

H.R.1853

Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998 (Enrolled as Agreed to or Passed by Both House and Senate)

`SEC. 118. OCCUPATIONAL AND EMPLOYMENT INFORMATION.

`(a) NATIONAL ACTIVITIES- From funds appropriated under subsection (f), the Secretary, in consultation with appropriate Federal agencies, is authorized--

- `(1) to provide assistance to an entity to enable the entity--
 - `(A) to provide technical assistance to State entities designated under subsection (b) to enable the State entities to carry out the activities described in subsection (b);
 - `(B) to disseminate information that promotes the replication of high quality practices described in subsection (b);
 - `(C) to develop and disseminate products and services related to the activities described in subsection (b); and
- `(2) to award grants to States that designate State entities in accordance with subsection (b) to enable the State entities to carry out the State level activities described in subsection (b).

`(b) STATE LEVEL ACTIVITIES- In order for a State to receive a grant under this section, the eligible agency and the Governor of the State shall jointly designate an entity in the State--

- `(1) to provide support for a career guidance and academic counseling program designed to promote improved career and education decisionmaking by individuals (especially in areas of career information delivery and use);
- `(2) to make available to students, parents, teachers, administrators, and counselors, and to improve accessibility with respect to, information and planning resources that relate educational preparation to career goals and expectations;
- `(3) to equip teachers, administrators, and counselors with the knowledge and skills needed to assist students and parents with career exploration, educational opportunities, and education financing.
- `(4) to assist appropriate State entities in tailoring career-related educational resources and training for use by such entities;
- `(5) to improve coordination and communication among administrators and planners of programs authorized by this Act

and by section 15 of the Wagner-Peyser Act at the Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use of shared information and data; and

`(6) to provide ongoing means for customers, such as students and parents, to provide comments and feedback on products and services and to update resources, as appropriate, to better meet customer requirements.

`(c) NONDUPLICATION-

`(1) WAGNER-PEYSER ACT- The State entity designated under subsection (b) may use funds provided under subsection (b) to supplement activities under section 15 of the Wagner-Peyser Act to the extent such activities do not duplicate activities assisted under such section.

`(2) PUBLIC LAW 105-220- None of the functions and activities assisted under this section shall duplicate the functions and activities carried out under Public Law 105-220.

`(d) FUNDING RULE- Of the amounts appropriated to carry out this section, the Federal entity designated under subsection (a) shall use--

`(1) not less than 85 percent to carry out subsection (b); and

`(2) not more than 15 percent to carry out subsection (a).

`(e) REPORT- The Secretary, in consultation with appropriate Federal agencies, shall prepare and submit to the appropriate committees of Congress, an annual report that includes--

`(1) an identification of activities assisted under this section during the prior program year;

`(2) a description of the specific products and services assisted under this section that were delivered in the prior program year; and

`(3) an assessment of the extent to which States have effectively coordinated activities assisted under this section with activities authorized under section 15 of the Wagner-Peyser Act.

`(f) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 through 2003.

`PART B--STATE PROVISIONS

`SEC. 121. STATE ADMINISTRATION.

`(a) ELIGIBLE AGENCY RESPONSIBILITIES-

`(1) IN GENERAL- The responsibilities of an eligible agency under this title shall include--

`(A) coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this title, including preparation for nontraditional training and employment;

`(B) consultation with the Governor and appropriate agencies, groups, and individuals including parents,

students, teachers, representatives of businesses, labor organizations, eligible recipients, State and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under this title;

`(C) convening and meeting as an eligible agency (consistent with State law and procedure for the conduct of such meetings) at such time as the eligible agency determines necessary to carry out the eligible agency's responsibilities under this title, but not less than four times annually; and

`(D) the adoption of such procedures as the eligible agency considers necessary to--

`(i) implement State level coordination with the activities undertaken by the State boards under section 111 of Public Law 105-220; and

`(ii) make available to the service delivery system under section 121 of Public Law 105-220 within the State a listing of all school dropout, postsecondary, and adult programs assisted under this title.

`(2) EXCEPTION- Except with respect to the responsibilities set forth in paragraph (1), the eligible agency may delegate any of the other responsibilities of the eligible agency that involve the administration, operation, supervision of activities assisted under this title, in whole or in part, to one or more appropriate State agencies.

`SEC. 122. STATE PLAN.

`(a) STATE PLAN-

`(1) IN GENERAL- Each eligible agency desiring assistance under this title for any fiscal year shall prepare and submit to the Secretary a State plan for a 5-year period, together with such annual revisions as the eligible agency determines to be necessary.

`(2) REVISIONS- Each eligible agency--

`(A) may submit such annual revisions of the State plan to the Secretary as the eligible agency determines to be necessary; and

`(B) shall, after the second year of the 5 year State plan, conduct a review of activities assisted under this title and submit any revisions of the State plan that the eligible agency determines necessary to the Secretary.

`(3) HEARING PROCESS- The eligible agency shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups (including employers, labor organizations, and parents), an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the eligible agency's

response to such recommendations shall be included in the State plan.

`(b) PLAN DEVELOPMENT-

`(1) IN GENERAL- The eligible agency shall develop the State plan in consultation with teachers, eligible recipients, parents, students, interested community members, representatives of special populations, representatives of business and industry, and representatives of labor organizations in the State, and shall consult the Governor of the State with respect to such development.

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

`(c) PLAN CONTENTS- The State plan shall include information that--

`(1) describes the vocational and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of--

`(A) the secondary and postsecondary vocational and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to quality, state-of-the-art technology in vocational and technical education programs;

`(B) the criteria that will be used by the eligible agency in approving applications by eligible recipients for funds under this title;

`(C) how such programs will prepare vocational and technical education students for opportunities in postsecondary education or entry into high skill, high wage jobs in current and emerging occupations; and

`(D) how funds will be used to improve or develop new vocational and technical education courses;

`(2) describes how comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel will be provided;

`(3) describes how the eligible agency will actively involve parents, teachers, local businesses (including small- and medium-sized businesses), and labor organizations in the planning, development, implementation, and evaluation of such vocational and technical education programs;

`(4) describes how funds received by the eligible agency through the allotment made under section 111 will be allocated--

`(A) among secondary school vocational and technical education, or postsecondary and adult vocational and technical education, or both, including the rationale for such allocation; and

- `(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;
- `(5) describes how the eligible agency will--
 - `(A) improve the academic and technical skills of students participating in vocational and technical education programs, including strengthening the academic, and vocational and technical, components of vocational and technical education programs through the integration of academics with vocational and technical education to ensure learning in the core academic, and vocational and technical, subjects, and provide students with strong experience in, and understanding of, all aspects of an industry; and
 - `(B) ensure that students who participate in such vocational and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students;
- `(6) describes how the eligible agency will annually evaluate the effectiveness of such vocational and technical education programs, and describe, to the extent practicable, how the eligible agency is coordinating such programs to ensure nonduplication with other existing Federal programs;
- `(7) describes the eligible agency's program strategies for special populations;
- `(8) describes how individuals who are members of the special populations--
 - `(A) will be provided with equal access to activities assisted under this title;
 - `(B) will not be discriminated against on the basis of their status as members of the special populations; and
 - `(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage careers;
- `(9) describe what steps the eligible agency shall take to involve representatives of eligible recipients in the development of the State adjusted levels of performance;
- `(10) provides assurances that the eligible agency will comply with the requirements of this title and the provisions of the State plan, including the provision of a financial audit of funds received under this title which may be included as part of an audit of other Federal or State programs;
- `(11) provides assurances that none of the funds expended under this title will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity, the

employees of the purchasing entity, or any affiliate of such an organization;

`(12) describes how the eligible agency will report data relating to students participating in vocational and technical education in order to adequately measure the progress of the students, including special populations;

`(13) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;

`(14) describes how the eligible agency will provide local educational agencies, area vocational and technical education schools, and eligible institutions in the State with technical assistance;

`(15) describes how vocational and technical education relates to State and regional occupational opportunities;

`(16) describes the methods proposed for the joint planning and coordination of programs carried out under this title with other Federal education programs;

`(17) describes how funds will be used to promote preparation for nontraditional training and employment;

`(18) describes how funds will be used to serve individuals in State correctional institutions;

`(19) describes how funds will be used effectively to link secondary and postsecondary education;

`(20) describes how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable; and

`(21) contains the description and information specified in sections 112(b)(8) and 121(c) of Public Law 105-220 concerning the provision of services only for postsecondary students and school dropouts.

`(d) PLAN OPTION- The eligible agency may fulfill the requirements of subsection (a) by submitting a plan under section 501 of Public Law 105-220.

`(e) PLAN APPROVAL-

`(1) IN GENERAL- The Secretary shall approve a State plan, or a revision to an approved State plan, unless the Secretary determines that--

`(A) the State plan, or revision, respectively, does not meet the requirements of this section; or

`(B) the State's levels of performance on the core indicators of performance consistent with section 113 are not sufficiently rigorous to meet the purpose of this Act.

`(2) DISAPPROVAL- The Secretary shall not finally disapprove a State plan, except after giving the eligible agency notice and an opportunity for a hearing.

`(3) CONSULTATION- The eligible agency shall develop the portion of each State plan relating to the amount and uses of

any funds proposed to be reserved for adult vocational and technical education, postsecondary vocational and technical education, tech-prep education, and secondary vocational and technical education after consultation with the State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary vocational and technical education, and the State agency responsible for secondary education. If a State agency finds that a portion of the final State plan is objectionable, the State agency shall file such objections with the eligible agency. The eligible agency shall respond to any objections of the State agency in the State plan submitted to the Secretary.

`(4) TIMEFRAME- A State plan shall be deemed approved by the Secretary if the Secretary has not responded to the eligible agency regarding the State plan within 90 days of the date the Secretary receives the State plan.

`(f) TRANSITION- This section shall be subject to section 4 for fiscal year 1999 only, with respect to activities under this section.