

that enables youths in the United States to identify and navigate paths to productive and progressively more rewarding roles in the workplace;

(3) to utilize workplaces as active learning environments in the educational process by making employers joint partners with educators in providing opportunities for all students to participate in high-quality, work-based learning experiences;

(4) to use Federal funds under this chapter as venture capital, to underwrite the initial costs of planning and establishing statewide School-to-Work Opportunities systems that will be maintained with other Federal, State, and local resources;

(5) to promote the formation of local partnerships that are dedicated to linking the worlds of school and work among secondary schools and postsecondary educational institutions, private and public employers, labor organizations, government, community-based organizations, parents, students, State educational agencies, local educational agencies, and training and human service agencies;

(6) to promote the formation of local partnerships between elementary schools and secondary schools (including middle schools) and local businesses as an investment in future workplace productivity and competitiveness;

(7) to help all students attain high academic and occupational standards;

(8) to build on and advance a range of promising school-to-work activities, such as tech-prep education, career academies, school-to-apprenticeship programs, cooperative education, youth apprenticeship, school-sponsored enterprises, business-education compacts, and promising strategies that assist school dropouts, that can be developed into programs funded under this chapter;

(9) to improve the knowledge and skills of youths by integrating academic and occupational learning, integrating school-based and work-based learning, and building effective linkages between secondary and postsecondary education;

(10) to encourage the development and implementation of programs that will require paid high-quality, work-based learning experiences;

(11) to motivate all youths, including low-achieving youths, school dropouts, and youths with disabilities, to stay in or return to school or a classroom setting and strive to succeed, by providing enriched learning experiences and assistance in obtaining good jobs and continuing their education in postsecondary educational institutions;

(12) to expose students to a broad array of career opportunities, and facilitate the selection of career majors, based on individual interests, goals, strengths, and abilities;

(13) to increase opportunities for minorities, women, and individuals with disabilities, by enabling individuals to prepare for careers that are not traditional for their race, gender, or disability; and

(14) to further the National Education Goals set forth in title I of the Goals 2000: Educate America Act [20 U.S.C. 5811 et seq.].

(b) Congressional intent

It is the intent of Congress that the Secretary of Labor and the Secretary of Education jointly administer this chapter in a flexible manner that—

(1) promotes State and local discretion in establishing and implementing statewide School-to-Work Opportunities systems and School-to-Work Opportunities programs; and

(2) contributes to reinventing government by—

(A) building on State and local capacity;

(B) eliminating duplication in education and training programs for youths by integrating such programs into 1 comprehensive system;

(C) maximizing the effective use of resources;

(D) supporting locally established initiatives;

(E) requiring measurable goals for performance; and

(F) offering flexibility in meeting such goals.

(Pub. L. 103-239, § 3, May 4, 1994, 108 Stat. 570.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 103-239, May 4, 1994, 108 Stat. 568, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

The Goals 2000: Educate America Act, referred to in subsec. (a)(1)(B), (14), is Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125 (except titles V and IX), as amended, which is classified principally to chapter 68 (§5801 et seq.) of this title (except subchapters V (§5931 et seq.) and IX (§6001 et seq.)). Title I of the Act is classified generally to subchapter I (§5811 et seq.) of chapter 68 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

The National Skill Standards Act of 1994, referred to in subsec. (a)(1)(B), is title V of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 191, which is classified generally to subchapter V (§5931 et seq.) of chapter 68 of this title. For complete classification of this Act to the Code, see section 5931 of this title and Tables.

§ 6103. Definitions

As used in this chapter:

(1) All aspects of an industry

The term “all aspects of an industry” means all aspects of the industry or industry sector a student is preparing to enter, including planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, health and safety issues, and environmental issues, related to such industry or industry sector.

(2) All students

The term “all students” means both male and female students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, or cultural backgrounds, American Indians, Alaska Natives, Native Hawaiians, students with disabilities, students with limited-English proficiency, migrant children,

school dropouts, and academically talented students.

(3) Approved State plan

The term “approved State plan” means a statewide School-to-Work Opportunities system plan that is submitted by a State under section 6143 of this title, is determined by the Secretaries to include the program components described in sections 6112 through 6114 of this title and otherwise meet the requirements of this chapter, and is consistent with the State improvement plan for the State, if any, under the Goals 2000: Educate America Act [20 U.S.C. 5801 et seq.].

(4) Career guidance and counseling

The term “career guidance and counseling” means programs—

(A) that pertain to the body of subject matter and related techniques and methods organized for the development in individuals of career awareness, career planning, career decisionmaking, placement skills, and knowledge and understanding of local, State, and national occupational, educational, and labor market needs, trends, and opportunities;

(B) that assist individuals in making and implementing informed educational and occupational choices; and

(C) that aid students to develop career options with attention to surmounting gender, race, ethnic, disability, language, or socioeconomic impediments to career options and encouraging careers in nontraditional employment.

(5) Career major

The term “career major” means a coherent sequence of courses or field of study that prepares a student for a first job and that—

(A) integrates academic and occupational learning, integrates school-based and work-based learning, establishes linkages between secondary schools and postsecondary educational institutions;

(B) prepares the student for employment in a broad occupational cluster or industry sector;

(C) typically includes at least 2 years of secondary education and at least 1 or 2 years of postsecondary education;

(D) provides the students, to the extent practicable, with strong experience in and understanding of all aspects of the industry the students are planning to enter;

(E) results in the award of—

(i) a high school diploma or its equivalent, such as—

(I) a general equivalency diploma; or

(II) an alternative diploma or certificate for students with disabilities for whom such alternative diploma or certificate is appropriate;

(ii) a certificate or diploma recognizing successful completion of 1 or 2 years of postsecondary education (if appropriate); and

(iii) a skill certificate; and

(F) may lead to further education and training, such as entry into a registered ap-

prenticeship program, or may lead to admission to a 2- or 4-year college or university.

(6) Community-based organizations

The term “community-based organizations” has the meaning given such term in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1503(5)).¹

(7) Elementary school

The term “elementary school” means a day or residential school that provides elementary education, as determined under State law.

(8) Employer

The term “employer” includes both public and private employers.

(9) Governor

The term “Governor” means the chief executive of a State.

(10) Local educational agency

The term “local educational agency” means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(11) Local partnership

The term “local partnership” means a local entity that is responsible for local School-to-Work Opportunities programs and that—

(A) consists of employers, representatives of local educational agencies and local postsecondary educational institutions (including representatives of area vocational education schools, where applicable), local educators (such as teachers, counselors, or administrators), representatives of labor organizations or nonmanagerial employee representatives, and students; and

(B) may include other entities, such as—

(i) employer organizations;

(ii) community-based organizations;

(iii) national trade associations working at the local levels;

(iv) industrial extension centers;

(v) rehabilitation agencies and organizations;

(vi) registered apprenticeship agencies;

(vii) local vocational education entities;

(viii) proprietary institutions of higher education (as defined in section 102(b) of the Higher Education Act of 1965 [20 U.S.C. 1002(b)]² that continue to meet the eligibility and certification requirements under title IV of such Act (20 U.S.C. 1070 et seq. [and 42 U.S.C. 2751 et seq.]);

(ix) local government agencies;

¹ See References in Text note below.

² So in original. Probably should be followed by a closing parenthesis.

- (x) parent organizations;
- (xi) teacher organizations;
- (xii) vocational student organizations;
- (xiii) private industry councils established under section 102 of the Job Training Partnership Act (29 U.S.C. 1512);¹
- (xiv) federally recognized Indian tribes, Indian organizations, and Alaska Native villages within the meaning of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and
- (xv) Native Hawaiian entities.

(12) Postsecondary educational institution

The term “postsecondary educational institution” means an institution of higher education (as such term is defined in section 102 of the Higher Education Act of 1965 [20 U.S.C. 1002]) which continues to meet the eligibility and certification requirements under title IV of such Act (20 U.S.C. 1070 et seq. [and 42 U.S.C. 2751 et seq.]).

(13) Registered apprenticeship agency

The term “registered apprenticeship agency” means the Bureau of Apprenticeship and Training in the Department of Labor or a State apprenticeship agency recognized and approved by the Bureau of Apprenticeship and Training as the appropriate body for State registration or approval of local apprenticeship programs and agreements for Federal purposes.

(14) Registered apprenticeship program

The term “registered apprenticeship program” means a program registered by a registered apprenticeship agency.

(15) Related services

The term “related services” includes the types of services described in section 1401(a)(17)¹ of title 20.

(16) Rural community with low population density

The term “rural community with low population density” means a county, block number area in a nonmetropolitan county, or consortium of counties or of such block number areas, that has a population density of 20 or fewer individuals per square mile.

(17) School dropout

The term “school dropout” means a youth who is no longer attending any school and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.

(18) School site mentor

The term “school site mentor” means a professional employed at a school who is designated as the advocate for a particular student, and who works in consultation with classroom teachers, counselors, related services personnel, and the employer of the student to design and monitor the progress of the School-to-Work Opportunities program of the student.

(19) School-to-Work Opportunities program

The term “School-to-Work Opportunities program” means a program that meets the re-

quirements of this chapter, other than a program described in section 6191(a) of this title.

(20) Secondary school

The term “secondary school” means—

(A) a nonprofit day or residential school that provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12; and

(B) a Job Corps center under part B of title IV of the Job Training Partnership Act (29 U.S.C. 1691 et seq.).¹

(21) Secretaries

The term “Secretaries” means the Secretary of Education and the Secretary of Labor.

(22) Skill certificate

The term “skill certificate” means a portable, industry-recognized credential issued by a School-to-Work Opportunities program under an approved State plan, that certifies that a student has mastered skills at levels that are at least as challenging as skill standards endorsed by the National Skill Standards Board established under the National Skill Standards Act of 1994 [20 U.S.C. 5931 et seq.], except that until such skill standards are developed, the term “skill certificate” means a credential issued under a process described in the approved State plan.

(23) State

The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(24) State educational agency

The term “State educational agency” means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(25) Workplace mentor

The term “workplace mentor” means an employee or other individual, approved by the employer at a workplace, who possesses the skills and knowledge to be mastered by a student, and who instructs the student, critiques the performance of the student, challenges the student to perform well, and works in consultation with classroom teachers and the employer of the student.

(Pub. L. 103-239, §4, May 4, 1994, 108 Stat. 572; Pub. L. 103-382, title III, §394(j)(1), Oct. 20, 1994, 108 Stat. 4029; Pub. L. 105-244, title I, §102(c)(1), Oct. 7, 1998, 112 Stat. 1622.)

REFERENCES IN TEXT

The Goals 2000: Educate America Act, referred to in par. (3), is Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125 (except titles V and IX), as amended, which is classified principally to chapter 68 (§5801 et seq.) of this title (except subchapters V (§5931 et seq.) and IX (§6001 et seq.)). For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

The Higher Education Act of 1965, referred to in pars. (11)(B)(viii) and (12), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Title IV of the Act is classified generally to subchapter IV (§1070 et seq.) of chapter 28 of this title and part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

The Alaska Native Claims Settlement Act, referred to in par. (11)(B)(xiv), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

Section 1401(a)(17) of this title, referred to in par. (15), was in the original a reference to section 602(a)(17) of the Individuals with Disabilities Education Act, Pub. L. 91-230, title VI. Section 602 of Pub. L. 91-230 was omitted in the general amendment of subchapter I of chapter 33 of this title by Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 37. Pub. L. 105-17 enacted a new section 602 of Pub. L. 91-230, which is classified to section 1401 of this title, and which contains provisions defining “related services”.

The Job Training Partnership Act, referred to in pars. (6), (11)(B)(xiii), and (20)(B), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which was repealed by Pub. L. 105-220, title I, §199(b)(2), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. Part B of title IV of the Act was classified generally to part B (§1691 et seq.) of subchapter IV of chapter 19 of Title 29, Labor, and sections 4 and 102 of the Act were classified to sections 1503 and 1512, respectively, of Title 29. Pursuant to section 2940(b) of Title 29, references to a provision of the Job Training Partnership Act, effective Aug. 7, 1998, are deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998, Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and effective July 1, 2000, are deemed to refer to the corresponding provision of the Workforce Investment Act of 1998. For complete classification of the Job Training Partnership Act to the Code, see Tables. For complete classification of the Workforce Investment Act of 1998 to the Code, see Short Title note set out under section 9201 of this title and Tables.

The National Skill Standards Act of 1994, referred to in par. (22), is title V of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 191, which is classified generally to subchapter V (§5931 et seq.) of chapter 68 of this title. For complete classification of this Act to the Code, see section 5931 of this title and Tables.

AMENDMENTS

1988—Par. (11)(B)(viii). Pub. L. 105-244, §102(c)(1)(A), substituted “section 102(b)” for “section 481(b)”.

Par. (12). Pub. L. 105-244, §102(c)(1)(B), substituted “section 102” for “section 481”.

1994—Par. (15). Pub. L. 103-382 substituted “section 1401(a)(17)” for “section 1401(17)”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

§ 6104. Federal administration

(a) Joint administration

(1) In general

Notwithstanding the Department of Education Organization Act (20 U.S.C. 3401 et seq.), the General Education Provisions Act (20 U.S.C. 1221 et seq.), the Act entitled “An Act To Create a Department of Labor”, approved March 4, 1913 (29 U.S.C. 551 et seq.), and

section 166 of the Job Training Partnership Act (29 U.S.C. 1576),¹ the Secretaries shall jointly provide for, and shall exercise final authority over, the administration of this chapter, and shall have final authority to jointly issue whatever procedures, guidelines, and regulations, in accordance with section 553 of title 5, the Secretaries consider necessary and appropriate to administer and enforce the provisions of this chapter.

(2) Submission of plan

Not later than 120 days after May 4, 1994, the Secretaries shall prepare a plan for the joint administration of this chapter and submit such plan to Congress for review and comment.

(b) Acceptance of gifts

The Secretaries are authorized, in carrying out this chapter, to accept, purchase, or lease in the name of the Department of Labor or the Department of Education, and employ or dispose of in furtherance of the purposes of this chapter, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

(c) Use of voluntary and uncompensated services

Notwithstanding section 1342 of title 31, the Secretaries are authorized to accept voluntary and uncompensated services in furtherance of the purposes of this chapter.

(Pub. L. 103-239, §5, May 4, 1994, 108 Stat. 575.)

REFERENCES IN TEXT

The Department of Education Organization Act, referred to in subsec. (a)(1), is Pub. L. 96-88, Oct. 17, 1979, 93 Stat. 668, which is classified principally to chapter 48 (§3401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3401 of this title and Tables.

The General Education Provisions Act, referred to in subsec. (a)(1), is title IV of Pub. L. 90-247, Jan. 2, 1968, 81 Stat. 814, as amended, which is classified generally to chapter 31 (§1221 et seq.) of this title. For complete classification of this Act to the Code, see section 1221 of this title and Tables.

The Act entitled “An Act To Create a Department of Labor”, approved March 4, 1913, referred to in subsec. (a)(1), is act Mar. 4, 1913, ch. 141, 37 Stat. 736, as amended, which is classified principally to sections 2, 551, and 555 to 562 of Title 29, Labor. For complete classification of this Act to the Code, see Tables.

Section 166 of the Job Training Partnership Act, referred to in subsec. (a)(1), which was classified to section 1576 of Title 29, Labor, was repealed by Pub. L. 105-220, title I, §199(b)(2), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. Pursuant to section 2940(b) of Title 29, references to a provision of the Job Training Partnership Act, effective Aug. 7, 1998, are deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998, Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and effective July 1, 2000, are deemed to refer to the corresponding provision of the Workforce Investment Act of 1998. For complete classification of the Workforce Investment Act of 1998 to the Code, see Short Title note set out under section 9201 of this title and Tables.

SUBCHAPTER I—SCHOOL-TO-WORK OPPORTUNITIES BASIC PROGRAM COMPONENTS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 6126, 6192 of this title.

¹ See References in Text note below.