

Another prior section 2341, Pub. L. 88-210, title II, §251, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2455; amended Pub. L. 100-418, title VI, §6132, Aug. 23, 1988, 102 Stat. 1511, related to the uses of the portion of a State's allotment available for vocational education program improvement, innovation, and expansion, prior to the general amendment of former subchapter II of this chapter by Pub. L. 101-392.

Section 2341a, Pub. L. 88-210, title II, §232, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 781; amended Pub. L. 103-208, §4, Dec. 20, 1993, 107 Stat. 2487; Pub. L. 103-382, title III, §351(a)(1), Oct. 20, 1994, 108 Stat. 3966; Pub. L. 104-193, title I, §110(i)(2), Aug. 22, 1996, 110 Stat. 2172, related to distribution of funds to postsecondary and adult programs. See section 2352 of this title.

Section 2341b, Pub. L. 88-210, title II, §233, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 782, related to special rule for minimal allocations. See section 2353 of this title.

Section 2341c, Pub. L. 88-210, title II, §234, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 783, related to reallocations. See section 2353 of this title.

§ 2342. State plan

(a) State plan

(1) In general

Each eligible agency desiring assistance under this subchapter for any fiscal year shall prepare and submit to the Secretary a State plan for a 6-year period, together with such annual revisions as the eligible agency determines to be necessary, except that, during the period described in section 2303 of this title, each eligible agency may submit a transition plan that shall fulfill the eligible agency's obligation to submit a State plan under this section for the first fiscal year following August 12, 2006.

(2) Revisions

Each eligible agency—

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

(B) shall, after the second year of the 6-year period, conduct a review of activities assisted under this subchapter and submit any revisions of the State plan that the eligible agency determines necessary to the Secretary.

(3) Hearing process

The eligible agency shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups (including charter school authorizers and organizers consistent with State law, employers, labor organizations, parents, students, and community organizations), an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the eligible agency's response to such recommendations shall be included in the State plan.

(b) Plan development

(1) In general

The eligible agency shall—

(A) develop the State plan in consultation with—

(i) academic and career and technical education teachers, faculty, and administrators;

(ii) career guidance and academic counselors;

(iii) eligible recipients;

(iv) charter school authorizers and organizers consistent with State law;

(v) parents and students;

(vi) institutions of higher education;

(vii) the State tech prep coordinator and representatives of tech prep consortia (if applicable);

(viii) entities participating in activities described in section 2821 of title 29;

(ix) interested community members (including parent and community organizations);

(x) representatives of special populations;

(xi) representatives of business and industry (including representatives of small business); and

(xii) representatives of labor organizations in the State; and

(B) consult the Governor of the State with respect to such development.

(2) Activities and procedures

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

(c) Plan contents

The State plan shall include information that—

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

(A) the career and technical programs of study, which may be adopted by local educational agencies and postsecondary institutions to be offered as an option to students (and their parents as appropriate) when planning for and completing future coursework, for career and technical content areas that—

(i) incorporate secondary education and postsecondary education elements;

(ii) include coherent and rigorous content aligned with challenging academic standards and relevant career and technical content in a coordinated, nonduplicative progression of courses that align secondary education with postsecondary education to adequately prepare students to succeed in postsecondary education;

(iii) may include the opportunity for secondary education students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary education credits; and

(iv) lead to an industry-recognized credential or certificate at the postsecondary level, or an associate or baccalaureate degree;

(B) how the eligible agency, in consultation with eligible recipients, will develop and implement the career and technical programs of study described in subparagraph (A);

(C) how the eligible agency will support eligible recipients in developing and implementing articulation agreements between secondary education and postsecondary education institutions;

(D) how the eligible agency will make available information about career and technical programs of study offered by eligible recipients;

(E) the secondary and postsecondary career and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to appropriate technology in career and technical education programs;

(F) the criteria that will be used by the eligible agency to approve eligible recipients for funds under this chapter, including criteria to assess the extent to which the local plan will—

(i) promote continuous improvement in academic achievement;

(ii) promote continuous improvement of technical skill attainment; and

(iii) identify and address current or emerging occupational opportunities;

(G) how programs at the secondary level will prepare career and technical education students, including special populations, to graduate from secondary school with a diploma;

(H) how such programs will prepare career and technical education students, including special populations, academically and technically for opportunities in postsecondary education or entry into high skill, high wage, or high demand occupations in current or emerging occupations, and how participating students will be made aware of such opportunities;

(I) how funds will be used to improve or develop new career and technical education courses—

(i) at the secondary level that are aligned with rigorous and challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6311(b)(1)];

(ii) at the postsecondary level that are relevant and challenging; and

(iii) that lead to employment in high skill, high wage, or high demand occupations;

(J) how the eligible agency will facilitate and coordinate communication on best practices among successful recipients of tech prep program grants under subchapter II and eligible recipients to improve program quality and student achievement;

(K) how funds will be used effectively to link academic and career and technical education at the secondary level and at the

postsecondary level in a manner that increases student academic and career and technical achievement; and

(L) how the eligible agency will report on the integration of coherent and rigorous content aligned with challenging academic standards in career and technical education programs in order to adequately evaluate the extent of such integration;

(2) describes how comprehensive professional development (including initial teacher preparation and activities that support recruitment) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors will be provided, especially professional development that—

(A) promotes the integration of coherent and rigorous academic content standards and career and technical education curricula, including through opportunities for the appropriate academic and career and technical education teachers to jointly develop and implement curricula and pedagogical strategies, as appropriate;

(B) increases the percentage of teachers that meet teacher certification or licensing requirements;

(C) is high quality, sustained, intensive, and focused on instruction, and increases the academic knowledge and understanding of industry standards, as appropriate, of career and technical education teachers;

(D) encourages applied learning that contributes to the academic and career and technical knowledge of the student;

(E) provides the knowledge and skills needed to work with and improve instruction for special populations;

(F) assists in accessing and utilizing data, including data provided under section 2328 of this title, student achievement data, and data from assessments; and

(G) promotes integration with professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6601 et seq.] and title II of the Higher Education Act of 1965 [20 U.S.C. 1021 et seq.];

(3) describes efforts to improve—

(A) the recruitment and retention of career and technical education teachers, faculty, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

(B) the transition to teaching from business and industry, including small business;

(4) describes efforts to facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs at institutions of higher education;

(5) describes how the eligible agency will actively involve parents, academic and career and technical education teachers, administrators, faculty, career guidance and academic counselors, local business (including small businesses), and labor organizations in the planning, development, implementation, and evaluation of such career and technical education programs;

(6) describes how funds received by the eligible agency through the allotment made under section 2321 of this title will be allocated—

(A) among career and technical education at the secondary level, or career and technical education at the postsecondary and adult level, or both, including the rationale for such allocation; and

(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

(7) describes how the eligible agency will—

(A) improve the academic and technical skills of students participating in career and technical education programs, including strengthening the academic and career and technical components of career and technical education programs through the integration of academics with career and technical education to ensure learning in—

(i) the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7801]); and

(ii) career and technical education subjects;

(B) provide students with strong experience in, and understanding of, all aspects of an industry; and

(C) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students;

(8) describes how the eligible agency will annually evaluate the effectiveness of such career and technical education programs, and describe, to the extent practicable, how the eligible agency is coordinating such programs to ensure nonduplication with other Federal programs;

(9) describes the eligible agency's program strategies for special populations, including a description of how individuals who are members of the special populations—

(A) will be provided with equal access to activities assisted under this chapter;

(B) will not be discriminated against on the basis of their status as members of the special populations; and

(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage, or high demand occupations;

(10) describes—

(A) the eligible agency's efforts to ensure that eligible recipients are given the opportunity to provide input in determining the State adjusted levels of performance described in section 2323 of this title; and

(B) how the eligible agency, in consultation with eligible recipients, will develop a process for the negotiation of local adjusted levels of performance under section 2323(b)(4) of this title if an eligible recipient does not

accept the State adjusted levels of performance under section 2323(b)(3) of this title;

(11) provides assurances that the eligible agency will comply with the requirements of this chapter and the provisions of the State plan, including the provision of a financial audit of funds received under this chapter which may be included as part of an audit of other Federal or State programs;

(12) provides assurances that none of the funds expended under this chapter will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the acquiring entity or the employees of the acquiring entity, or any affiliate of such an organization;

(13) describes how the eligible agency will report data relating to students participating in career and technical education in order to adequately measure the progress of the students, including special populations, and how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this subchapter and the data the eligible agency reports to the Secretary are complete, accurate, and reliable;

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

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

(16) describes how career and technical education relates to State and regional occupational opportunities;

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

(18) describes how funds will be used to promote preparation for high skill, high wage, or high demand occupations and non-traditional fields;

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

(20) contains the description and information specified in sections 2822(b)(8) and 2841(c) of title 29 concerning the provision of services only for postsecondary students and school dropouts.

(d) Plan options

(1) Single plan

An eligible agency not choosing to consolidate funds under section 2372 of this title shall fulfill the plan or application submission requirements of this section, and section 2371(c) of this title, by submitting a single State plan. In such plan, the eligible agency may allow recipients to fulfill the plan or application submission requirements of section 2354 of this title and subsections (a) and (b) of section 2374 of this title by submitting a single local plan.

(2) Plan submitted as part of 501 plan

The eligible agency may submit the plan required under this section as part of the plan

submitted under section 501 of Public Law 105-220 [20 U.S.C. 9271], if the plan submitted pursuant to the requirement of this section meets the requirements of this chapter.

(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 chapter; or

(B) the State's levels of performance on the core indicators of performance consistent with section 2323 of this title are not sufficiently rigorous to meet the purpose of this chapter.

(2) Disapproval

The Secretary shall not finally disapprove a State plan, except after giving the eligible agency notice and an opportunity for a hearing.

(3) Consultation

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

(4) Timeframe

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

(Pub. L. 88-210, title I, §122, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 715.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (c)(2)(G), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27. Title II of the Act is classified generally to subchapter II (§6601 et seq.) of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

The Higher Education Act of 1965, referred to in subsec. (c)(2)(G), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Title II of the Act is classified generally to subchapter II (§1021 et seq.) 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 2342, Pub. L. 88-210, title I, §122, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3102,

related to State plan, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2342, Pub. L. 88-210, title II, §235, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 783, related to uses of funds, prior to the general amendment of this chapter by Pub. L. 105-332.

Another prior section 2342, Pub. L. 88-210, title II, §252, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2457, related to criteria for program improvement, innovation, and expansion, prior to the general amendment of former subchapter II of this chapter by Pub. L. 101-392.

§ 2343. Improvement plans

(a) State program improvement

(1) Plan

If a State fails to meet at least 90 percent of an agreed upon State adjusted level of performance for any of the core indicators of performance described in section 2323(b)(3) of this title, the eligible agency shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 2323(c)(2) of this title) in consultation with the appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible agency failed to so meet the State adjusted level of performance for any of the core indicators of performance.

(2) Technical assistance

If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 2342 of this title, or is not making substantial progress in meeting the purposes of this chapter, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement the improvement activities consistent with the requirements of this chapter.

(3) Subsequent action

(A) In general

The Secretary may, after notice and opportunity for a hearing, withhold from an eligible agency all, or a portion, of the eligible agency's allotment under paragraphs (2) and (3) of section 2322(a) of this title if the eligible agency—

(i) fails to implement an improvement plan as described in paragraph (1);

(ii) fails to make any improvement in meeting any of the State adjusted levels of performance for the core indicators of performance identified under paragraph (1) within the first program year of implementation of its improvement plan described in paragraph (1); or

(iii) fails to meet at least 90 percent of an agreed upon State adjusted level of performance for the same core indicator of performance for 3 consecutive years.

(B) Waiver for exceptional circumstances

The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.