

assistance pursuant to such paragraph, such consortium shall operate joint projects that—

- (i) provide services to all postsecondary institutions participating in the consortium; and
- (ii) are of sufficient size, scope, and quality to be effective.

**(B) Funds to consortium**

Funds allocated to a consortium formed to meet the requirements of this section shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and shall be used only for programs authorized under this subchapter. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefitting only 1 member of the consortium.

**(4) Waiver**

The eligible agency may waive the application of paragraph (3)(A)(i) in any case in which the eligible institution is located in a rural, sparsely populated area.

**(b) Waiver for more equitable distribution**

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

- (1) demonstrates that the formula described in subsection (a) does not result in a distribution of funds to the eligible institutions or consortia within the State that have the highest numbers of economically disadvantaged individuals and that an alternative formula will result in such a distribution; and
- (2) includes a proposal for such an alternative formula.

**(c) Minimum grant amount**

**(1) In general**

No institution or consortium shall receive an allocation under this section in an amount that is less than \$50,000.

**(2) Redistribution**

Any amounts that are not distributed by reason of paragraph (1) shall be redistributed to eligible institutions or consortia in accordance with this section.

(Pub. L. 88-210, title I, §132, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 730.)

PRIOR PROVISIONS

A prior section 2352, Pub. L. 88-210, title I, §132, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3112, related to distribution of funds for postsecondary vocational and technical education programs, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2352, Pub. L. 88-210, title III, §302, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2458; amended Pub. L. 101-392, title III, §301, Sept. 25, 1990, 104 Stat. 786, related to use of funds, prior to the general amendment of this chapter by Pub. L. 105-332.

**§ 2353. Special rules for career and technical education**

**(a) Special rule for minimal allocation**

**(1) General authority**

Notwithstanding the provisions of sections 2351 and 2352 of this title and in order to make

a more equitable distribution of funds for programs serving the areas of greatest economic need, for any program year for which a minimal amount is made available by an eligible agency for distribution under section 2351 or 2352 of this title, such eligible agency may distribute such minimal amount for such year—

- (A) on a competitive basis; or
- (B) through any alternative method determined by the eligible agency.

**(2) Minimal amount**

For purposes of this section, the term “minimal amount” means not more than 15 percent of the total amount made available for distribution under section 2322(a)(1) of this title.

**(b) Redistribution**

**(1) In general**

In any academic year that an eligible recipient does not expend all of the amounts the eligible recipient is allocated for such year under section 2351 or 2352 of this title, such eligible recipient shall return any unexpended amounts to the eligible agency to be reallocated under section 2351 or 2352 of this title, as appropriate.

**(2) Redistribution of amounts returned late in an academic year**

In any academic year in which amounts are returned to the eligible agency under section 2351 or 2352 of this title and the eligible agency is unable to reallocate such amounts according to such sections in time for such amounts to be expended in such academic year, the eligible agency shall retain such amounts for distribution in combination with amounts provided under section 2322(a)(1) of this title for the following academic year.

**(c) Construction**

Nothing in section 2351 or 2352 of this title shall be construed—

(1) to prohibit a local educational agency or a consortium thereof that receives assistance under section 2351 of this title, from working with an eligible institution or consortium thereof that receives assistance under section 2352 of this title, to carry out career and technical education programs at the secondary level in accordance with this subchapter;

(2) to prohibit an eligible institution or consortium thereof that receives assistance under section 2352 of this title, from working with a local educational agency or consortium thereof that receives assistance under section 2351 of this title, to carry out postsecondary and adult career and technical education programs in accordance with this subchapter; or

(3) to require a charter school, that provides career and technical education programs and is considered a local educational agency under State law, to jointly establish the charter school's eligibility for assistance under this subchapter unless the charter school is explicitly permitted to do so under the State's charter school statute.

**(d) Consistent application**

For purposes of this section, the eligible agency shall provide funds to charter schools offer-

ing career and technical education programs in the same manner as the eligible agency provides those funds to other schools. Such career and technical education programs within a charter school shall be of sufficient size, scope, and quality to be effective.

(Pub. L. 88-210, title I, §133, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 731.)

#### PRIOR PROVISIONS

A prior section 2353, Pub. L. 88-210, title I, §133, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3113, related to special rules for vocational and technical education, prior to the general amendment of this chapter by Pub. L. 109-270.

### § 2354. Local plan for career and technical education programs

#### (a) Local plan required

Any eligible recipient desiring financial assistance under this part shall, in accordance with requirements established by the eligible agency (in consultation with such other educational training entities as the eligible agency determines to be appropriate) submit a local plan to the eligible agency. Such local plan shall cover the same period of time as the period of time applicable to the State plan submitted under section 2342 of this title.

#### (b) Contents

The eligible agency shall determine the requirements for local plans, except that each local plan shall—

(1) describe how the career and technical education programs required under section 2355(b) of this title will be carried out with funds received under this subchapter;

(2) describe how the career and technical education activities will be carried out with respect to meeting State and local adjusted levels of performance established under section 2323 of this title;

(3) describe how the eligible recipient will—

(A) offer the appropriate courses of not less than 1 of the career and technical programs of study described in section 2342(c)(1)(A) of this title;

(B) improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education programs to ensure learning in—

(i) a well-rounded education (as defined in section 7801 of this title); and

(ii) career and technical education subjects;

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

(D) ensure that students who participate in such career and technical education programs are taught to the same coherent and rigorous content aligned with challenging academic standards as are taught to all other students; and

(E) encourage career and technical education students at the secondary level to enroll in rigorous and challenging courses in order to provide a well-rounded education (as defined in section 7801 of this title);

(4) describe how comprehensive professional development (including initial teacher preparation) for career and technical education, academic, guidance, and administrative personnel will be provided that promotes the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education (including curriculum development);

(5) describe how parents, students, academic and career and technical education teachers, faculty, administrators, career guidance and academic counselors, representatives of tech prep consortia (if applicable), representatives of the entities participating in activities described in section 3122 of title 29 (if applicable), representatives of business (including small business) and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of career and technical education programs assisted under this subchapter, and how such individuals and entities are effectively informed about, and assisted in understanding, the requirements of this subchapter, including career and technical programs of study;

(6) provide assurances that the eligible recipient will provide a career and technical education program that is of such size, scope, and quality to bring about improvement in the quality of career and technical education programs;

(7) describe the process that will be used to evaluate and continuously improve the performance of the eligible recipient;

(8) describe how the eligible recipient will—

(A) review career and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations;

(B) provide programs that are designed to enable the special populations to meet the local adjusted levels of performance; and

(C) provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage, or high demand occupations that will lead to self-sufficiency;

(9) describe how individuals who are members of special populations will not be discriminated against on the basis of their status as members of the special populations;

(10) describe how funds will be used to promote preparation for non-traditional fields;

(11) describe how career guidance and academic counseling will be provided to career and technical education students, including linkages to future education and training opportunities; and

(12) describe efforts to improve—

(A) the recruitment and retention of career and technical education teachers, faculty, and career guidance and academic