

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;

(ii) on effective teaching skills based on research that includes promising practices;

(iii) on effective practices to improve parental and community involvement; and

(iv) on effective use of scientifically based research and data to improve instruction;

(B) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and are not 1-day or short-term workshops or conferences;

(C) will help teachers and personnel to improve student achievement in order to meet the State adjusted levels of performance established under section 2323 of this title;

(D) will support education programs for teachers of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students to ensure that teachers and personnel—

(i) stay current with the needs, expectations, and methods of industry;

(ii) can effectively develop rigorous and challenging, integrated academic and career and technical education curricula jointly with academic teachers, to the extent practicable;

(iii) develop a higher level of academic and industry knowledge and skills in career and technical education; and

(iv) effectively use applied learning that contributes to the academic and career and technical knowledge of the student; and

(E) are coordinated with the teacher certification or licensing and 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.];

(4) supporting career and technical education programs that improve the academic and career and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical components of such career and technical education programs, through the integration of coherent and relevant content aligned with challenging academic standards and relevant career and technical education, to ensure achievement in—

(A) a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7801]); and

(B) career and technical education subjects;

(5) providing preparation for non-traditional fields in current and emerging professions, and other activities that expose students, including special populations, to high skill, high wage occupations;

(6) supporting partnerships among local educational agencies, institutions of higher edu-

cation, adult education providers, and, as appropriate, other entities, such as employers, labor organizations, intermediaries, parents, and local partnerships, to enable students to achieve State academic standards, and career and technical skills, or complete career and technical programs of study, as described in section 2342(c)(1)(A) of this title;

(7) serving individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities;

(8) support for programs for special populations that lead to high skill, high wage, or high demand occupations; and

(9) technical assistance for eligible recipients.

(c) Permissible uses of funds

The leadership activities described in subsection (a) may include—

(1) improvement of career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including—

(A) encouraging secondary and postsecondary students to graduate with a diploma or degree; and

(B) exposing students to high skill, high wage occupations and non-traditional fields;

(2) establishment of agreements, including articulation agreements, between secondary school and postsecondary career and technical education programs in order to provide postsecondary education and training opportunities for students participating in such career and technical education programs, such as tech prep programs;

(3) support for initiatives to facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs, including—

(A) statewide articulation agreements between associate degree granting career and technical postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

(B) postsecondary dual and concurrent enrollment programs;

(C) academic and financial aid counseling; and

(D) other initiatives—

(i) to encourage the pursuit of a baccalaureate degree; and

(ii) to overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

(4) support for career and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;

(5) support for public charter schools operating career and technical education programs;

(6) support for career and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;

(7) support for family and consumer sciences programs;

(8) support for partnerships between education and business or business intermediaries, including cooperative education and adjunct faculty arrangements at the secondary and postsecondary levels;

(9) support to improve or develop new career and technical education courses and initiatives, including career clusters, career academies, and distance education, that prepare individuals academically and technically for high skill, high wage, or high demand occupations;

(10) awarding incentive grants to eligible recipients—

(A) for exemplary performance in carrying out programs under this chapter, which awards shall be based on—

(i) eligible recipients exceeding the local adjusted levels of performance established under section 2323(b) of this title in a manner that reflects sustained or significant improvement;

(ii) eligible recipients effectively developing connections between secondary education and postsecondary education and training;

(iii) the adoption and integration of coherent and rigorous content aligned with challenging academic standards and technical coursework;

(iv) eligible recipients' progress in having special populations who participate in career and technical education programs meet local adjusted levels of performance; or

(v) other factors relating to the performance of eligible recipients under this chapter as the eligible agency determines are appropriate; or

(B) if an eligible recipient elects to use funds as permitted under section 2355(c)(19) of this title;

(11) providing for activities to support entrepreneurship education and training;

(12) providing career and technical education programs for adults and school dropouts to complete their secondary school education, in coordination, to the extent practicable, with activities authorized under the Adult Education and Family Literacy Act;

(13) providing assistance to individuals, who have participated in services and activities under this subchapter, in continuing the individuals' education or training or finding appropriate jobs, such as through referral to the system established under section 3151 of title 29;

(14) developing valid and reliable assessments of technical skills;

(15) developing and enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes;

(16) improving—

(A) the recruitment and retention of career and technical education teachers, faculty, administrators, 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; and

(17) support for occupational and employment information resources, such as those described in section 2328 of this title.

(d) Restriction on uses of funds

An eligible agency that receives funds under section 2322(a)(2) of this title may not use any of such funds for administrative costs.

(Pub. L. 88-210, title I, §124, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 723; amended Pub. L. 113-128, title V, §512(e)(4), July 22, 2014, 128 Stat. 1707; Pub. L. 114-95, title IX, §9215(n)(7), Dec. 10, 2015, 129 Stat. 2170.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (b)(3)(E), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended. 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. (b)(3)(E), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. 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.

The Adult Education and Family Literacy Act, referred to in subsec. (c)(12), was title II of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 1059, which was classified principally to subchapter I (§9201 et seq.) of chapter 73 of this title, and was repealed by Pub. L. 113-128, title V, §§506, 511(a), July 22, 2014, 128 Stat. 1703, 1705, effective July 1, 2015. Pub. L. 113-128 also included a title II, entitled the "Adult Education and Family Literacy Act", which is classified generally to subchapter II (§3271 et seq.) of chapter 32 of Title 29, Labor. Pursuant to section 3361(a) of Title 29, references to a provision of Pub. L. 105-220 are deemed to refer to the corresponding provision of Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, effective July 1, 2015. For complete classification of title II of Pub. L. 105-220 to the Code, see Tables. For complete classification of title II of Pub. L. 113-128 to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

PRIOR PROVISIONS

A prior section 2344, Pub. L. 88-210, title I, §124, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3107, related to State leadership activities, prior to the general amendment of this chapter by Pub. L. 109-270.

AMENDMENTS

2015—Subsec. (b)(4)(A). Pub. L. 114-95 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. (c)(13). Pub. L. 113-128 substituted "such as through referral to the system established under section 3151 of title 29" for "such as through referral to the system established under section 2841 of title 29".

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.

PART C—LOCAL PROVISIONS

§ 2351. Distribution of funds to secondary education programs

(a) Distribution rules

Except as provided in section 2353 of this title and as otherwise provided in this section, each eligible agency shall distribute the portion of funds made available under section 2322(a)(1) of this title to carry out this section to local educational agencies within the State as follows:

(1) Thirty percent

Thirty percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 5 through 17, inclusive, who reside in the school district served by such local educational agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding fiscal year, as determined on the basis of the most recent satisfactory—

(A) data provided to the Secretary by the Bureau of the Census for the purpose of determining eligibility under title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.]; or

(B) student membership data collected by the National Center for Education Statistics through the Common Core of Data survey system.

(2) Seventy percent

Seventy percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 5 through 17, inclusive, who reside in the school district served by such local educational agency and are from families below the poverty level for the preceding fiscal year, as determined on the basis of the most recent satisfactory data used under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6333(c)(1)(A)], compared to the total number of such individuals who reside in the school districts served by all the local educational agencies in the State for such preceding fiscal year.

(3) Adjustments

Each eligible agency, in making the allocations under paragraphs (1) and (2), shall adjust the data used to make the allocations to—

(A) reflect any change in school district boundaries that may have occurred since the data were collected; and

(B) include local educational agencies without geographical boundaries, such as charter schools and secondary schools funded by the Bureau of Indian Affairs.

(b) Waiver for more equitable distribution

The Secretary may waive the application of subsection (a) in the case of any eligible agency that submits to the Secretary an application for such a waiver that—

(1) demonstrates that a proposed alternative formula more effectively targets funds on the basis of poverty (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42) to local educational agencies within the State than the formula described in subsection (a); and

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

(c) Minimum allocation

(1) In general

Except as provided in paragraph (2), a local educational agency shall not receive an allocation under subsection (a) unless the amount allocated to such agency under subsection (a) is greater than \$15,000. A local educational agency may enter into a consortium with other local educational agencies for purposes of meeting the minimum allocation requirement of this paragraph.

(2) Waiver

The eligible agency shall waive the application of paragraph (1) in any case in which the local educational agency—

(A)(i) is located in a rural, sparsely populated area; or

(ii) is a public charter school operating secondary school career and technical education programs; and

(B) demonstrates that the local educational agency is unable to enter into a consortium for purposes of providing activities under this part.

(3) Redistribution

Any amounts that are not allocated by reason of paragraph (1) or paragraph (2) shall be redistributed to local educational agencies that meet the requirements of paragraph (1) or (2) in accordance with the provisions of this section.

(d) Limited jurisdiction agencies

(1) In general

In applying the provisions of subsection (a), no eligible agency receiving assistance under this subchapter shall allocate funds to a local educational agency that serves only elementary schools, but shall distribute such funds to the local educational agency or regional educational agency that provides secondary school services to secondary school students in the same attendance area.

(2) Special rule

The amount to be allocated under paragraph (1) to a local educational agency that has jurisdiction only over secondary schools shall be determined based on the number of students that entered such secondary schools in the previous year from the elementary schools involved.

(e) Allocations to area career and technical education schools and educational service agencies

(1) In general

Each eligible agency shall distribute the portion of funds made available under section