

**(b) Notification requirement**

Each eligible agency that chooses to consolidate funds under this section shall notify the Secretary, in the State plan submitted under section 2342 of this title, of the eligible agency's decision to consolidate funds under this section.

**(c) Treatment of consolidated funds**

Funds consolidated under this section shall be considered as funds allotted under section 2321 of this title and shall be distributed in accordance with section 2322 of this title.

(Pub. L. 88-210, title II, §202, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 738.)

## PRIOR PROVISIONS

A prior section 2372, Pub. L. 88-210, title II, §203, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3118, related to State allotment and application, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2372, Pub. L. 88-210, title III, §322, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2460; amended Pub. L. 100-418, title VI, §6131(a)(2), Aug. 23, 1988, 102 Stat. 1509; Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142, authorized Secretary to make grants and specified uses of funds for program, prior to repeal by Pub. L. 101-392, title III, §305, title VII, §702(a), Sept. 25, 1990, 104 Stat. 786, 843, effective July 1, 1991.

A prior section 202 of Pub. L. 88-210 was classified to section 2371 of this title, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 202 of Pub. L. 88-210 was classified to section 2332 of this title, prior to the general amendment of former subchapter II of this chapter by Pub. L. 101-392.

**§ 2373. Tech prep program****(a) Grant program authorized****(1) In general**

From amounts made available to each eligible agency under section 2371 of this title, the eligible agency, in accordance with the provisions of this subchapter, shall award grants, on a competitive basis or on the basis of a formula determined by the eligible agency, for tech prep programs described in subsection (c). The grants shall be awarded to consortia between or among—

(A) a local educational agency, an intermediate educational agency, educational service agency, or area career and technical education school, serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and

(B)(i) a nonprofit institution of higher education that—

(I)(aa) offers a 2-year associate degree program or a 2-year certificate program; and

(bb) is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965 [20 U.S.C. 1002], including—

(AA) an institution receiving assistance under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.); and

(BB) a tribally controlled postsecondary career and technical institution; or

(II) offers a 2-year apprenticeship program that follows secondary education instruction,

if such nonprofit institution of higher education is not prohibited from receiving assistance under part B of title IV of the Higher Education Act of 1965 [20 U.S.C. 1071 et seq.] pursuant to the provisions of section 435(a)(2) of such Act [20 U.S.C. 1085(a)(2)]; or

(ii) a proprietary institution of higher education that offers a 2-year associate degree program and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965 [20 U.S.C. 1002], if such proprietary institution of higher education is not subject to a default management plan required by the Secretary.

**(2) Special rule**

In addition, a consortium described in paragraph (1) may include 1 or more—

(A) institutions of higher education that award a baccalaureate degree; and

(B) employers (including small businesses), business intermediaries, or labor organizations.

**(b) Duration**

Each consortium receiving a grant under this subchapter shall use amounts provided under the grant to develop and operate a 4- or 6-year tech prep program described in subsection (c).

**(c) Contents of tech prep program**

Each tech prep program shall—

(1) be carried out under an articulation agreement between the participants in the consortium;

(2) consist of a program of study that—

(A) combines—

(i) a minimum of 2 years of secondary education (as determined under State law); with

(ii)(I) a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study; or

(II) an apprenticeship program of not less than 2 years following secondary education instruction; and

(B) integrates academic and career and technical education instruction, and utilizes work-based and worksite learning experiences where appropriate and available;

(C) provides technical preparation in a career field, including high skill, high wage, or high demand occupations;

(D) builds student competence in technical skills and in core academic subjects (as defined in section 7801 of this title), as appropriate, through applied, contextual, and integrated instruction, in a coherent sequence of courses;

(E) leads to technical skill proficiency, an industry-recognized credential, a certificate, or a degree, in a specific career field;

(F) leads to placement in high skill or high wage employment, or to further education; and

(G) utilizes career and technical education programs of study, to the extent practicable;

(3) include the development of tech prep programs for secondary education and postsecondary education that—

(A) meet academic standards developed by the State;

(B) link secondary schools and 2-year post-secondary institutions, and if possible and practicable, 4-year institutions of higher education, through—

(i) nonduplicative sequences of courses in career fields;

(ii) the use of articulation agreements; and

(iii) the investigation of opportunities for tech prep secondary education students to enroll concurrently in secondary education and postsecondary education coursework;

(C) use, if appropriate and available, work-based or worksite learning experiences in conjunction with business and all aspects of an industry; and

(D) use educational technology and distance learning, as appropriate, to involve all the participants in the consortium more fully in the development and operation of programs;

(4) include in-service professional development for teachers, faculty, and administrators that—

(A) supports effective implementation of tech prep programs;

(B) supports joint training in the tech prep consortium;

(C) supports the needs, expectations, and methods of business and all aspects of an industry;

(D) supports the use of contextual and applied curricula, instruction, and assessment;

(E) supports the use and application of technology; and

(F) assists in accessing and utilizing data, information available pursuant to section 2328 of this title, and information on student achievement, including assessments;

(5) include professional development programs for counselors designed to enable counselors to more effectively—

(A) provide information to students regarding tech prep programs;

(B) support student progress in completing tech prep programs, which may include the use of graduation and career plans;

(C) provide information on related employment opportunities;

(D) ensure that students are placed in appropriate employment or further postsecondary education;

(E) stay current with the needs, expectations, and methods of business and all aspects of an industry; and

(F) provide comprehensive career guidance and academic counseling to participating students, including special populations;

(6) provide equal access, to the full range of technical preparation programs (including preapprenticeship programs), to individuals who are members of special populations, including the development of tech prep program services appropriate to the needs of special populations;

(7) provide for preparatory services that assist participants in tech prep programs; and

(8) coordinate with activities conducted under subchapter I.

#### **(d) Additional authorized activities**

Each tech prep program may—

(1) provide for the acquisition of tech prep program equipment;

(2) acquire technical assistance from State or local entities that have designed, established, and operated tech prep programs that have effectively used educational technology and distance learning in the delivery of curricula and services;

(3) establish articulation agreements with institutions of higher education, labor organizations, or businesses located inside or outside the State and served by the consortium, especially with regard to using distance learning and educational technology to provide for the delivery of services and programs;

(4) improve career guidance and academic counseling for participating students through the development and implementation of graduation and career plans; and

(5) develop curriculum that supports effective transitions between secondary and postsecondary career and technical education programs.

#### **(e) Indicators of performance and accountability**

##### **(1) In general**

Each consortium shall establish and report to the eligible agency indicators of performance for each tech prep program for which the consortium receives a grant under this subchapter. The indicators of performance shall include the following:

(A) The number of secondary education tech prep students and postsecondary education tech prep students served.

(B) The number and percent of secondary education tech prep students enrolled in the tech prep program who—

(i) enroll in postsecondary education;

(ii) enroll in postsecondary education in the same field or major as the secondary education tech prep students were enrolled at the secondary level;

(iii) complete a State or industry-recognized certification or licensure;

(iv) successfully complete, as a secondary school student, courses that award postsecondary credit at the secondary level; and

(v) enroll in remedial mathematics, writing, or reading courses upon entering postsecondary education.

(C) The number and percent of postsecondary education tech prep students who—

(i) are placed in a related field of employment not later than 12 months after graduation from the tech prep program;

(ii) complete a State or industry-recognized certification or licensure;

(iii) complete a 2-year degree or certificate program within the normal time for completion of such program; and

(iv) complete a baccalaureate degree program within the normal time for completion of such program.

##### **(2) Number and percent**

For purposes of subparagraphs (B) and (C) of paragraph (1), the numbers and percentages

shall be determined separately with respect to each clause of each such subparagraph.

(Pub. L. 88-210, title II, §203, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 738; amended Pub. L. 110-315, title IX, §941(k)(2)(D)(iii), Aug. 14, 2008, 122 Stat. 3466.)

#### REFERENCES IN TEXT

The Tribally Controlled Colleges and Universities Assistance Act of 1978, referred to in subsec. (a)(1)(B)(i)(I)(bb)(AA), is Pub. L. 95-471, Oct. 17, 1978, 92 Stat. 1325, which is classified principally to chapter 20 (§1801 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 25 and Tables.

The Higher Education Act of 1965, referred to in subsec. (a)(1)(B)(i), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Part B of title IV of the Act is classified generally to part B (§1071 et seq.) of subchapter IV of chapter 28 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

#### PRIOR PROVISIONS

A prior section 2373, Pub. L. 88-210, title II, §204, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3118, related to tech-prep education, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2373, Pub. L. 88-210, title III, §323, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2461; amended Pub. L. 100-418, title VI, §6131(a)(2), Aug. 23, 1988, 102 Stat. 1509, provided for coordination of program with Job Training Partnership Act, prior to repeal by Pub. L. 101-392, title III, §305, title VII, §702(a), Sept. 25, 1990, 104 Stat. 786, 843, effective July 1, 1991.

A prior section 203 of Pub. L. 88-210 was classified to section 2372 of this title, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 203 of Pub. L. 88-210 was classified to section 2333 of this title, prior to the general amendment of former subchapter II of this chapter by Pub. L. 101-392.

#### AMENDMENTS

2008—Subsec. (a)(1)(B)(i)(I)(bb)(AA). Pub. L. 110-315 substituted “the Tribally Controlled Colleges and Universities Assistance Act of 1978” for “the Tribally Controlled College or University Assistance Act of 1978”.

### § 2374. Consortium applications

#### (a) In general

Each consortium that desires to receive a grant under this subchapter shall submit an application to the eligible agency at such time and in such manner as the eligible agency shall require.

#### (b) Plan

Each application submitted under this section shall contain a 6-year plan for the development and implementation of tech prep programs under this subchapter, which plan shall be reviewed after the second year of the plan.

#### (c) Approval

The eligible agency shall approve applications under this subchapter based on the potential of the activities described in the application to create an effective tech prep program.

#### (d) Special consideration

The eligible agency, as appropriate, shall give special consideration to applications that—

- (1) provide for effective employment placement activities or the transfer of students to baccalaureate or advanced degree programs;

- (2) are developed in consultation with business, industry, institutions of higher education, and labor organizations;

- (3) address effectively the issues of school dropout prevention and reentry, and the needs of special populations;

- (4) provide education and training in an area or skill, including an emerging technology, in which there is a significant workforce shortage based on the data provided by the eligible entity in the State under section 2328 of this title;

- (5) demonstrate how tech prep programs will help students meet high academic and employability competencies; and

- (6) demonstrate success in, or provide assurances of, coordination and integration with eligible recipients described in part C of subchapter I.

#### (e) Performance levels

##### (1) In general

Each consortium receiving a grant under this subchapter shall enter into an agreement with the eligible agency to meet a minimum level of performance for each of the performance indicators described in sections 2323(b) and 2373(e) of this title.

##### (2) Resubmission of application; termination of funds

An eligible agency—

(A) shall require consortia that do not meet the performance levels described in paragraph (1) for 3 consecutive years to resubmit an application to the eligible agency for a tech prep program grant; and

(B) may choose to terminate the funding for the tech prep program for a consortium that does not meet the performance levels described in paragraph (1) for 3 consecutive years, including when the grants are made on the basis of a formula determined by the eligible agency.

#### (f) Equitable distribution of assistance

In awarding grants under this subchapter, the eligible agency shall ensure an equitable distribution of assistance between or among urban and rural participants in the consortium.

(Pub. L. 88-210, title II, §204, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 741.)

#### PRIOR PROVISIONS

A prior section 2374, Pub. L. 88-210, title II, §205, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3120, related to consortium applications, prior to the general amendment of this chapter by Pub. L. 109-270.

A prior section 204 of Pub. L. 88-210 was classified to section 2373 of this title, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 204 of Pub. L. 88-210 was classified to section 2334 of this title, prior to the general amendment of former subchapter II of this chapter by Pub. L. 101-392.

### § 2375. Report

Each eligible agency that receives an allotment under this subchapter annually shall prepare and submit to the Secretary a report on the effectiveness of the tech prep programs assisted under this subchapter, including a description of how grants were awarded within the State.