committee on Education and the*
4 *Workforce of the House of Representatives and the*
5 *Committee on Labor and Human Resources of the*
6 *Senate.*

7 “(e) *DEMONSTRATIONS AND DISSEMINATION.*—

8 “(1) *DEMONSTRATION PROGRAM.*—*The Secretary*
9 *is authorized to carry out demonstration vocational-*
10 *technical education programs, to replicate model vo-*
11 *ccational-technical education programs, to disseminate*
12 *best practices information, and to provide technical*
13 *assistance upon request of a State, for the purposes of*
14 *developing, improving, and identifying the most suc-*
15 *cessful methods and techniques for providing voca-*
16 *tional-technical education programs assisted under*
17 *this Act.*

18 “(2) *DEMONSTRATION PARTNERSHIP.*—

19 “(A) *IN GENERAL.*—*The Secretary shall*
20 *carry out a demonstration partnership project*
21 *involving a 4-year, accredited postsecondary in-*
22 *stitution, in cooperation with local public edu-*
23 *cation organizations, volunteer groups, and pri-*
24 *vate sector business participants to provide pro-*
25 *gram support, and facilities for education, train-*

1 ing, tutoring, counseling, employment prepara-
2 tion, specific skills training in emerging and es-
3 tablished professions, retraining of military med-
4 ical personnel, retraining of individuals dis-
5 placed by corporate or military restructuring,
6 migrant workers, and other individuals who oth-
7 erwise would not have access to such services,
8 through multi-site, multi-State distance learning
9 technologies.

10 “(B) PROGRAM.—Such program may be
11 carried out directly or through grants, contracts,
12 cooperative agreements, or through the national
13 center or centers.

14 “(f) DEFINITION.—As used in this section, the term
15 ‘institution of higher education’ has the meaning given the
16 term in section 1201(a) of the Higher Education Act of
17 1965 (20 U.S.C. 1141(a)).

18 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated such sums as may be nec-
20 essary for fiscal year 1998 and such sums as may be nec-
21 essary for each of the 4 succeeding fiscal years to carry out
22 this part.”.

23 **SEC. 302. TECH-PREP EDUCATION.**

24 *Part B of title III is amended to read as follows:*

1 **“PART C—TECH-PREP EDUCATION**

2 **“SEC. 321. TECH-PREP EDUCATION.**

3 “(a) *PROGRAM AUTHORIZED.*—*The State board, in ac-*
4 *cordance with the provisions of this part, shall award*
5 *grants to consortia on a competitive basis or on the basis*
6 *of a formula determined by the State board, for tech-prep*
7 *education programs.*

8 “(b) *GENERAL AUTHORITY.*—*Each grant recipient*
9 *shall use amounts provided under the grant to develop and*
10 *operate a 4-year tech-prep education program.*

11 “(c) *CONTENTS OF PROGRAM.*—*Any such program*
12 *shall—*

13 “(1) *be carried out under an articulation agree-*
14 *ment between the participants in the consortium;*

15 “(2) *consist of the 2 or 4 years of secondary*
16 *school preceding graduation and 2 years of higher*
17 *education, or an apprenticeship program of at least*
18 *2 years following secondary instruction, with a com-*
19 *mon core of required proficiency in mathematics,*
20 *science, communications, and technologies designed to*
21 *lead to an associate degree or postsecondary certificate*
22 *in a specific career field;*

23 “(3) *include the development of tech-prep edu-*
24 *cation program components appropriate to the needs*
25 *of the consortium participants;*

1 “(4) include in-service training for teachers
2 that—

3 “(A) is designed to train vocational-tech-
4 nical teachers to effectively implement tech-prep
5 education programs;

6 “(B) provides for joint training for teachers
7 in the tech-prep consortium; and

8 “(C) may provide such training in weekend,
9 evening, and summer sessions, institutes, or
10 workshops;

11 “(5) include training programs for counselors
12 designed to enable counselors to more effectively—

13 “(A) provide information to students re-
14 garding tech-prep education programs;

15 “(B) support student progress in completing
16 such programs; and

17 “(C) provide information on related em-
18 ployment opportunities;

19 “(6) provide equal access to the full range of
20 technical preparation programs to individuals who
21 are members of special populations, including the de-
22 velopment of tech-prep education program services
23 appropriate to the needs of such individuals; and

24 “(7) provide for preparatory services that assist
25 participants in such programs.

1 “(d) *ADDITIONAL AUTHORIZED ACTIVITIES.—Each*
2 *such program may—*

3 “(1) *provide for the acquisition of tech-prep edu-*
4 *cation program equipment; and*

5 “(2) *acquire technical assistance from State or*
6 *local entities that have successfully designed, estab-*
7 *lished and operated tech-prep programs.*

8 **“SEC. 322. APPLICATIONS.**

9 “(a) *IN GENERAL.—Each consortium that desires to*
10 *receive a grant under this part shall submit an application*
11 *to the State board, as appropriate, at such time and in*
12 *such manner as the State board shall prescribe.*

13 “(b) *PLAN.—Each application submitted under this*
14 *section shall contain a 5-year plan for the development and*
15 *implementation of programs under this part.*

16 “(c) *APPROVAL.—The State board shall approve appli-*
17 *cations based on their potential to create an effective tech-*
18 *prep education program as provided for in this section.*

19 “(d) *SPECIAL CONSIDERATION.—The State board, as*
20 *appropriate, shall give special consideration to applications*
21 *which—*

22 “(1) *provide for effective employment placement*
23 *activities or transfer of students to 4-year baccalaureate degree programs;*
24

1 “(2) are developed in consultation with business,
2 industry, institutions of higher education, and rep-
3 resentatives of employees;

4 “(3) address effectively the issues of dropout pre-
5 vention and reentry and the needs of special popu-
6 lations.

7 **“SEC. 323. REPORT.**

8 “Each State that receives a grant under this part shall
9 annually prepare and submit to the Secretary a report on
10 the effectiveness of their Tech-Prep programs, including how
11 competitive grants were awarded within the State.

12 **“SEC. 324. ALLOTMENT.**

13 “The Secretary shall allot funds under this part in
14 each fiscal year in the same manner as funds are allotted
15 under section 101(a)(2).

16 **“SEC. 325. AUTHORIZATION.**

17 “(a) *IN GENERAL.*—From amounts made available
18 under section 3(a), 10 percent shall be used to carry out
19 this part for fiscal year 1998 and for each of the 4 succeed-
20 ing fiscal years.

21 “(b) *MINIMUM AMOUNT.*—No State shall receive a
22 grant of less than \$200,000 under this part in any fiscal
23 year.”.

1 **SEC. 303. VOCATIONAL-TECHNICAL EDUCATION AND OCCU-**
2 **PATIONAL INFORMATION DATA SYSTEMS.**

3 *Part C of title IV is amended—*

4 *(1) by striking the part heading and inserting*
5 *the following:*

6 **“PART B—VOCATIONAL-TECHNICAL EDUCATION**
7 **INFORMATION”;**

8 *(2) by redesignating sections 421 through 424 as*
9 *sections 311 through 314, respectively.*

10 *(3) by amending subsection (e) of section 312, as*
11 *redesignated under paragraph (2), to read as follows:*

12 *“(e) There are authorized to be appropriated for each*
13 *of fiscal years 1998 through 2002 such sums as may be nec-*
14 *essary to carry out this part.”;*

15 *(4) in section 313(a)(1), as redesignated in para-*
16 *graph (2), by striking “421” and inserting “311”;*
17 *and*

18 *(5) by adding at the end of such part the follow-*
19 *ing new section:*

20 **“SEC. 315. AUTHORIZATION OF APPROPRIATIONS**

21 *“There are authorized to be appropriated for this part*
22 *such sums as may be necessary for fiscal year 1998 and*
23 *such sums as may be necessary for each of the 4 succeeding*
24 *fiscal years.”.*

1 **SEC. 304. REPEALS.**

2 (a) *TITLE III.—Part C of title III of the Act, as the*
3 *Act was in effect on the day before the date of the enactment*
4 *of this Act, is repealed.*

5 (b) *TITLE IV.—The heading for title IV and parts A,*
6 *B, E, and F of such title of the Act are repealed.*

7 **TITLE IV—GENERAL PROVISIONS**

8 **SEC. 401. GENERAL PROVISIONS.**

9 *Title V of the Act is amended to read as follows:*

10 **“TITLE IV—GENERAL**
11 **PROVISIONS**

12 **“PART A—FEDERAL ADMINISTRATIVE**
13 **PROVISIONS**

14 **“SEC. 401. PAYMENTS.**

15 *“The Secretary shall pay from its allotment under sec-*
16 *tion 101 to each State for any fiscal year for which the*
17 *State has a State application submitted in accordance with*
18 *section 113 (including any amendment to such application)*
19 *the Federal share of the costs of carrying out the State ap-*
20 *plication.*

21 **“SEC. 402. FISCAL REQUIREMENTS.**

22 *“(a) SUPPLEMENT NOT SUPPLANT.—Funds received*
23 *under this Act shall be used to supplement, not supplant,*
24 *the amount of funds that would, in the absence of such Fed-*
25 *eral funds, be made available from non-Federal sources for*
26 *vocational-technical education programs.*

1 “(b) *MAINTENANCE OF EFFORT.*—

2 “(1) *DETERMINATION.*—

3 “(A) *IN GENERAL.*—*Except as provided in*
4 *subparagraphs (B) and (C), no payments shall*
5 *be made under this title for any program year*
6 *to a State for vocational-technical education pro-*
7 *grams unless the Secretary of Education deter-*
8 *mines that the fiscal effort per student or the ag-*
9 *gregate expenditures of such State for vocational-*
10 *technical programs for the fiscal year preceding*
11 *the fiscal year for which the determination is*
12 *made, equaled or exceeded such effort or expendi-*
13 *tures for vocational-technical education pro-*
14 *grams, for the second program year preceding*
15 *the fiscal year for which the determination is*
16 *made.*

17 “(B) *COMPUTATION.*—*In computing the fis-*
18 *cal effort or aggregate expenditures pursuant to*
19 *subparagraph (A), the Secretary of Education*
20 *shall exclude capital expenditures, special one-*
21 *time project costs, similar windfalls, and the cost*
22 *of pilot programs.*

23 “(C) *DECREASE IN FEDERAL SUPPORT.*—*If*
24 *the amount made available for vocational-tech-*
25 *nical education programs under this Act for a*

1 *fiscal year is less than the amount made avail-*
2 *able for vocational-technical education programs*
3 *under this Act for the preceding fiscal year, then*
4 *the fiscal effort per student or the aggregate ex-*
5 *penditures of a State required by subparagraph*
6 *(B) for such preceding fiscal year shall be de-*
7 *creased by the same percentage as the percentage*
8 *decrease in the amount so made available.*

9 “(2) *WAIVER.—The Secretary may waive the re-*
10 *quirements of paragraph (1) (with respect to not more*
11 *than 5 percent of expenditures required for the pre-*
12 *ceding fiscal year by any State) for 1 program year*
13 *only, after making a determination that such waiver*
14 *would be equitable due to exceptional or uncontrol-*
15 *lable circumstances affecting the ability of the State*
16 *to meet such requirements, such as a natural disaster*
17 *or an unforeseen and precipitous decline in financial*
18 *resources. No level of funding permitted under such a*
19 *waiver may be used as the basis for computing the*
20 *fiscal effort or aggregate expenditures required under*
21 *this paragraph for years subsequent to the year cov-*
22 *ered by such waiver. The fiscal effort or aggregate ex-*
23 *penditures for the subsequent years shall be computed*
24 *on the basis of the level of funding that would, but for*
25 *such waiver, have been required.*

1 **“SEC. 403. AUTHORITY TO MAKE PAYMENTS.**

2 *“Any authority to make payments or to enter into con-*
3 *tracts under this Act shall be available only to such extent*
4 *or in such amounts as are provided in advance appropria-*
5 *tion Acts.*

6 **“SEC. 404. NATIONAL AND STATE FUNDING.**

7 *“Nothing in this Act shall be construed to permit,*
8 *allow, encourage, or authorize any Federal control over any*
9 *aspect of any private, religious, or home school, whether or*
10 *not a home school is treated as a private school or home*
11 *school under State law. This section shall not be construed*
12 *to bar private, religious, or home schools from participation*
13 *in programs or services under the Act.*

14 **“SEC. 405. FREEDOM TO CHOOSE.**

15 *“None of the funds made available under this Act shall*
16 *be used to—*

17 *“(1) require any individual to choose or pursue*
18 *a specific career path or major;*

19 *“(2) compel any individual to enter into a spe-*
20 *cific course of study which requires as a condition or*
21 *completion, attainment of federally-funded or en-*
22 *dorsed industry recognized skills or standards; or*

23 *“(3) require any individuals to meet or obtain*
24 *federally-funded or endorsed industry recognized*
25 *skills, certificates, or standards.*

1 **“SEC. 406. LIMITATION FOR CERTAIN STUDENTS.**

2 *“None of the funds received under this Act may be used*
3 *to provide vocational-technical education programs to stu-*
4 *dents prior to the seventh grade, except that equipment and*
5 *facilities purchased with funds under this Act may be used*
6 *by such students.*

7 **“SEC. 407. FEDERAL LAWS GUARANTEEING CIVIL RIGHTS.**

8 *“Nothing in this Act shall be construed to be inconsist-*
9 *ent with applicable Federal laws guaranteeing civil rights.*

10 **“SEC. 408. AUTHORIZATION OF SECRETARY.**

11 *“For the purposes of increasing and expanding the use*
12 *of technology in vocational-technical education instruction,*
13 *including the training of vocational-technical education*
14 *personnel as provided in title II, the Secretary is authorized*
15 *to receive funds collected by the Federal Government from*
16 *fees for the use of property, rights-of-way, and easements*
17 *under the control of Federal departments and agencies for*
18 *the placement of telecommunications services that are de-*
19 *pendent, in whole or in part, upon the utilization of general*
20 *spectrum rights for the transmission or reception of such*
21 *services.*

22 **“PART B—STATE ADMINISTRATIVE PROVISIONS**

23 **“SEC. 411. JOINT FUNDING.**

24 *“(a) GENERAL AUTHORITY.—Funds made available to*
25 *States under this Act may be used to provide additional*
26 *funds under an applicable program if—*

1 “(1) such program otherwise meets the require-
2 ments of this Act and the requirements of the applica-
3 ble program;

4 “(2) such program serves the same individuals
5 that are served under this Act;

6 “(3) such program provides services in a coordi-
7 nated manner with services provided under this Act;
8 and

9 “(4) such funds would be used to supplement,
10 and not supplant, funds provided from non-Federal
11 sources.

12 “(b) *APPLICABLE PROGRAM.*—For the purposes of this
13 section, the term ‘applicable program’ means any program
14 under any of the following provisions of law:

15 “(1) Section 123, title II, and title III of the Job
16 Training Partnership Act.

17 “(2) The Wagner-Peyser Act.

18 “(c) *USE OF FUNDS AS MATCHING FUNDS.*—For the
19 purposes of this section, the term ‘additional funds’ does
20 not include the use of funds as matching funds.

21 “**SEC. 412. PROHIBITION ON USE OF FUNDS TO INDUCE**
22 **OUT-OF-STATE RELOCATION OF BUSINESSES.**

23 “*No funds provided under this Act shall be used for*
24 *the purpose of directly providing incentives or inducements*
25 *to an employer to relocate a business enterprise from one*

1 *State to another State if such relocation would result in*
2 *a reduction in the number of jobs available in the State*
3 *where the business enterprise is located before such incen-*
4 *tives or inducements are offered.*

5 **“SEC. 413. STATE ADMINISTRATIVE COSTS.**

6 *“For each fiscal year for which a State receives assist-*
7 *ance under this Act, the State shall provide from non-Fed-*
8 *eral sources for costs the State incurs for administration*
9 *of programs under this Act an amount that is not less than*
10 *the amount provided by the State from non-Federal sources*
11 *for such costs for the preceding fiscal year.*

12 **“SEC. 414. LIMITATION ON FEDERAL REGULATIONS.**

13 *“The Secretary may issue regulations under this Act*
14 *only to the extent necessary to administer and ensure com-*
15 *pliance with the specific requirements of this Act.*

16 **“SEC. 415. STUDENT ASSISTANCE AND OTHER FEDERAL**
17 **PROGRAMS.**

18 *“(a) ATTENDANCE COSTS NOT TREATED AS INCOME*
19 *OR RESOURCES.—The portion of any student financial as-*
20 *sistance received under this Act that is made available for*
21 *attendance costs described in subsection (b) shall not be con-*
22 *sidered as income or resources in determining eligibility for*
23 *assistance under any other program funded in whole or in*
24 *part with Federal funds.*

1 “(b) *ATTENDANCE COSTS.*—*The attendance costs de-*
2 *scribed in this subsection are—*

3 “(1) *tuition and fees normally assessed a student*
4 *carrying the same academic workload as determined*
5 *by the institution, and including costs for rental or*
6 *purchase of any equipment, materials, or supplies re-*
7 *quired of all students in the same course of study; and*

8 “(2) *an allowance for books, supplies, transpor-*
9 *tation, dependent care, and miscellaneous personal ex-*
10 *penditures for a student attending the institution on at*
11 *least a half-time basis, as determined by the institu-*
12 *tion.*

13 “(c) *COSTS OF VOCATIONAL-TECHNICAL EDUCATION*
14 *SERVICES.*—*Funds made available under title II may be*
15 *used to pay for the costs of vocational-technical education*
16 *services required in an individualized education plan devel-*
17 *oped pursuant to section 614(d) of the Individuals with*
18 *Disabilities Education Act and services necessary to meet*
19 *the requirements of section 504 of the Rehabilitation Act*
20 *of 1973 with respect to ensuring equal access to vocational-*
21 *technical education.*

22 **“PART C—DEFINITIONS**

23 **“SEC. 421. DEFINITIONS.**

24 “*Except as otherwise specified in this Act, as used in*
25 *this Act:*

1 “(1) *ADMINISTRATION.*—The term ‘*administra-*
2 *tion*’ means programs of a State necessary for the
3 *proper and efficient performance of its duties under*
4 *this Act, including supervision, but does not include*
5 *curriculum development programs, personnel develop-*
6 *ment, or research programs.*

7 “(2) *ALL ASPECTS OF THE INDUSTRY.*—The term
8 ‘*all aspects of the industry*’ means strong experience
9 *in, and comprehensive understanding of, the industry*
10 *that individuals are preparing to enter.*

11 “(3) *AREA VOCATIONAL-TECHNICAL EDUCATION*
12 *SCHOOL.*—The term ‘*area vocational-technical edu-*
13 *cation school*’ means—

14 “(A) *a specialized secondary school used ex-*
15 *clusively or principally for the provision of voca-*
16 *tional-technical education to individuals who are*
17 *available for study in preparation for entering*
18 *the labor market;*

19 “(B) *the department of a secondary school*
20 *exclusively or principally used for providing vo-*
21 *catational-technical education in not fewer than*
22 *five different occupational fields to individuals*
23 *who are available for study in preparation for*
24 *entering the labor market;*

1 “(C) a technical institute or vocational-tech-
2 nical education school used exclusively or prin-
3 cipally for the provision of vocational-technical
4 education to individuals who have completed or
5 left secondary school and who are available for
6 study in preparation for entering the labor mar-
7 ket, if the institute or school admits as regular
8 students both individuals who have completed
9 secondary school and individuals who have left
10 secondary school; or

11 “(D) the department or division of a junior
12 college, or community college, that operates
13 under the policies of the State board and that
14 provides vocational-technical education in not
15 fewer than five different occupational fields lead-
16 ing to immediate employment but not nec-
17 essarily leading to a baccalaureate degree, if the
18 department or division admits as regular stu-
19 dents both individuals who have completed sec-
20 ondary school and individuals who have left sec-
21 ondary school.

22 “(4) COOPERATIVE EDUCATION.—The term ‘co-
23 operative education’ means a method of instruction of
24 education for individuals who, through written coop-
25 erative arrangements between a school and employers,

1 *receive instruction, including required academic*
2 *courses and related instruction, by alternation of*
3 *study in school with a job in any occupational field,*
4 *which alternation shall be planned and supervised by*
5 *the school and employer so that each contributes to*
6 *the education and employability of the individual,*
7 *and may include an arrangement in which work pe-*
8 *riods and school attendance may be on alternate half*
9 *days, full days, weeks, or other periods of time in ful-*
10 *filling the cooperative program.*

11 “(5) *DISPLACED HOMEMAKER.*—*The term ‘dis-*
12 *placed homemaker’ means an individual who—*

13 “(A) *has worked primarily without remun-*
14 *eration to care for a home and family, and for*
15 *that reason has diminished marketable skills; or*

16 “(B) *is a parent whose youngest dependent*
17 *child will become ineligible to receive assistance*
18 *under title I of the Personal Responsibility and*
19 *Work Opportunity Reconciliation Act of 1996*
20 *not later than 2 years after the date of which the*
21 *parent applies for assistance under this title.*

22 “(6) *EDUCATIONAL SERVICE AGENCY.*—*The term*
23 *‘educational service agency’ means a regional public*
24 *multiservice agency authorized by State statute to de-*

1 *velop and manage a service or program and provide*
2 *the service or program to a local educational agency.*

3 “(7) *ELIGIBLE RECIPIENT.*—*The term ‘eligible*
4 *recipient’ means a local educational agency, an area*
5 *vocational-technical education school, an educational*
6 *service agency, an institution of higher education (as*
7 *such term is defined in section 1201(a) of the Higher*
8 *Education Act of 1965 (20 U.S.C. 1141(a)), and a*
9 *consortium of such entities.*

10 “(8) *LOCAL EDUCATIONAL AGENCY.*—*The term*
11 *‘local educational agency’ has the meaning given such*
12 *term in section 14101 of the Elementary and Second-*
13 *ary Education Act of 1965 (20 U.S.C. 8801).*

14 “(9) *OUTLYING AREA.*—*The term ‘outlying area’*
15 *means the United States Virgin Islands, Guam,*
16 *American Samoa, the Commonwealth of the Northern*
17 *Mariana Islands, the Republic of the Marshall Is-*
18 *lands, the Federated States of Micronesia, and the Re-*
19 *public of Palau.*

20 “(10) *REPRESENTATIVES OF EMPLOYEES.*—*The*
21 *term ‘representatives of employees’ means—*

22 “(A) *individuals who have been elected by*
23 *organizations, associations, or a network of simi-*
24 *lar institutions to represent the economic inter-*

1 *ests of employees at a significant segment of*
2 *workplaces; or*

3 *“(B) individuals from organizations, asso-*
4 *ciations, or a network of similar institutions,*
5 *with expertise to represent, or experience rep-*
6 *resenting, the interests of employees with respect*
7 *to vocational-technical education.*

8 *“(11) SECONDARY SCHOOL.—The term ‘second-*
9 *ary school’ has the meaning given the term in section*
10 *14101 of the Elementary and Secondary Education*
11 *Act of 1965 (20 U.S.C. 8801).*

12 *“(12) SPECIAL POPULATIONS.—The term ‘special*
13 *populations’ means individuals with disabilities, eco-*
14 *nomically disadvantaged individuals, individuals of*
15 *limited English proficiency, and individuals partici-*
16 *pating in nontraditional training and employment.*

17 *“(13) SECRETARY.—The term ‘Secretary’ means*
18 *the Secretary of Education.*

19 *“(14) STATE.—The term ‘State’ means each of*
20 *the several States of the United States, the District of*
21 *Columbia, and the Commonwealth of Puerto Rico.*

22 *“(15) TECH-PREP PROGRAM.—The term ‘tech-*
23 *prep program’ means a program of study that—*

24 *“(A) combines at least 2 years of secondary*
25 *education (as determined under State law) and*

1 *2 years of postsecondary education in a non-*
2 *duplicative sequential course of study;*

3 *“(B) strengthens the applied academic com-*
4 *ponent of vocational-technical education through*
5 *the integration of academic and vocational-tech-*
6 *anical instruction;*

7 *“(C) provides technical preparation in an*
8 *area such as engineering technology, applied*
9 *science, a mechanical, industrial, or practical*
10 *art or trade, agriculture, a health occupation,*
11 *business, or applied economics;*

12 *“(D) builds student competence in mathe-*
13 *matics, science, and communications through ap-*
14 *plied academics in a coherent sequence of*
15 *courses; and*

16 *“(E) leads to an associate degree or a cer-*
17 *tificate in a specific career field and to high*
18 *skill, high wage employment or further edu-*
19 *cation.*

20 *“(16) VOCATIONAL-TECHNICAL EDUCATION.—The*
21 *term ‘vocational-technical education’ means organized*
22 *educational programs that—*

23 *“(A) offer a sequence of courses that provide*
24 *individuals with the academic knowledge and*
25 *skills the individuals need to prepare for further*

