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Institute of Museum and Library Services Act (1996): Report 06

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EDUCATION GOVERNANCE AND IN-STATE FORMULA

Motion by Mr. _____

Mr. _____ moves that the conference recommendations be modified as follows:

1. Note 104 (relating to state apportionment by activity)

"The House recedes with an amendment as follows."

(b) RECIPIENTS -- Subject to subsection (c) in making an allotment under section _____ [the fed to State formula] to a State, the Secretaries shall make a payment -

(1) to the Governor of the state for the portion described in paragraphs (1) [employment and training] and (4) [at-risk youth] of subsection (a) , and such part of the flex account as the Governor may be eligible to receive, as determined under the State plan of the State submitted under subsection _____; and

(2) to the eligible agencies in the State for the portion described in paragraphs (2) [vocational education] and (3) [adult education] of subsection (a), and such part of the flex account as the eligible agencies may be eligible to receive, as determined under the State plan of the State submitted under subsection _____.

2. Note _____ - Relating to eligible agency, will be inserted in the General Definitions:

() the term "eligible agency" means --

(A) the State educational agency and each of the State agencies responsible for higher education (including community colleges) that the State chooses. If no such agency is so designated for vocational education activities, the eligible agency for vocational education shall be the individual, entity or agency in a State responsible for administering or setting policies for vocational education on the date of enactment of this Act.

(B) in the case of adult education activities or requirements under this title, the individual, entity, or agency in a State responsible for administering or setting policies for adult education activities in such State pursuant to State law. If no such agency is so designated for adult

education activities, the eligible agency for adult education shall be the individual, entity or agency in a State responsible for administering or setting the policies for adult education on the date of enactment of the Act.

3. Note - SPECIAL RULES:

(1) Nothing in this Act shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official. Nothing in this Act shall be construed to interfere with the authority of such agency, entity, or official to enter into a contract under any provision of law.

(2) Nothing in the [subtitle] shall be construed to prohibit any individual, entity or agency in a State (other than the State educational agency) that is administering vocational education activities or adult education and literacy activities or setting education policies consistent with State law for vocational education activities or adult education and literacy activities, on the day preceding the date of enactment of this Act from continuing to administer or set education policies consistent with authority under State law for such activities under this [subtitle].

4. Note 221b (formula for within-state distribution of vocational education funds)

The House recedes with an amendment as follows.

(1) EIGHTY PERCENT. -- From 80 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 80 percent as the number of children aged 5-17 living in poor families. For the purposes of this section, the Secretary shall determine the number of children aged 5-17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data available from the Department of Commerce."

(2) TWENTY PERCENT. -- From 20 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 20 percent as the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of such local educational agency for the preceding fiscal year bears to the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of all local educational agencies in the State for such year.

(b) LIMITATIONS. -- No entity shall receive an allotment under this section for a program year an amount that would make the entity's percentage for the program year --

(1) less than the product obtained by multiplying --

(a) 0.98 and

(b) the entity's percentage of the total State allotment for the preceding program year;

or

(2) greater than the product obtained by multiplying --

(a) 1.02 and

(b) the entity's percentage of the total State allotment for the preceding program year."

(b) Contents.—The State plan shall include—

(1)(A) a description of the collaborative process described in section 105 used in developing the plan, including a description of the manner in which the individuals and agencies involved in the process collaborated in the development of the plan: and

(B)(i)(I) information demonstrating the agreement of the individuals and agencies participating in the collaborative process on the State plan: or

(II) in a case in which the Governor is unable to obtain the agreement of such individuals and agencies as provided in subclause (I), the comments referred to in section 105(c)(2)(C): and

(2) a statement of the State goals and State benchmarks for the statewide system, that

includes –

- (A) information identifying the State goals and State benchmarks and how the goals and benchmarks will make the statewide system relevant and responsive to labor market and education needs at the local level: and
- (B) information describing how the State will coordinate workforce and career development activities to meet the State goals and reach the State benchmarks:

(3) information describing—

- (A) the needs of the State with regard to current and projected demands for workers by occupation:
- (B) the skills and economic development needs of the State: and
- (C) the type and availability of workforce and career development activities in the State;

SEC. 105. COLLABORATIVE PROCESS.

(a) IN GENERAL – A State shall use a collaborative process to develop the State plan described in section 104 through which individuals and agencies including at a minimum –

- (1) the Governor;
- (2) representatives appointed by the Governor, of –
 - (A) business and industry;
 - (B) local chief elected officials (representing both cities and counties, where appropriate);
 - (C) local educational agencies (including vocational educators);
 - (D) postsecondary institutions (including community and technical colleges);
 - (E) parents; and

(F) employees and labor organizations:

(3) the lead State agency official for –

(A) the State educational agency;

(B) the eligible agency responsible for vocational education;

(C) the eligible agency responsible for adult education;

(D) the State agency responsible for postsecondary education; and

(E) the State agency responsible for vocational rehabilitation, and where applicable, the State agency providing vocational rehabilitation program activities for the blind;

(4) such other State agency officials, including officials responsible for economic development and employment, as the Governor may designate:

(5) representatives of the State legislature; and

(6) the representative of the Veterans' Employment and Training Service assigned to the State under section 4103 of title 38, United States Code shall collaborate in the development of the plan.

(b) ALTERNATIVE PROCESSES – Subject to concurrence of the eligible agencies and the approval of the Secretaries for alternative collaborative processes to be used for the purposes of complying with subsection (a) and with the review and the approval of the Secretaries --

(1) a State may use any State collaborative process (including collaboration by any council or similar entity) in existence on the date of enactment of this Act that substantially meets the objectives of such subsection, as determined by the Governor and the eligible agencies, or

(2) if, prior to the date of enactment of this Act, a State has developed a one-stop career center system or a school-to-work system through a collaborative process that the Governor and the eligible agencies determine is substantially

similar to the process described in subsection (a). the State may use such collaborative process.

(c) SPECIAL RULES –

(1) GOVERNOR – The Governor of a State shall have final authority for determining the content of the portion of the State plan described in paragraphs ___ through ___ of subsection () regarding employment and training activities and related requirements and at-risk youth activities and related requirements;

(2) ELIGIBLE AGENCIES – The eligible agencies in a State shall have final authority for determining the content of the portion of the State plan described in paragraphs ___ through ___ of subsection () regarding vocational education activities and related requirements and adult education and literacy activities and related requirements.

(d) AUTHORITY OF GOVERNOR –

(1) FINAL AUTHORITY – If, after a reasonable effort, the Governor is unable to obtain the agreement of the individuals and agencies participating in the collaborative process described in subsection (a) or (b) on the State plan, the Governor shall have final authority to submit the State plan as described in section 104, except as provided in paragraph (3).

(2) DISAGREEMENT – The Governor shall –

(A) provide such individuals and agencies with copies of the State plan:

(B) allow such individuals and agencies to submit to the Governor, not later than the end of the 30-day period beginning on the date on which the Governor provides such individuals and agencies with copies of such plan under subparagraph (A). comments on such plan; and

(C) accept and include with the State plan any such comments that –

- (i) are submitted by an eligible agency and represent disagreement with such plan, with respect to vocational education or adult education; or
- (ii) are submitted by another individual or agency participation in the collaborative process.

(3) ELIGIBLE AGENCY COMMENTS – An eligible agency, in submitting comments under paragraph (2)(C)(i), may submit provisions for any portion of the State plan described in paragraphs () through () of subsection (b) (regarding vocational education activities and related requirements), or in paragraph () through () of subsection (b) (regarding adult education and literacy activities and related requirements), as appropriate. The Governor shall include the provisions in the plan submitted by the Governor under section 104. Such provisions shall be considered to be such portion of the State plan.

SEC. 106. ACCOUNTABILITY.

To be supplied.

SEC. 107. IDENTIFICATION OF PROVIDERS.

What is the relationship between local entities as defined in section 4 and eligible providers under this section?

(a) ELIGIBILITY REQUIREMENTS. –

(1) IN GENERAL – To be eligible to receive funds made available to a State under this title for employment and training activities, a provider of training services shall meet the requirements of this section. Are these requirements only for providers seeking to conduct training, or any employment