

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.

AMENDMENTS

2015—Subsec. (c)(1)(I)(i). Pub. L. 114–95, §9215(n)(6)(A), substituted “aligned with challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965” for “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”.

Subsec. (c)(7)(A)(i). Pub. L. 114–95, §9215(n)(6)(B), substituted “a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)” for “the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)”.

2014—Subsec. (b)(1)(A)(viii). Pub. L. 113–128, §512(e)(3)(A), substituted “entities participating in activities described in section 3111 of title 29” for “entities participating in activities described in section 2821 of title 29”.

Subsec. (c)(20). Pub. L. 113–128, §512(e)(3)(B), substituted “the description and information specified in subparagraphs (B) and (C)(iii) of section 3112(b)(2), and, as appropriate, section 3113(b)(3)(A), and section 3151(c), of title 29 concerning the provision of services only for postsecondary students and school dropouts” for “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”.

Subsec. (d)(2). Pub. L. 113–128, §512(e)(3)(C), substituted “combined plan” for “501 plan” in heading and “as part of the plan submitted under section 3113 of title 29” for “as part of the plan submitted under section 501 of Public Law 105–220” in text.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113–128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113–128, set out as an Effective Date note under section 3101 of Title 29, Labor.

§ 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.

(4) Funds resulting from reduced allotments

The Secretary shall use funds withheld under paragraph (3) for a State served by an eligible agency to provide technical assistance, to assist in the development of an improved State improvement plan, or for other improvement activities consistent with the requirements of this chapter for such State.

(b) Local program improvement

(1) Local evaluation

Each eligible agency shall evaluate annually, using the local adjusted levels of per-

formance described in section 2323(b)(4) of this title, the career and technical education activities of each eligible recipient receiving funds under this subchapter.

(2) Plan

If, after reviewing the evaluation in paragraph (1), the eligible agency determines that an eligible recipient failed to meet at least 90 percent of an agreed upon local adjusted level of performance for any of the core indicators of performance described in section 2323(b)(4) of this title, the eligible recipient shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 2323(b)(4)(C)(ii)(II) of this title) in consultation with the eligible agency, appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible recipient failed to so meet any of the local adjusted levels of performance for any of the core indicators of performance.

(3) Technical assistance

If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities under section 2354 of this title, or is not making substantial progress in meeting the purposes of this chapter, based on the local adjusted levels of performance, the eligible agency shall work with the eligible recipient to implement improvement activities consistent with the requirements of this chapter.

(4) Subsequent action

(A) In general

The eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion, of the eligible recipient's allotment under this subchapter if the eligible recipient—

- (i) fails to implement an improvement plan as described in paragraph (2);
- (ii) fails to make any improvement in meeting any of the local adjusted levels of performance for the core indicators of performance identified under paragraph (2) within the first program year of implementation of its improvement plan described in paragraph (2); or
- (iii) fails to meet at least 90 percent of an agreed upon local adjusted level of performance for the same core indicator of performance for 3 consecutive years.

(B) Waiver for exceptional circumstances

In determining whether to impose sanctions under subparagraph (A), the eligible agency may waive imposing sanctions—

- (i) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the eligible recipient; or
- (ii) based on the impact on the eligible recipient's reported performance of the small size of the career and technical education program operated by the eligible recipient.

(5) Funds resulting from reduced allotments

The eligible agency shall use funds withheld under paragraph (4) from an eligible recipient

to provide (through alternative arrangements) services and activities to students within the area served by such recipient to meet the purposes of this chapter.

(Pub. L. 88-210, title I, §123, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 721.)

PRIOR PROVISIONS

A prior section 2343, Pub. L. 88-210, title I, §123, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3106, related to improvement plans, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2343, Pub. L. 88-210, title II, §240, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 784, related to local applications, prior to the general amendment of this chapter by Pub. L. 105-332.

§ 2344. State leadership activities

(a) General authority

From amounts reserved under section 2322(a)(2) of this title, each eligible agency shall conduct State leadership activities.

(b) Required uses of funds

The State leadership activities described in subsection (a) shall include—

- (1) an assessment of the career and technical education programs carried out with funds under this subchapter, including an assessment of how the needs of special populations are being met and how the career and technical education programs are designed to enable special populations to meet State adjusted levels of performance and prepare the special populations for further education, further training, or for high skill, high wage, or high demand occupations;
- (2) developing, improving, or expanding the use of technology in career and technical education that may include—

- (A) training of career and technical education teachers, faculty, career guidance and academic counselors, and administrators to use technology, including distance learning;
- (B) providing career and technical education students with the academic and career and technical skills (including the mathematics and science knowledge that provides a strong basis for such skills) that lead to entry into technology fields, including non-traditional fields; or
- (C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs;

- (3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors at the secondary and postsecondary levels, that support activities described in section 2342 of this title and—

- (A) provide in-service and preservice training in career and technical education programs—

- (i) on effective integration and use of challenging academic and career and technical education provided jointly with academic teachers to the extent practicable;