

105TH CONGRESS
1ST SESSION

H. R. 1853

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

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. TABLE OF CONTENTS; REFERENCES.**

7 (a) TABLE OF CONTENTS.—The table of contents of
8 the Act is amended by striking the matter related to sec-
9 tion 3 and all that follows through section 521.

1 (b) REFERENCE TO ACT.—Except as otherwise ex-
2 pressly provided, whenever in this Act an amendment or
3 repeal is expressed in terms of an amendment to, or repeal
4 of, a title, chapter, part, subpart, section, subsection, or
5 other provision, the reference shall be considered to be
6 made to a title, chapter, part, subpart, section, subsection,
7 or other provision of the Carl D. Perkins Vocational and
8 Applied Technology Education Act. (20 U.S.C. 2301 et
9 seq.).

10 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 3 of the Act is amended—

12 (1) in subsection (a) by striking
13 “\$1,600,000,000” and all that follows and inserting
14 “\$1,300,000,000, for fiscal year 1998 and such
15 sums as may be necessary for each of the 4 succeed-
16 ing fiscal years to carry out the provisions of titles
17 I and II.”;

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

20 “(b) TITLE I.—Of the amounts made available under
21 subsection (a)—

22 “(1) 1.5 percent shall be reserved to carry out
23 section 103, relating to Indian and Hawaiian natives
24 programs; and

1 “(2) 0.2 percent shall be reserved to carry out
2 section 101A, relating to the territories.”; and

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

4 **TITLE I—VOCATIONAL-TECH-**
5 **NICAL EDUCATION ASSIST-**
6 **ANCE TO THE STATES**

7 **SEC. 101. ALLOTMENT.**

8 Section 101 of the Act is amended—

9 (1) by striking the matter preceding paragraph
10 (1) and inserting in lieu thereof the following:

11 **“SEC. 101. ALLOTMENT.**

12 “(a) SPECIFIC POPULATIONS.—”;

13 (2) in subsection (a)—

14 (A) by striking paragraph (1) and insert-
15 ing in lieu thereof the following:

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

19 (A) 1.5 percent to carry out section 103,
20 of which—

21 (i) 1.25 percent shall be available to
22 carry out section 103(a); and

23 (ii) 0.25 percent shall be available to
24 carry out section 103(b);

1 “(B) 0.2 percent for the purpose of carry-
2 ing out section 101A.”; and

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

5 “(2) REMAINDER OF FUNDS.—From the re-
6 mainder of the sums appropriated pursuant to sec-
7 tion 3, the Secretary shall allot to each State for
8 each fiscal year—

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

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

25 (C) in paragraph (3)—

1 (i) by striking subparagraphs (A) and
2 (C);

3 (ii) by redesignating subparagraphs
4 (B) and (D) as (A) and (B), respectively;

5 (iii) in subparagraph (A), as redesignated—
6

7 (I) by striking clause (i), and inserting the following:
8

9 “(i) Notwithstanding any other provision of law and subject to subparagraph
10 (B) and clause (ii), no State shall receive
11 less than one-half of one percent of the
12 amount available for each such program
13 for each fiscal year under this subsection”;

14 (II) in clause (ii), by striking “or
15 parts A, B, C, D, or E of title III”.

16
17 (3) by amending subsection (c) to read as follows:
18

19 “(c) ALLOTMENT RATIO.—

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

22 “(A) 0.50; and

23 “(B) the quotient obtained by dividing the
24 per capita income for the State by the per cap-

1 ita income for all the States (exclusive of Puer-
2 to Rico and the Virgin Islands), except that—

3 (i) the allotment ratio in no case shall
4 be more than 0.55 or less than 0.40; and
5 “(ii) the allotment ratio for Puerto
6 Rico and the Virgin Islands shall be 0.55.

7 “(2) The allotment ratios shall be promulgated
8 by the Secretary for each fiscal year between Octo-
9 ber 1 and December 31 of the fiscal year preceding
10 the fiscal year for which the determination is made.
11 Allotment ratios shall be computed on the basis of
12 the average of the appropriate per capita incomes
13 for the three most recent consecutive fiscal years for
14 which satisfactory data are available.

15 “(3) The term “per capita income” means, with
16 respect to a fiscal year, the total personal income in
17 the calendar year ending in such year, divided by the
18 population of the area concerned in such year.

19 “(4) For the purposes of this section, popu-
20 lation shall be determined by the Secretary on the
21 basis of the latest estimates available to the Depart-
22 ment.

23 **SEC. 101A. THE TERRITORIES.**

24 Section 101A of the Act is amended—

1 (1) by striking the matter preceding the text of
2 subsection (a); and

3 (2) by inserting after subsection (c) the follow-
4 ing new subsection:

5 “(d) RESTRICTION.—Notwithstanding any other pro-
6 vision of law, the Republic of the Marshall Islands, the
7 Federated States of Micronesia, and the Republic of Palau
8 shall not receive any funds under this part for any fiscal
9 year that begins after September 30, 2001.”.

10 **SEC. 102. WITHIN STATE ALLOTMENTS.**

11 Section 102 is amended—

12 (1) in subsection (a)—

13 (A) by striking paragraph (1), and insert-
14 ing “an amount equal to not less than 90 per-
15 cent of the allotment shall be available for basic
16 programs under part B of title II;

17 (B) by striking paragraph (2);

18 (C) by redesignating paragraphs (3) and
19 (4) as paragraphs (2) and (3), respectively;

20 (D) in paragraph (2), as redesignated, by
21 striking “8.5” and inserting “8”;

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

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

1 (ii) by striking “of which—” and all
2 that follows through clause (v) and insert-
3 ing the following:

4 “which may be used for the costs of—

5 “(A) developing the State plan;

6 “(B) reviewing local applications;

7 “(C) monitoring and evaluating program
8 effectiveness; and

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

11 (F) by striking paragraph (5);

12 (2) in subsection (b) by striking “(a)(4)” and
13 inserting “(a)(3)”; and

14 (3) by striking subsection (c) and inserting the
15 following:

16 “(c) RURAL RESERVE.—A State may reserve up to
17 10 percent of the allotment made under section 102(a)(1)
18 to use for grants to rural areas.”.

19 **SEC. 103. INDIAN AND HAWAIIAN NATIVES PROGRAMS.**

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

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

22 “(a) INDIAN POLICY.—All programs assisted under
23 this section shall be administered in a manner consistent
24 with the principles of the Indian Self-Determination and
25 Education Assistance Act (25 U.S.C. 450 et seq.) and the

1 government-to-government relationship between the Fed-
2 eral Government and Indian tribal governments.

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

4 “(1) ALASKA NATIVE.—The term ‘Alaska Na-
5 tive’ means a Native as such term is defined in sec-
6 tion 3(b) of the Alaska Native Claims Settlement
7 Act (43 U.S.C. 1602(b)).

8 “(2) INDIAN, INDIAN TRIBE, AND TRIBAL ORGA-
9 NIZATION.—The terms ‘Indian’, ‘Indian tribe’, and
10 ‘tribal organization’ have the meanings given such
11 terms in subsections (d), (e), and (l), respectively, of
12 section 4 of the Indian Self-Determination and Edu-
13 cation Assistance Act (25 U.S.C. 450b).

14 “(3) INSTITUTION OF HIGHER EDUCATION.—
15 The term ‘institution of higher education’ has the
16 meaning given such term in section 1201(a) of the
17 Higher Education Act of 1965 (20 U.S.C. 1141(a)).

18 “(4) NATIVE HAWAIIAN AND NATIVE HAWAIIAN
19 ORGANIZATION.—The terms ‘Native Hawaiian’ and
20 ‘Native Hawaiian organization’ have the meanings
21 given such terms in paragraphs (1) and (3), respec-
22 tively, of section 9212 of the Native Hawaiian Edu-
23 cation Act (20 U.S.C. 7912).

24 “(5) TRIBALLY CONTROLLED COMMUNITY COL-
25 LEGE.—The term ‘tribally controlled community col-

1 lege’ has the meaning given such term in section
2 2(a)(4) of the Tribally Controlled Community Col-
3 lege Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).

4 “(6) TRIBALLY CONTROLLED POSTSECONDARY
5 VOCATIONAL INSTITUTION.—The term ‘tribally con-
6 trolled postsecondary vocational institution’ means
7 an institution of higher education that—

8 “(A) is formally controlled, or has been
9 formally sanctioned or chartered, by the govern-
10 ing body of an Indian tribe or Indian tribes;

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

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

15 “(D) demonstrates adherence to stated
16 goals, a philosophy, or a plan of operation, that
17 fosters individual Indian economic and self-suf-
18 ficiency opportunity, including programs that
19 are appropriate to stated tribal goals of devel-
20 oping individual entrepreneurships and self-sus-
21 taining economic infrastructures on reserva-
22 tions;

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

1 “(F) holds accreditation with or is a can-
2 didate for accreditation by a nationally recog-
3 nized accrediting authority for postsecondary
4 vocational-technical education; and

5 “(G) enrolls the full-time equivalent of not
6 fewer than 100 students, of whom a majority
7 are Indians.

8 “(c) PROGRAM AUTHORIZED.—

9 “(1) IN GENERAL.—From amounts reserved
10 under section 101(a)(1)(A)(ii), the Secretary shall
11 make grants to Indian tribes, tribal organizations,
12 Alaska Native entities, tribally controlled community
13 colleges, tribally controlled postsecondary vocational
14 institutions, Indian-controlled organizations serving
15 Indians, or Native Hawaiian organizations to carry
16 out the authorized programs described in subsection
17 (d).

18 “(2) SPECIAL AUTHORITY RELATING TO SEC-
19 ONDARY SCHOOLS OPERATED OR SUPPORTED BY
20 THE BUREAU OF INDIAN AFFAIRS.—An Indian tribe,
21 a tribal organization, or an Alaska Native entity,
22 that receives funds through a grant made or con-
23 tract entered into under paragraph (1) may use the
24 funds to provide assistance to a secondary school op-
25 erated or supported by the Bureau of Indian Affairs

1 to enable such school to carry out vocational-tech-
2 nical education programs.

3 “(d) AUTHORIZED PROGRAMS.—Funds made avail-
4 able under this section shall be used to carry out the pro-
5 grams described in sections 201 and 225.

6 “(e) GRANT APPLICATION.—In order to receive a
7 grant under this section an entity described in subsection
8 (c) shall submit an application to the Secretary in accord-
9 ance with section 112 and shall include an assurance that
10 such entity shall comply with the requirements of this Act.

11 “(f) CONSOLIDATION OF FUNDS.—Each entity re-
12 ceiving assistance under this section may consolidate such
13 assistance with assistance received from related programs
14 in accordance with the provisions of the Indian Employ-
15 ment, Training and Related Services Demonstration Act
16 of 1992 (25 U.S.C 3401 et seq.).

17 “(g) NONDUPLICATIVE AND NONEXCLUSIVE SERV-
18 ICES.—Nothing in this section shall be construed—

19 “(1) to limit the eligibility of any entity de-
20 scribed in subsection (c) to participate in any activ-
21 ity offered by a State or local entity under this title;
22 or

23 “(2) to preclude or discourage any agreement,
24 between any entity described in subsection (c) and
25 any State or local entity, to facilitate the provision

1 of services by such entity or to the population served
2 by such entity.

3 “(h) HAWAIIAN PROGRAMS.—From the funds re-
4 served pursuant to section 101(a)(1)(A)(ii), the Secretary
5 is directed, to enter into contracts with organizations pri-
6 marily serving and representing Hawaiian natives which
7 are recognized by the Governor of the State of Hawaii to
8 plan, conduct, and administer programs, or portions there-
9 of, which are authorized by and consistent with the provi-
10 sions of this section for the benefit of Hawaiian natives.”.

11 **SEC. 104. TRIBALLY CONTROLLED POSTSECONDARY VOCA-**
12 **TIONAL INSTITUTIONS.**

13 Part A of the Act is amended by adding at the end
14 the following:

15 **“SEC. 104. TRIBALLY CONTROLLED POSTSECONDARY VOCA-**
16 **TIONAL TECHNICAL EDUCATION PROGRAMS**

17 “(a) GRANTS AUTHORIZED.—The Secretary shall,
18 subject to the availability of appropriations, make grants
19 pursuant to this section to tribally controlled postsecond-
20 ary vocational institutions to provide basic support for the
21 education and training of Indian students.

22 “(b) USE OF GRANTS.—Amounts made available
23 under grants made pursuant to this section shall be used
24 in accordance with the provisions of part B of title II of
25 this Act.

1 “(c) ELIGIBLE GRANT RECIPIENTS.—To be eligible
2 for assistance under this section a tribally controlled post-
3 secondary vocational institution shall—

4 “(1) be governed by a board of directors or
5 trustees, a majority of whom are Indians;

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

7 “(3) hold accreditation with or be a candidate
8 for accreditation by a nationally recognized accredit-
9 ing authority for postsecondary vocational-technical
10 education; and

11 “(4) enroll the full-time equivalency of not less
12 than 100 students, of whom a majority are Indians.

13 “(d) APPLICATIONS.—Any tribally controlled post-
14 secondary vocational institution that desires to receive a
15 grant under this section shall submit an application to the
16 Secretary in such manner and form as the Secretary may
17 require.

18 “(e) OTHER PROGRAMS.—

19 “(1) IN GENERAL.—Except as specifically pro-
20 vided in this Act, eligibility for assistance under this
21 section shall not preclude any tribally controlled
22 postsecondary vocational institution from receiving
23 Federal financial assistance under any program au-
24 thorized under the Higher Education Act of 1965 or
25 any other applicable program for the benefit of insti-

1 tutions of higher education or vocational-technical
2 education.

3 “(2) PROHIBITION ON ALLOCATION OF GRANT
4 AMOUNT.—The amount of any grant for which trib-
5 ally controlled postsecondary vocational institutions
6 are eligible under this subpart shall not be altered
7 because of funds allocated to any such institution
8 from funds appropriated under the Act of November
9 2, 1921.

10 “(3) PROHIBITION ON CONTRACT DENIAL.—No
11 tribally controlled postsecondary vocational institu-
12 tion for which an Indian tribe has designated a por-
13 tion of the funds appropriated for the tribe from
14 funds appropriated under the Act of November 2,
15 1921, may be denied a contract for such portion
16 under the Indian Self-Determination and Education
17 Assistance Act (except as provided in that Act), or
18 denied appropriate contract support to administer
19 such portion of the appropriated funds.

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

21 “(1) The terms “Indian” and “Indian tribe”
22 have the meaning given such terms in section 2 of
23 the Tribally Controlled Community College Assist-
24 ance Act of 1978.

1 “(2) The term “tribally controlled postsecond-
2 ary vocational institution” means an institution of
3 higher education which is formally controlled, or has
4 been formally sanctioned or chartered by the govern-
5 ing body of an Indian tribe or tribes which offers
6 technical degrees or certificate granting programs.

7 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated not more than
9 \$4,000,000 to carry out the provisions of this section.”.

10 **Part B—State Organization and** 11 **Planning Responsibilities**

12 **SEC. 111. STATE ADMINISTRATION.**

13 Section 111 of this Act is amended—

14 (1) in subsection (a)(1)(A) by striking “pursu-
15 ant to section 113(b)(8), section 116, and section
16 117”;

17 (2) in subsection (a)(1)(B) by striking “State
18 council of vocational education” and inserting “Gov-
19 ernor”, striking “113” and inserting “112”, and by
20 striking “114” and inserting “113”;

21 (3) by striking “consultation with” and all that
22 follows through the semicolon at the end of sub-
23 section (a)(1)(C) and inserting “consultation with
24 other appropriate agencies”; and

1 (4) by striking subsections (b), (c), (d), (e), (f),
2 and (g) and inserting the following:

3 “(b) LIST OF PROGRAMS ASSISTED.—The State
4 Board shall make available to each Private Industry Coun-
5 cil established under section 102 of the Job Training Part-
6 nership Act within the State a listing of all programs as-
7 sisted under this Act.”.

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

9 Section 112 of the Act is repealed.

10 **SEC. 113. STATE APPLICATION.**

11 Section 113 of the Act is amended—

12 (1) by redesignating such section as section
13 112;

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

16 (3) by striking all after “Secretary” in sub-
17 section (a)(1)(A) and inserting “an application in
18 such manner and accompanied by such information
19 as the Secretary may require but which, at a mini-
20 mum, includes a State plan for a 5-year period.”;

21 (4) in subsection (a)—

22 (A) by striking paragraph (2) and insert-
23 ing in lieu thereof the following:

24 “(2) The State board shall conduct public hear-
25 ings in the State, after appropriate and sufficient

1 notice, for the purpose of affording all segments of
2 the public and interested organizations and groups
3 an opportunity to present their views and make rec-
4 ommendations regarding the State plan. A summary
5 of such recommendations and the State board's re-
6 sponse shall be included with the State plan.”.

7 (B) by striking paragraph (3); and

8 (5) by striking subsections (b) and (c) and in-
9 serting in lieu thereof the following:

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

11 “(1) describe the vocational-technical education
12 programs that will be carried out with funds re-
13 ceived by the State under this Act, including a de-
14 scription of—

15 “(A) the programs to be carried out at the
16 State level pursuant to section 201, including
17 activities that will be carried out by the State
18 to develop, improve, and expand access to qual-
19 ity, state-of-the-art technology in vocational-
20 technical education programs;

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

24 “(C) how such programs will prepare voca-
25 tional-technical education students for opportu-

1 nities in postsecondary education or entry into
2 high skill, high wage jobs;

3 “(2) describe how the State will promote the ac-
4 tive involvement of parents, teachers, local busi-
5 nesses (including small- and medium-sized busi-
6 nesses) and representatives of employees in the plan-
7 ning, development, and implementation of such voca-
8 tional-technical education programs;

9 “(3) describe how funds received by the State
10 through the allotment made under section 102 will
11 be allocated among secondary school vocational-tech-
12 nical education, or postsecondary and adult voca-
13 tional-technical education, or both;

14 “(4) describe how the State will—

15 “(A) improve the academic and technical
16 skills of students participating in vocational-
17 technical education programs which includes
18 strengthening the academic component of voca-
19 tional-technical education programs through the
20 integration of academics with vocational-tech-
21 nical education to ensure learning in the core
22 academic subjects; and

23 “(B) ensure that students who participate
24 in such vocational-technical education programs
25 are taught to the same challenging academic

1 proficiencies as are provided for all other stu-
2 dents;

3 “(5) describe how the State will annually evalu-
4 ate the effectiveness of such vocational-technical
5 education programs and describe how the State is
6 coordinating such programs to ensure nonduplication
7 with other existing Federal programs;

8 “(6) identify the benchmarks that the State will
9 use to measure the progress of the State, including
10 a description of how such benchmarks will ensure
11 continuous improvement for vocational-technical stu-
12 dents in meeting such benchmarks;

13 “(7) describe how the State will—

14 “(A) provide vocational-technical education
15 programs for members of special populations,
16 displaced homemakers, single parents, and sin-
17 gle pregnant women; and

18 “(B) ensure that members of special popu-
19 lations meet State benchmarks established
20 under section 114 and are prepared for post-
21 secondary education, further learning, and high-
22 skill, high-wage careers;

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

1 “(9) provide assurances that none of the funds
2 expended under this Act will be used to acquire
3 equipment (including computer software) in any in-
4 stance in which such acquisition results in a direct
5 financial benefit to any organization representing
6 the interests of the purchasing entity or its employ-
7 ees or any affiliate of such an organization.

8 “(c) AMENDMENTS.—The State Board may submit
9 amendments to the State plan, as necessary, during the
10 5-year period of the plan.”.

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

12 Section 114 of the Act is amended—

13 (1) by redesignating such section as section
14 113;

15 (2) By striking “**APPROVAL**” in the section
16 heading and inserting “**SUBMISSION OF** before
17 “State”;

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

19 (4) by inserting the following:

20 “(a) Each State application shall be submitted to the
21 Secretary by not later than May 1 preceding the beginning
22 of the first fiscal year for which a State plan is to be in
23 effect.

24 “(b) PLAN SUBMISSION.—A State plan submitted to
25 the Secretary under this section shall be approved by the

1 Secretary unless the Secretary makes a written determina-
2 tion, within 90 days after receiving the plan, that the plan
3 is in violation of the provisions of this Act.”.

4 **SEC. 115. ACCOUNTABILITY.**

5 The following new section shall be inserted after sec-
6 tion 113, as redesignated:

7 **“SEC. 114. ACCOUNTABILITY.**

8 “(a) BENCHMARKS.—To be eligible to receive an al-
9 lotment under section 102, a State shall develop and iden-
10 tify in the State application submitted under section 112
11 proposed quantifiable benchmarks to measure the state-
12 wide progress of the State, which shall include, at a mini-
13 mum, measures, of—

14 “(1) attainment of challenging State academic
15 proficiencies;

16 “(2) attainment of secondary school diplomas
17 or general equivalency diplomas; and

18 “(3) placement in, retention, and completion of
19 postsecondary education or advanced training, or
20 placement and retention in military service, employ-
21 ment, or qualified apprenticeships.

22 “(b) PROGRAM IMPROVEMENT AND SANCTIONS.—

23 “(1) STATE IMPROVEMENT PLAN.—If a State
24 fails to meet its State benchmarks as described in
25 the report submitted under subsection (d), the State

1 shall develop a program improvement plan for the
2 succeeding program year in order to avoid a sanction
3 as provided under paragraph (2).

4 “(2) SANCTIONS.—

5 “(A) IN GENERAL.—If a State fails to
6 meet the State benchmarks required under sub-
7 section (a), the Secretary may reduce, after no-
8 tice and opportunity for a hearing, or withhold
9 from the State all, or a portion of, the State’s
10 allotment under this Act, except due to excep-
11 tional or uncontrollable circumstances such as a
12 natural disaster or a precipitous and unforeseen
13 decline in the financial resources of the State.

14 “(B) FUNDS RESULTING FROM REDUCED
15 ALLOTMENTS.—The amount of funds retained
16 as a result of a reduction in an allotment made
17 under paragraph (1) shall be redistributed to
18 other States in accordance with section 101.

19 “(c) REPORT.—

20 “(1) IN GENERAL.—

21 “(A) INFORMATION.—Each State that re-
22 ceives an allotment under section 102 shall an-
23 nually prepare and submit to the Secretary a
24 report on how the State is performing on State
25 benchmarks that relate to vocational-technical

1 education programs. In preparing the report,
2 the State may include information on such ad-
3 ditional vocational-technical education bench-
4 marks as the State may establish.

5 “(B) SPECIAL POPULATIONS.—The report
6 submitted by the State in accordance with sub-
7 section (d)(1)(A) shall include a description of
8 how special populations participating in voca-
9 tional-technical education programs have met
10 the vocational-technical education benchmarks
11 established by the State.

12 “(2) INFORMATION DISSEMINATION.—The Sec-
13 retary shall make the information contained in such
14 reports available to the general public through publi-
15 cation and other appropriate methods which may in-
16 clude electronic communication.”

17 **SEC. 116. PROGRAM EVALUATION.**

18 Sections 115, 116, 117, and 118 of the Act are re-
19 pealed.

20 **TITLE II—BASIC STATE GRANTS**
21 **FOR VOCATIONAL-TECHNI-**
22 **CAL EDUCATION**

23 **SEC. 201. STATE PROGRAMS.**

24 Section 201 of the Act is amended—

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

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

5 “(b) REQUIRED USES OF FUNDS.—The programs
6 described in subsection (a) shall include—

7 “(1) an assessment of the vocational-technical
8 education programs authorized under this Act which
9 includes how the needs of special populations are
10 being met;

11 “(2) improving or expanding the use of tech-
12 nology in vocational-technical instruction, including
13 the training of vocational-technical personnel to use
14 state-of-the-art technology, which may include dis-
15 tance learning;

16 “(3) professional development programs includ-
17 ing—

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

21 “(B) support of education programs for
22 teachers of vocational-technical education in
23 public schools to ensure such teachers stay cur-
24 rent with the needs, expectations, and methods
25 of industry;

1 “(4) support for vocational-technical education
2 programs that improve the academic and technical
3 skills of students participating in vocational-tech-
4 nical education programs by strengthening the aca-
5 demic component of such vocational-technical edu-
6 cation programs through the integration of academ-
7 ics with vocational-technical education to ensure
8 learning in the core academic subjects;”.

9 (3) by amending subsection (c) to read as fol-
10 lows:

11 “(c) PERMISSIBLE USES OF FUNDS.—The programs
12 under subsection (a) may include—

13 “(1) technical support for eligible recipients;

14 “(2) support for tech-prep programs;

15 “(3) support for programs for single parents,
16 displaced homemakers, single pregnant women, and
17 individuals in nontraditional occupations;

18 “(4) support for cooperative education;

19 “(5) support for vocational student organiza-
20 tions;

21 “(6) support for charter schools operating voca-
22 tional-technical education programs;

23 “(7) support for vocational-technical education
24 programs that offer experience in, and understand-

1 ing of, all aspects of the industry for which students
2 are preparing to enter; and

3 “(8) support for family and consumer sciences
4 programs.”; and

5 (4) by adding after subsection (c) the following
6 new subsection:

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

10 **SEC. 202. SECONDARY, POSTSECONDARY, AND ADULT VO-**
11 **CATION-TECHNICAL EDUCATION PROGRAMS.**

12 Part B of title II of the Act is amended to read as
13 follows:

14 **“PART B—SECONDARY, POSTSECONDARY, AND**
15 **ADULT VOCATIONAL-TECHNICAL EDU-**
16 **CATION PROGRAMS**

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

18 **“SEC. 221. DISTRIBUTION OF FUNDS TO SECONDARY**
19 **SCHOOL PROGRAMS.**

20 “(a) GENERAL RULE.—Except as otherwise provided
21 in this section and section 223, each State shall distribute
22 the funds available in fiscal year 1998 for secondary
23 school vocational-technical education to local educational
24 agencies within the State as follows:

1 “(1) From 70 percent of such funds, each local
2 educational agency shall be allocated an amount that
3 bears the same relationship to such 70 percent as
4 the amount such local educational agency was allo-
5 cated under section 1124 or such section’s prede-
6 cessor authority of the Elementary and Secondary
7 Education Act of 1965 in the preceding fiscal year
8 bears to the total amount received under such sec-
9 tion by local educational agencies in the State in
10 such year.

11 “(2) From 20 percent of such funds, each local
12 educational agency shall be allocated an amount that
13 bears the same relationship to such 20 percent as
14 the number of students with handicaps who have in-
15 dividualized education programs under section
16 614(a)(5) of the Individuals with Disabilities Edu-
17 cation Act served by such local educational agency
18 in the preceding fiscal year bears to the total num-
19 ber of such students served by local educational
20 agencies in the State in such year.

21 “(3) From 10 percent of such funds, each local
22 educational agency shall be allocated an amount that
23 bears the same relationship to such 10 percent as
24 the number of students enrolled in schools and
25 adults enrolled in training programs under the juris-

1 diction of such local educational agency in the pre-
2 ceding fiscal year bears to the number of students
3 enrolled in schools and adults enrolled in training
4 programs under the jurisdiction of all local edu-
5 cational agencies in the State in such year.

6 “(b) ALLOCATION FOR SUBSEQUENT FISCAL
7 YEARS.—

8 “(1) GENERAL RULE.—Subject to paragraph
9 (2), in fiscal year 1999, and the succeeding 3 fiscal
10 years, each State shall distribute the funds available
11 in any such fiscal year for secondary school voca-
12 tional-technical education programs to local edu-
13 cational agencies within the State as follows:

14 “(A) 50 percent shall be allocated to such
15 agencies in proportion to the number of individ-
16 uals aged 15 to 19, inclusive, who reside in the
17 school district served by such agency for the
18 preceding fiscal year compared to the total
19 number of such individuals who reside in the
20 school districts served by all local educational
21 agencies in the State for such preceding year;
22 and

23 “(B) 50 percent shall be allocated to such
24 agencies in proportion to the number of individ-
25 uals aged 15 through 19, inclusive, who reside

1 in the school district served by such agency
2 from families with incomes below the poverty
3 line (as defined by the Office of Management
4 and Budget and revised annually in accordance
5 with section 673(2) of the Community Services
6 Block Grant Act (42 U.S.C. 9902(2))) applica-
7 ble to a family of the size involved for the fiscal
8 year for which the determination is made com-
9 pared to the number of such individuals in all
10 the local educational agencies in the State.

11 “(2) ELIGIBILITY REQUIREMENTS FOR CERTAIN
12 FUNDS.—To be eligible to receive 50 percent of the
13 funds allocated under paragraph (1), a local edu-
14 cational agency must demonstrate, to the satisfac-
15 tion of the State Board, that the dropout rate for
16 such agency is equal to or less than the average
17 dropout rate for the State or be able to show, to the
18 satisfaction of the State Board, continuous improve-
19 ment in decreasing such rate.

20 “(3) REALLOCATION.—In any fiscal year in
21 which a local educational agency does not meet the
22 requirements of paragraph (2), the State shall re-
23 allocate such undistributed amounts to local edu-
24 cational agencies that meet the requirements of such
25 paragraph in accordance with paragraph (1).

1 “(c) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary may waive the application of sub-
2 TION.—The Secretary may waive the application of sub-
3 section (a) in the case of any State that submits to the
4 Secretary an application for such a waiver that—

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

11 “(2) includes a proposal for such an alternative
12 formula.

13 “(d) MINIMUM GRANT AMOUNT.—

14 “(1) IN GENERAL.—Except as provided in para-
15 graphs (2), no local educational agency shall be eligi-
16 ble for a grant under this part unless the amount al-
17 located to such agency under subsection (a) is not
18 less than \$7,500. A local educational agency may
19 enter into a consortium with other local educational
20 agencies for purposes of meeting the minimum allo-
21 cation requirement of this paragraph.

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

1 “(A)(i) is located in a rural, sparsely popu-
2 lated area, or

3 “(ii) is a charter school; and

4 “(B) demonstrates that the agency is un-
5 able to enter into a consortium for purposes of
6 providing services under this part.

7 “(3) REDISTRIBUTION.—Any amounts which
8 are not allocated by reason of paragraph (1) or
9 paragraph (2) shall be redistributed to local edu-
10 cational agencies that meet the requirements of
11 paragraph (1) or (2) in accordance with the provi-
12 sions of this section.

13 “(e) LIMITED JURISDICTION AGENCIES.—

14 “(1) IN GENERAL.—In applying the provisions
15 of subsection (b), no State receiving assistance
16 under this Act shall allocate funds to a local edu-
17 cational agency that serves only elementary schools,
18 but shall distribute such funds to the local edu-
19 cational agency or regional educational agency that
20 provides secondary school services to secondary
21 school students in the same attendance area.

22 “(2) SECONDARY SCHOOL JURISDICTION.—The
23 amount to be allocated under paragraph (1) to a
24 local educational agency that has jurisdiction only
25 over secondary schools shall be determined based on

1 the number of students that were enrolled in such
2 secondary schools in the previous year from the ele-
3 mentary schools involved.

4 “(f) ALLOCATIONS TO AREA VOCATIONAL-TECH-
5 NICAL EDUCATION SCHOOLS AND EDUCATIONAL SERVICE
6 AGENCIES.—

7 “(1) IN GENERAL.—Each State shall distribute
8 funds available for secondary school vocational-tech-
9 nical education programs to the appropriate area vo-
10 cational-technical education school or educational
11 service agency in any case in which the area voca-
12 tional-technical education school or educational serv-
13 ice agency and the local educational agency con-
14 cerned—

15 “(A) have formed or will form a consor-
16 tium for the purpose of receiving funds under
17 this section; or

18 “(B) have entered into or will enter into a
19 cooperative arrangement for such purpose.

20 “(2) ALLOCATION BASIS.—If an area voca-
21 tional-technical education school or educational serv-
22 ice agency meets the requirements of paragraph (1),
23 then the amount that would otherwise be distributed
24 to the local educational agency shall be allocated to
25 the area vocational-technical education school, the

1 educational service agency, and the local educational
2 agency based on each school's or entity's relative
3 share of students who are attending vocational-tech-
4 nical education programs (based, if practicable, on
5 the average enrollment for the prior 3 years).

6 “(3) APPEALS PROCEDURE.—The State Board
7 shall establish an appeals procedure for resolution of
8 any dispute arising between a local educational
9 agency and an area vocational-technical education
10 school or an educational service agency with respect
11 to the allocation procedures described in this section,
12 including the decision of a local educational agency
13 to leave a consortium or terminate a cooperative ar-
14 rangement.

15 “(g) CONSORTIUM REQUIREMENTS.—

16 “(1) Any local educational agency receiving an
17 allocation that is not sufficient to conduct a program
18 which meets the requirements of section 225 is en-
19 couraged to—

20 “(A) form a consortium or enter into a co-
21 operative agreement with an area vocational-
22 technical education school or educational service
23 agency offering programs that meet the require-
24 ments of section 225; and

1 “(B) transfer such allocation to the area
2 vocational-technical education school or edu-
3 cational service agency.

4 “(2) FUNDS TO CONSORTIUM.—Funds allocated
5 to a consortium formed to meet the requirements of
6 this paragraph shall be used only for purposes and
7 programs that are mutually beneficial to all mem-
8 bers of the consortium. Such funds may not be re-
9 allocated to individual members of the consortium.

10 “(h) DATA.—The Secretary of Education shall collect
11 information from States regarding how funds made avail-
12 able by the State for vocational-technical education pro-
13 grams under subsection (a)(3) are distributed to local edu-
14 cational agencies in accordance with this section.

15 **“SEC. 222. DISTRIBUTION OF FUNDS FOR POSTSECONDARY**
16 **AND ADULT VOCATIONAL-TECHNICAL EDU-**
17 **CATION PROGRAMS.**

18 “(a) ALLOCATION.—

19 “(1) IN GENERAL.—Except as provided in sub-
20 section (b) and section 223, each State shall distrib-
21 ute funds available in any fiscal year for postsecond-
22 ary and adult vocational-technical education pro-
23 grams to eligible institutions or consortia of eligible
24 institutions within the State.

1 “(2) FORMULA.—Each eligible institution or
2 consortium of eligible institutions shall receive an
3 amount that bears the same relationship to the
4 amount of funds available under such section as the
5 number of individuals who are Pell Grant recipients
6 or recipients of assistance from the Bureau of In-
7 dian Affairs and are enrolled in programs meeting
8 the requirements of section 225 offered by such in-
9 stitution or consortium in the preceding fiscal year
10 bears to the number of such recipients enrolled in
11 such programs within the State for such year.

12 “(3) CONSORTIUM REQUIREMENTS.—

13 “(A) IN GENERAL.—In order for a consor-
14 tium of eligible institutions described in para-
15 graph (2) to receive assistance pursuant to such
16 paragraph such consortium shall operate joint
17 projects that—

18 “(i) provide services to all postsecond-
19 ary institutions participating in the consor-
20 tium; and

21 “(ii) are of sufficient size, scope, and
22 quality as to be effective.

23 “(B) FUNDS TO CONSORTIUM.—Funds al-
24 located to a consortium formed to meet the re-
25 quirements of this section shall be used only for

1 purposes and programs that are mutually bene-
2 ficial to all members of the consortium. Such
3 funds may not be reallocated to individual
4 members of the consortium for purposes or pro-
5 grams benefiting only one member of the con-
6 sortium.

7 “(b) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary of Education may waive the appli-
8 cation of subsection (a) in the case of any State that sub-
9 mits to the Secretary of Education an application for such
10 a waiver that—
11

12 “(1) demonstrates that an alternative formula
13 will result in a greater distribution of funds to the
14 eligible institutions or consortia of eligible institu-
15 tions within the State that serve the areas of great-
16 est economic need than the formula described in
17 subsection (a)(2); and

18 “(2) includes a proposal for such an alternative
19 formula.

20 “(c) MINIMUM GRANT AMOUNT.—

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

24 “(2) REDISTRIBUTION.—Any amounts that are
25 not distributed by reason of paragraph (1) shall be

1 redistributed to eligible institutions or consortia of
2 eligible institutions in accordance with the provisions
3 of this section.

4 “(d) ADMINISTRATIVE COSTS.—For the purposes of
5 this section—

6 “(1) the term ‘eligible institution’ means an in-
7 stitution of higher education, a local educational
8 agency serving adults, or an area vocational edu-
9 cation school serving adults that offers or will offer
10 a program that meets the requirements of section
11 225 and seeks to receive assistance under this part;

12 “(2) the term ‘institution of higher education’,
13 notwithstanding section 427(b)(2) of the Higher
14 Education Amendments of 1992, has the meaning
15 given that term in section 435(b) of the Higher
16 Education Act of 1965 as such section was in effect
17 on July 22, 1992; and

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

21 **“SEC. 223. SPECIAL RULES FOR VOCATIONAL-TECHNICAL**
22 **EDUCATION.**

23 “(a) SPECIAL RULE FOR MINIMAL ALLOCATION.—

24 “(1) GENERAL AUTHORITY.—Notwithstanding
25 the provisions of section 221 or 222 and in order to

1 make a more equitable distribution of funds for pro-
2 grams serving the areas of greatest economic need,
3 for any program year for which a minimal amount
4 is made available by a State for distribution under
5 section 221 or 222 such State may distribute such
6 minimal amount for such year—

7 “(A) on a competitive basis; or

8 “(B) through any alternative method de-
9 termined by the State.

10 “(2) MINIMAL AMOUNT.—For purposes of this
11 section, the term “minimal amount” means not
12 more than 15 percent of the total amount made
13 available for distribution under this part.

14 “(b) REDISTRIBUTION.—

15 “(1) IN GENERAL.—In any academic year that
16 a local educational agency or eligible institution does
17 not expend all of the amounts it is allocated for such
18 year under section 221 or 222, such recipient shall
19 return any unexpended amounts to the State to be
20 reallocated under section 221 or 222, as appropriate.

21 “(2) REDISTRIBUTION OF AMOUNTS RETURNED
22 LATE IN AN ACADEMIC YEAR.—In any academic year
23 in which amounts are returned to the State under
24 section 221 or 222 and the State is unable to reallo-
25 cate such amounts according to such sections in

1 time for such amounts to be expended in such aca-
2 demic year, the State shall retain such amounts for
3 distribution in combination with amounts provided
4 under this title for the following academic year.

5 “(c)(1) CONSTRUCTION.—Nothing in section 221 or
6 222 shall be construed—

7 “(A) to prohibit a local educational agency (or
8 a consortium thereof) that receives assistance under
9 section 221, from working with an eligible recipient
10 (or consortium thereof) that receives assistance
11 under section 222, to carry out secondary school vo-
12 cational-technical education programs in accordance
13 with this title;

14 “(B) to prohibit an eligible recipient (or consor-
15 tium thereof) that receives assistance under section
16 222, from working with a local educational agency
17 (or consortium thereof) that receives assistance
18 under section 221, to carry out postsecondary and
19 adult vocational-technical education programs in ac-
20 cordance with this title; or

21 “(C) to require a charter school that is a local
22 educational agency to jointly establish its eligibility
23 unless the charter school is explicitly permitted to do
24 so under the State’s charter school statute.

1 For purposes of this section, the State Board shall provide
 2 funds to charter schools that are public schools of the local
 3 educational agency in the same manner as it provides
 4 those funds to other schools in the local educational agen-
 5 cy. Such program within charter schools shall be of suffi-
 6 cient size, scope, and quality as to be effective.

7 **“SEC. 224. LOCAL APPLICATION FOR VOCATIONAL-TECH-**
 8 **NICAL EDUCATION PROGRAMS.**

9 “(a) APPLICATION REQUIRED.—Any eligible recipient
 10 desiring financial assistance under this part shall, accord-
 11 ing to requirements established by the State Board, sub-
 12 mit an application to the State Board. Such application
 13 shall cover the same period of time as the period of time
 14 applicable to the State plan submitted under section 112.

15 “(b) CONTENTS.—The State Board shall determine
 16 requirements for local applications, except that each appli-
 17 cation shall—

18 “(1) describe how the vocational-technical edu-
 19 cation programs required under section 225 will be
 20 carried out with funds received under this subtitle;

21 “(2) describe how the vocational-technical edu-
 22 cation programs to be carried out relate to reaching
 23 the State benchmarks, concerning vocational-tech-
 24 nical education programs if such State benchmarks
 25 exist;

1 “(3) describe how the eligible recipient will—

2 “(A) improve the academic and technical
3 skills of students participating in vocational-
4 technical education programs by strengthening
5 the academic component of such programs
6 through the integration of academics with voca-
7 tional-technical education programs through a
8 coherent sequence of courses to ensure learning
9 in the core academic subjects; and

10 “(B) ensure that students who participate
11 in such vocational-technical education programs
12 are taught to the same challenging academic
13 proficiencies as are provided for all other stu-
14 dents; and

15 “(4) describe how parents, teachers, business
16 and representatives of employees are involved in the
17 development and implementation of vocational-
18 nical education programs assisted under this Act.

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

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

23 “(b) **REQUIREMENTS FOR USES OF FUNDS.**—Funds
24 made available under a grant under this part shall be used
25 to provide vocational-technical education programs that—

1 “(1) are of such size, scope, and quality as to
2 be effective;

3 “(2) strengthen the academic and technical
4 skills of students participating in vocational-tech-
5 nical education programs by strengthening the aca-
6 demic component of such programs through the inte-
7 gration of academics with vocational-technical edu-
8 cation programs through a coherent sequence of
9 courses to ensure learning in the core academic sub-
10 jects;

11 “(3) improve or expand the use of technology in
12 vocational-technical instruction, including the train-
13 ing of vocational-technical instructors to use state-
14 of-the-art technology, which may include distance
15 learning; and

16 “(4) professional development programs includ-
17 ing—

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

21 “(B) support of education programs for
22 teachers of vocational-technical education in
23 public schools to ensure such teachers stay cur-
24 rent with the needs, expectations, and methods
25 of industry;

1 “(c) PERMISSIBLE ACTIVITIES.—The programs and
2 activities described in subsection (b) may be used for pro-
3 grams such as—

4 “(1) establish agreements between secondary
5 and postsecondary vocational-technical education
6 programs in order to provide postsecondary edu-
7 cation and training opportunities for students par-
8 ticipating in such vocational-technical programs,
9 such as tech-prep programs;

10 “(2) involve parents, business, and representa-
11 tives of employees in the design and implementation
12 of vocational-technical education programs author-
13 ized under this Act.

14 “(3) providing career guidance and counseling;

15 “(4) cooperative education or apprenticeship
16 programs;

17 “(5) programs for single parents, displaced
18 homemakers, and single pregnant women;

19 “(6) local education and business partnerships;
20 and

21 “(7) vocational student organizations.

22 “(d) ADMINISTRATIVE COSTS.—Each eligible recipi-
23 ent receiving funds under this part shall not use more than
24 2 percent of the funds for administrative costs associated
25 with the administration of the grant.”.

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

2 Part C of title II is repealed.

3 **TITLE III—RESEARCH AND**
4 **DEVELOPMENT**

5 **SEC. 301. EVALUATION; RESEARCH, DEMONSTRATIONS AND**
6 **DISSEMINATION.**

7 Title III of the Act is amended to read as follows:

8 **“PART A—RESEARCH AND DEVELOPMENT**

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

11 **“(a) SINGLE PLAN.—**

12 **“(1) IN GENERAL.—**The Secretary shall develop
13 a single plan for evaluation and assessment, re-
14 search, demonstrations, and dissemination with re-
15 gard to the vocational-technical education programs
16 assisted under this Act.

17 **“(2) PLAN.—**Such plan shall—

18 **“(A)** identify the vocational-technical edu-
19 cation programs the Secretary will carry out
20 under this section;

21 **“(B)** describe how the Secretary will evalu-
22 ate such vocational-technical education pro-
23 grams in accordance with subsection (b); and

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

26 **“(b) EVALUATION AND ASSESSMENT.—**

1 “(1) IN GENERAL.—From amounts made avail-
2 able under paragraph (3), the Secretary shall pro-
3 vide for the conduct of an independent evaluation
4 and assessment of vocational-technical education
5 programs through studies and analyses conducted
6 independently through grants and contracts awarded
7 on a competitive basis.

8 “(2) CONTENTS.—Such evaluation and assess-
9 ment of vocational-technical education programs
10 shall include descriptions of—

11 “(A) the extent to which State, local, and
12 tribal entities have developed, implemented, or
13 improved State and local vocational-technical
14 education programs;

15 “(B) the degree to which the expenditures
16 at the Federal, State, local, and tribal levels ad-
17 dress improvement in vocational-technical edu-
18 cation programs;

19 “(C) the extent to which vocational-tech-
20 nical education programs succeed in preparing
21 individuals participating in such programs for
22 entry into postsecondary education, further
23 learning, or high-skill, high-wage careers; and

24 “(D) the effect of benchmarks, perform-
25 ance measures, and other measures of account-

1 ability on the delivery of vocational-technical
2 education programs.

3 “(3) AUTHORIZATION.—There are authorized to
4 be appropriated \$5,000,000 for fiscal year 1998 and
5 such sums as may be necessary for each of the 4
6 succeeding fiscal years to carry out this subsection.

7 “(c) RESEARCH.—

8 “(1) IN GENERAL.—The Secretary shall award
9 grants, on a competitive basis, to an institution of
10 higher education, a public or private organization or
11 agency, or a consortium of such institutions, organi-
12 zations, or agencies to establish a national research
13 center or centers—

14 “(A) to carry out research for the purpose
15 of developing, improving, and identifying the
16 most successful methods for successfully ad-
17 dressing the education, employment, and train-
18 ing needs of participants in vocational-technical
19 education programs;

20 “(B) to carry out research to increase the
21 effectiveness and improve the implementation of
22 vocational-technical education programs, includ-
23 ing conducting research and development and
24 studies providing longitudinal information or

1 formative evaluation with respect to vocational-
2 technical education programs;

3 “(C) to carry out such other programs as
4 the Secretary determines to be appropriate to
5 achieve the purposes of this Act.

6 “(2) SUMMARY.—The Secretary shall provide
7 an annual report summarizing the evaluations and
8 assessments described in subsection (b), and the re-
9 search conducted pursuant to this subsection, and
10 the findings of such evaluations and assessments,
11 and research, to the Committee on Education and
12 the Workforce of the House of Representatives and
13 the Committee on Labor and Human Resources of
14 the Senate.

15 “(3) AUTHORIZATION.—There are authorized to
16 be appropriated \$5,000,000 for fiscal year 1998 and
17 such sums as may be necessary for each of the 4
18 succeeding fiscal years to carry out this subsection.

19 “(d) DEMONSTRATIONS AND DISSEMINATION.—

20 “(1) AUTHORITY.—

21 “(A) The Secretary is authorized to carry
22 out demonstration vocational-technical edu-
23 cation programs, to replicate model vocational-
24 technical education programs, to disseminate
25 best practices information, and to provide tech-

1 nical assistance upon request of a State, for the
2 purposes of developing, improving, and identify-
3 ing the most successful methods and techniques
4 for providing the vocational-technical education
5 programs assisted under this Act.

6 “(B) PROGRAMS.—

7 “(i) The Secretary shall carry out a
8 demonstration partnership project involv-
9 ing Napa Valley Community Resource
10 Center, local public educational organiza-
11 tions, volunteer groups, and private sector
12 business participants to provide program
13 support, facilities, training, retraining,
14 education, tutoring, counseling, employ-
15 ment preparation, distance learning, and
16 specific skills training in emerging and es-
17 tablished professions to individuals who
18 otherwise would not have access to such
19 services.

20 “(ii) Such programs may be carried
21 out directly or through grants, contracts,
22 cooperative agreements, or through the na-
23 tional center or centers.

24 “(4) AUTHORIZATION.—There are authorized to
25 be appropriated \$5,000,000 for fiscal year 1998 and

1 such sums as may be necessary for each of the 4
2 succeeding fiscal years to carry out this subsection.

3 “(f) DEFINITION.—As used in this section, the term
4 ‘institution of higher education’ has the meaning given the
5 term in section 1201(a) of the Higher Education Act of
6 1965 (20 U.S.C.1141(a)).”.

7 **SEC. 302. REPEALS.**

8 Parts B, D, E, and F of title IV of the Act are re-
9 pealed.

10 **SEC. 303. VOCATIONAL-TECHNICAL EDUCATION AND OCCU-
11 PATIONAL INFORMATION DATA SYSTEMS.**

12 Part C of title IV is amended by redesignating sec-
13 tions 421 through 424 as sections 311 through 314, re-
14 spectively.

15 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

16 Part C of title IV is amended by adding at the end
17 the following:

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

19 “There are authorized to be appropriated for this
20 part such sums as may be necessary for fiscal year 1998
21 and such sums as may be necessary for each of the 4 suc-
22 ceeding fiscal years.”.

1 **TITLE IV—GENERAL**
2 **PROVISIONS**

3 **SEC. 401. GENERAL PROVISIONS.**

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

5 **“TITLE V—GENERAL**
6 **PROVISIONS**

7 **“PART A—FEDERAL ADMINISTRATIVE**
8 **PROVISIONS**

9 **“SEC. 401. PAYMENTS.**

10 “The Secretary shall pay from its allotment under
11 section 101 to each State for any fiscal year for which
12 the State has a State application submitted in accordance
13 with section 113 (including any amendment to such appli-
14 cation) the Federal share of the costs of carrying out the
15 State plan.

16 **“SEC. 402. FISCAL REQUIREMENTS.**

17 “(a) SUPPLEMENT NOT SUPPLANT.—Funds made
18 available under this Act for vocational-technical education
19 programs shall supplement, not supplant, other public
20 funds expended to carry out programs described under
21 sections 201 and 225.

22 “(b) MAINTENANCE OF EFFORT.—

23 “(1) DETERMINATION.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraphs (B) and (C), no payments shall

1 be made under this title for any program year
2 to a State for vocational-technical education
3 programs unless the Secretary of Education de-
4 termines that the fiscal effort per student or
5 the aggregate expenditures of such State for
6 programs described in sections 201 and 225 for
7 the program year preceding the program year
8 for which the determination is made, equaled or
9 exceeded such effort or expenditures for pro-
10 grams described in sections 201 and 225, for
11 the second program year preceding the fiscal
12 year for which the determination is made.

13 “(B) COMPUTATION.—In computing the
14 fiscal effort or aggregate expenditures pursuant
15 to subparagraph (A), the Secretary of Edu-
16 cation shall exclude capital expenditures, special
17 one-time project costs, similar windfalls, and
18 the cost of pilot programs.

19 “(C) DECREASE IN FEDERAL SUPPORT.—
20 If the amount made available for vocational-
21 technical education programs under this Act for
22 a fiscal year is less than the amount made
23 available for vocational-technical education pro-
24 grams under this Act for the preceding fiscal
25 year, then the fiscal effort per student or the

1 aggregate expenditures of a State required by
2 subparagraph (B) for such preceding fiscal year
3 shall be decreased by the same percentage as
4 the percentage decrease in the amount so made
5 available.

6 “(2) WAIVER.—The Secretary of Education
7 may waive the requirements of paragraph (1) (with
8 respect to not more than 5 percent of expenditures
9 required for the preceding fiscal year by any State)
10 for 1 program year only, after making a determina-
11 tion that such waiver would be equitable due to ex-
12 ceptional or uncontrollable circumstances affecting
13 the ability of the State to meet such requirements,
14 such as a natural disaster or an unforeseen and pre-
15 cipitous decline in financial resources. No level of
16 funding permitted under such a waiver may be used
17 as the basis for computing the fiscal effort or aggre-
18 gate expenditures required under this paragraph for
19 years subsequent to the year covered by such waiver.
20 The fiscal effort or aggregate expenditures for the
21 subsequent years shall be computed on the basis of
22 the level of funding that would, but for such waiver,
23 have been required.

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

2 “Any authority to make payments or to enter into
3 contracts under this Act shall be available only to such
4 extent or in such amounts as are provided in advance ap-
5 propriation 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
9 any aspect of any private, religious, or home school,
10 whether or not a home school is treated as a private school
11 or home school under State law. This section shall not be
12 construed to bar private, religious, or home schools from
13 participation in programs or services under the Act.

14 **“SEC. 405. FREEDOM TO CHOOSE.**

15 “None of the funds made available under this Act
16 shall 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. FEDERAL LAWS GUARANTEEING CIVIL RIGHTS.**

2 “Nothing in this Act shall be construed to be incon-
3 sistent with appropriate Federal laws guaranteeing civil
4 rights.

5 **“SEC. 407. AUTHORIZATION OF SECRETARY.**

6 “For the purposes of increasing and expanding the
7 use of technology in vocational-technical education in-
8 struction, including the training of vocational-technical
9 education personnel as provided in title II, the Secretary
10 of Education is authorized to receive funds collected by
11 the Federal Government from fees for the use of property,
12 rights-of-way, and easements under the control of Federal
13 departments and agencies for the placement of tele-
14 communications services that are dependent, in whole or
15 in part, upon the utilization of general spectrum rights
16 for the transmission or reception of such services.

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

18 **“SEC. 411. JOINT FUNDING.**

19 “(a) GENERAL AUTHORITY.—Funds made available
20 to States under this Act may be used to provide additional
21 funds under an applicable program if—

22 “(1) such program otherwise meets the require-
23 ments of this Act and the requirements of the appli-
24 cable program;

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

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

2 “For each fiscal year for which a State receives as-
3 sistance under this Act, the State shall provide from non-
4 Federal sources for costs the State incurs for administra-
5 tion of programs under this Act an amount that is not
6 less than the amount provided by the State from non-Fed-
7 eral sources for such costs for the preceding fiscal year.

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

9 “The Secretary may issue regulations under this Act
10 only to the extent necessary to administer and ensure com-
11 pliance with the specific requirements of this Act.

12 **“SEC. 415. REPEAL OF SMITH-HUGHES VOCATIONAL EDU-
13 CATION ACT.**

14 “The Act of February 23, 1917 (39 Stat. 929; 20
15 U.S.C. 11) (commonly known as the ‘Smith-Hughes Voca-
16 tional Education Act’) is repealed.

17 **“SEC. 416. EFFECTIVE DATE.**

18 “Except as otherwise provided, the repeals and
19 amendments made by this Act shall take effect on the date
20 of the enactment of the Carl D. Perkins Vocational-Tech-
21 nical Education Act Amendments of 1997.

22 **“PART C—DEFINITIONS**

23 **“SEC. 421. DEFINITIONS.**

24 “Except as otherwise specified in this Act, as used
25 in 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 devel-
6 opment, or research programs.

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

11 “(3) APPRENTICESHIP TRAINING PROGRAM.—
12 The term ‘apprenticeship training program’ means a
13 program which is conducted or sponsored by an em-
14 ployer or a group of employers which contains all
15 terms and conditions for the qualification, recruit-
16 ment, selection, employment, and training of appren-
17 tices.

18 “(4) AREA VOCATIONAL-TECHNICAL EDUCATION
19 SCHOOL.—The term ‘area vocational-technical edu-
20 cation school’ means—

21 “(A) a specialized secondary school used
22 exclusively or principally for the provision of vo-
23 cational-technical education to individuals who
24 are available for study in preparation for enter-
25 ing the labor market;

1 “(B) the department of a secondary school
2 exclusively or principally used for providing vo-
3 cational-technical education in not fewer than 5
4 different occupational fields to individuals who
5 are available for study in preparation for enter-
6 ing the labor market;

7 “(C) a technical institute or vocational-
8 technical education school used exclusively or
9 principally for the provision of vocational-tech-
10 nical education to individuals who have com-
11 pleted or left secondary school and who are
12 available for study in preparation for entering
13 the labor market, if the institute or school ad-
14 mits as regular students both individuals who
15 have completed secondary school and individ-
16 uals who have left secondary school; or

17 “(D) the department or division of a junior
18 college, or community college, that operates
19 under the policies of the State Board and that
20 provides vocational-technical education in not
21 fewer than 5 different occupational fields lead-
22 ing to immediate employment but not nec-
23 essarily leading to a baccalaureate degree, if the
24 department or division admits as regular stu-
25 dents both individuals who have completed sec-

1 ondary school and individuals who have left sec-
2 ondary school.

3 “(5) COOPERATIVE EDUCATION.—The term ‘co-
4 operative education’ means a method of instruction
5 of education for individuals who, through written co-
6 operative arrangements between a school and em-
7 ployers, receive instruction, including required aca-
8 demic courses and related instruction, by alternation
9 of study in school with a job in any occupational
10 field, which alternation shall be planned and super-
11 vised by the school and employer so that each con-
12 tributes to the education and employability of the in-
13 dividual, and may include an arrangement in which
14 work periods and school attendance may be on alter-
15 nate half days, full days, weeks, or other periods of
16 time in fulfilling the cooperative program.

17 “(6) DISPLACED HOMEMAKER.—The term ‘dis-
18 placed homemaker’ means an individual who—

19 “(A) has attained 16 years of age; and

20 “(B)(i) has worked primarily without re-
21 muneration to care for a home and family, and
22 for that reason has diminished marketable
23 skills; or

24 “(ii) is a parent whose youngest dependent
25 child will become ineligible to receive assistance

1 under the program for aid to families with de-
2 pendent children under part A of title IV of the
3 Social Security Act (42 U.S.C. 601 et seq.) not
4 later than 2 years after the date on which the
5 parent applies for assistance under this title.

6 “(7) EDUCATIONAL SERVICE AGENCY.—The
7 term ‘educational service agency’ means a regional
8 public multiservice agency authorized by State stat-
9 ute to develop and manage a service or program and
10 provide the service or program to a local educational
11 agency.

12 “(8) ELIGIBLE RECIPIENT.—The term ‘eligible
13 recipient’ means a local educational agency, an area
14 vocational-technical education school, an educational
15 service agency, an institution of higher education (as
16 such term is defined in section 1201(a) of the High-
17 er Education Act of 1965 (20 U.S.C. 1141(a))), and
18 a consortium of such entities.

19 “(9) LOCAL EDUCATIONAL AGENCY.—The term
20 ‘local educational agency’ has the meaning given
21 such term in section 14101 of the Elementary and
22 Secondary Education Act of 1965 (20 U.S.C. 8801).

23 “(10) OUTLYING AREA.—The term ‘outlying
24 area’ means the United States Virgin Islands,
25 Guam, American Samoa, the Commonwealth of the

1 Northern Mariana Islands, the Republic of the Mar-
2 shall Islands, the Federated States of Micronesia,
3 and the Republic of Palau.

4 “(11) REPRESENTATIVES OF EMPLOYEES.—For
5 purposes of section 122, the term ‘representatives of
6 employees’ means—

7 “(A) individuals who have been elected by
8 organizations, associations, or a network of
9 similar institutions to represent the economic
10 interests of employees at a significant segment
11 of workplaces located in, or adjacent to, the
12 local workforce development area; or

13 “(B) individuals from organizations, asso-
14 ciations, or a network of similar institutions,
15 with expertise to represent, or experience rep-
16 resenting, the interests of employees with re-
17 spect to the job training priorities in the local
18 workforce development area.

19 “(12) SECONDARY SCHOOL.—The term ‘second-
20 ary school’ has the meaning given the term in sec-
21 tion 14101 of the Elementary and Secondary Edu-
22 cation Act of 1965 (20 U.S.C. 8801).

23 “(13) SPECIAL POPULATIONS.—The term “spe-
24 cial populations” includes individuals with disabil-
25 ities, economically disadvantaged individuals, individ-

1 uals of limited English proficiency, and individuals
2 participating in nontraditional training and employ-
3 ment.

4 “(14) SECRETARY.—The term ‘Secretary’
5 means the Secretary of Education.

6 “(15) STATE.—The term ‘State’ means each of
7 the several States of the United States, the District
8 of Columbia, and the Commonwealth of Puerto Rico.

9 “(16) TECH-PREP PROGRAM.—The term ‘tech-
10 prep program’ means a program of study that—

11 “(A) combines at least 2 years of second-
12 ary education (as determined under State law)
13 and 2 years of postsecondary education in a
14 nonduplicative sequential course of study;

15 “(B) strengthens the applied academic
16 component of vocational-technical education
17 through the integration of academic and voca-
18 tional-technical instruction;

19 “(C) provides technical preparation in an
20 area such as engineering technology, applied
21 science, a mechanical, industrial, or practical
22 art or trade, agriculture, a health occupation,
23 business, or applied economics;

24 “(D) builds student competence in mathe-
25 matics, science, and communications through

1 applied academics in a coherent sequence of
2 courses; and

3 “(E) leads to an associate degree or a cer-
4 tificate in a specific career field and to high
5 skill, high wage employment or further edu-
6 cation.

7 “(17) VOCATIONAL-TECHNICAL EDUCATION.—
8 The term ‘vocational-technical education’ means or-
9 ganized educational programs that—

10 “(A) offer a sequence of courses that pro-
11 vide individuals with the academic knowledge
12 and skills the individuals need to prepare for
13 further education and careers in current or
14 emerging employment sectors; and

15 “(B) include competency-based applied
16 learning that contributes to the academic
17 knowledge, higher-order reasoning and problem-
18 solving skills, work attitudes, general employ-
19 ability skills, and occupation-specific skills, of
20 an individual.

21 “(18) VOCATIONAL STUDENT ORGANIZATION.—
22 The term ‘vocational student organization’ means an
23 organization, for individuals enrolled in programs of
24 vocational-technical education programs, that en-
25 gages in programs as an integral part of the instruc-

- 1 tional component of such programs, which organiza-
- 2 tion may have State and national units.”.

○