

17, 1991, 105 Stat. 497; Pub. L. 102-367, Sept. 7, 1992, 106 Stat. 1021; Pub. L. 103-208, Dec. 20, 1993, 107 Stat. 2457; Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125; Pub. L. 103-239, May 4, 1994, 108 Stat. 568; Pub. L. 103-382, Oct. 20, 1994, 108 Stat. 3518; Pub. L. 104-66, Dec. 21, 1995, 109 Stat. 707; Pub. L. 104-193, Aug. 22, 1996, 110 Stat. 2105; Pub. L. 105-244, Oct. 7, 1998, 112 Stat. 1581. Pub. L. 88-210 was subsequently amended generally by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076, including an amendment to provide that the Act be cited as the Carl D. Perkins Vocational and Technical Education Act of 1998. Pub. L. 88-210 is shown herein, however, as having been added by Pub. L. 105-332 without reference to the intervening amendments listed above because of the extensive revision of Pub. L. 88-210 by Pub. L. 105-332.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2308, 5891b, 6122, 6143, 6212, 6311, 6312, 6314, 7425, 9271, 9273 of this title; title 8 section 1255a; title 29 sections 49f-2, 2822, 2841, 2864; title 31 section 6703; title 40 section 14507; title 42 sections 3056, 3056a, 3056c.

§ 2301. Purpose

The purpose of this chapter is to develop more fully the academic, vocational, and technical skills of secondary students and postsecondary students who elect to enroll in vocational and technical education programs, by—

(1) building on the efforts of States and localities to develop challenging academic standards;

(2) promoting the development of services and activities that integrate academic, vocational, and technical instruction, and that link secondary and postsecondary education for participating vocational and technical education students;

(3) increasing State and local flexibility in providing services and activities designed to develop, implement, and improve vocational and technical education, including tech-prep education; and

(4) disseminating national research, and providing professional development and technical assistance, that will improve vocational and technical education programs, services, and activities.

(Pub. L. 88-210, §2, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3077.)

PRIOR PROVISIONS

A prior section 2301, Pub. L. 88-210, §2, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2437; amended Pub. L. 101-392, §2, Sept. 25, 1990, 104 Stat. 756, stated purpose of this chapter, prior to the general amendment of this chapter by Pub. L. 105-332.

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-332, §1(a), Oct. 31, 1998, 112 Stat. 3076, provided that: "This Act [see Tables for classification] may be cited as the 'Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998'."

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-392, §1(a), Sept. 25, 1990, 104 Stat. 753, provided that: "This Act [see Tables for classification] may be cited as the 'Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990'."

SHORT TITLE OF 1968 AMENDMENT

Pub. L. 90-576, §1, Oct. 16, 1968, 82 Stat. 1064, provided that: "This Act [enacting sections 6, 1119c to 1119c-4,

1226, 1241 to 1248, 1261 to 1264, 1281 to 1284, 1301 to 1305, 1321 to 1323, 1341, 1351 to 1355, 1371 to 1374, and 1391 of this title, amending sections 237, 237 note, 238, 239, 240, 241, 403, 421, 422, 423, 423 note, 425, 425 note, 426, 441, 442, 442 note, 443, 444, 462, 464, 481, 482, 482 note, 483, 484, 491, 511, 521, 541, 551, 561, 563, 588, 589, 611, 633, 644, 645, 1202, and 1221 of this title, repealing sections 15i, 15i note, 15j to 15q, 15aa to 15jj, 15aaa to 15ggg, 30, 31 to 33, and 34 of this title and section 1667 of Title 48, Territories and Insular Possessions, and enacting provisions set out as notes under sections 6, 11, 240, 886, 1202, 1321, and 2301 of this title and section 2809 of Title 42, The Public Health and Welfare may be cited as the 'Vocational Education Amendments of 1968'."

SHORT TITLE

Pub. L. 88-210, §1(a), as added by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076, provided that: "This Act [enacting this chapter] may be cited as the 'Carl D. Perkins Vocational and Technical Education Act of 1998'."

Pub. L. 88-210, title II, §201, as added by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3117, provided that: "This title [enacting subchapter II of this chapter] may be cited as the 'Tech-Prep Education Act'."

VOCATIONAL EDUCATION POLICY

Section 6 of Pub. L. 98-524 provided that: "It is the sense of the Congress that effective vocational education programs are essential to our future as a free and democratic society; that such programs are best administered by local communities, and community colleges school boards, where the primacy of parental control can be emphasized with a minimum of Federal interference; and that as a means to strengthening vocational education and training programs, nongovernmental alternatives promoting links between public school needs and private sector sources of support should be encouraged and implemented."

§ 2302. Definitions

In this chapter:

(1) Administration

The term "administration", when used with respect to an eligible agency or eligible recipient, means activities necessary for the proper and efficient performance of the eligible agency or eligible recipient's duties under this chapter, including supervision, but does not include curriculum development activities, personnel development, or research activities.

(2) All aspects of an industry

The term "all aspects of an industry" means strong experience in, and comprehensive understanding of, the industry that the individual is preparing to enter.

(3) Area vocational and technical education school

The term "area vocational and technical education school" means—

(A) a specialized public secondary school used exclusively or principally for the provision of vocational and technical education to individuals who are available for study in preparation for entering the labor market;

(B) the department of a public secondary school exclusively or principally used for providing vocational and technical education in not fewer than 5 different occupational fields to individuals who are available for study in preparation for entering the labor market;

(C) a public or nonprofit technical institution or vocational and technical education

school used exclusively or principally for the provision of vocational and technical education to individuals who have completed or left secondary school and who are available for study in preparation for entering the labor market, if the institution or school admits as regular students both individuals who have completed secondary school and individuals who have left secondary school; or

(D) the department or division of an institution of higher education, that operates under the policies of the eligible agency and that provides vocational and technical education in not fewer than five different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits as regular students both individuals who have completed secondary school and individuals who have left secondary school.

(4) Career guidance and academic counseling

The term “career guidance and academic counseling” means providing access to information regarding career awareness and planning with respect to an individual’s occupational and academic future that shall involve guidance and counseling with respect to career options, financial aid, and postsecondary options.

(5) Charter school

The term “charter school” has the meaning given the term in section 7221i¹ of this title.

(6) Cooperative education

The term “cooperative education” means a method of instruction of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required academic courses and related vocational and technical education instruction, by alternation of study in school with a job in any occupational field, which alternation shall be planned and supervised by the school and employer so that each contributes to the education and employability of the individual, and may include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

(7) Displaced homemaker

The term “displaced homemaker” means an individual who—

(A)(i) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills;

(ii) has been dependent on the income of another family member but is no longer supported by that income; or

(iii) is a parent whose youngest dependent child will become ineligible to receive assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) not later than 2 years after the date on which the par-

ent applies for assistance under this chapter;¹ and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

(8) Educational service agency

The term “educational service agency” has the meaning given the term in section 7801 of this title.

(9) Eligible agency

The term “eligible agency” means a State board designated or created consistent with State law as the sole State agency responsible for the administration of vocational and technical education or for supervision of the administration of vocational and technical education in the State.

(10) Eligible institution

The term “eligible institution” means—

(A) an institution of higher education;

(B) a local educational agency providing education at the postsecondary level;

(C) an area vocational and technical education school providing education at the postsecondary level;

(D) a postsecondary educational institution controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act [25 U.S.C. 450f et seq.] or the Act of April 16, 1934 (48 Stat. 596; 25 U.S.C. 452 et seq.);

(E) an educational service agency; or

(F) a consortium of 2 or more of the entities described in subparagraphs (A) through (E).

(11) Eligible recipient

The term “eligible recipient” means—

(A) a local educational agency, an area vocational and technical education school, an educational service agency, or a consortium, eligible to receive assistance under section 2351 of this title; or

(B) an eligible institution or consortium of eligible institutions eligible to receive assistance under section 2352 of this title.

(12) Governor

The term “Governor” means the chief executive officer of a State or an outlying area.

(13) Individual with limited English proficiency

The term “individual with limited English proficiency” means a secondary school student, an adult, or an out-of-school youth, who has limited ability in speaking, reading, writing, or understanding the English language, and—

(A) whose native language is a language other than English; or

(B) who lives in a family or community environment in which a language other than English is the dominant language.

(14) Individual with a disability

(A) In general

The term “individual with a disability” means an individual with any disability (as defined in section 12102 of title 42).

¹ See References in Text note below.

(B) Individuals with disabilities

The term “individuals with disabilities” means more than 1 individual with a disability.

(15) Institution of higher education

The term “institution of higher education” has the meaning given the term in section 1001 of this title.

(16) Local educational agency

The term “local educational agency” has the meaning given the term in section 7801 of this title.

(17) Nontraditional training and employment

The term “nontraditional training and employment” means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

(18) Outlying area

The term “outlying area” means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(19) Postsecondary educational institution

The term “postsecondary educational institution” means—

(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor’s degree;

(B) a tribally controlled college or university; or

(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

(20) School dropout

The term “school dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

(21) Secondary school

The term “secondary school” has the meaning given the term in section 7801 of this title.

(22) Secretary

The term “Secretary” means the Secretary of Education.

(23) Special populations

The term “special populations” means—

(A) individuals with disabilities;

(B) individuals from economically disadvantaged families, including foster children;

(C) individuals preparing for nontraditional training and employment;

(D) single parents, including single pregnant women;

(E) displaced homemakers; and

(F) individuals with other barriers to educational achievement, including individuals with limited English proficiency.

(24) State

The term “State”, unless otherwise specified, means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

(25) Support services

The term “support services” means services related to curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices.

(26) Tech-prep program

The term “tech-prep program” means a program of study that—

(A) combines at least 2 years of secondary education (as determined under State law) and 2 years of postsecondary education in a nonduplicative sequential course of study;

(B) strengthens the applied academic component of vocational and technical education through the integration of academic, and vocational and technical, instruction;

(C) provides technical preparation in an area such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, a health occupation, business, or applied economics;

(D) builds student competence in mathematics, science, and communications (including through applied academics) in a coherent sequence of courses; and

(E) leads to an associate degree or a certificate in a specific career field, and to high skill, high wage employment, or further education.

(27) Tribally controlled college or university

The term “tribally controlled college or university” has the meaning given such term in section 1801 of title 25.

(28) Tribally controlled postsecondary vocational and technical institution

The term “tribally controlled postsecondary vocational and technical institution” means an institution of higher education (as defined in section 1001 of this title, except that paragraph (2)² of such section shall not be applicable and the reference to Secretary in paragraph (5)(A)² of such section shall be deemed to refer to the Secretary of the Interior) that—

(A) is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or Indian tribes;

(B) offers a technical degree or certificate granting program;

(C) is governed by a board of directors or trustees, a majority of whom are Indians;

(D) demonstrates adherence to stated goals, a philosophy, or a plan of operation, that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated tribal goals of developing individual entrepreneurships and self-sustaining economic infrastructures on reservations;

² See References in Text note below.

(E) has been in operation for at least 3 years;

(F) holds accreditation with or is a candidate for accreditation by a nationally recognized accrediting authority for post-secondary vocational and technical education; and

(G) enrolls the full-time equivalent of not less than 100 students, of whom a majority are Indians.

(29) Vocational and technical education

The term “vocational and technical education” means organized educational activities that—

(A) offer a sequence of courses that provides individuals with the academic and technical knowledge and skills the individuals need to prepare for further education and for careers (other than careers requiring a baccalaureate, master’s, or doctoral degree) in current or emerging employment sectors; and

(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, of an individual.

(30) Vocational and technical student organization

(A) In general

The term “vocational and technical student organization” means an organization for individuals enrolled in a vocational and technical education program that engages in vocational and technical activities as an integral part of the instructional program.

(B) State and national units

An organization described in subparagraph (A) may have State and national units that aggregate the work and purposes of instruction in vocational and technical education at the local level.

(Pub. L. 88-210, §3, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3077; amended Pub. L. 107-110, title X, §1076(k), Jan. 8, 2002, 115 Stat. 2091.)

REFERENCES IN TEXT

Section 7221i of this title, referred to in par. (5), was in the original “section 5206 of the Elementary and Secondary Education Act of 1965” and was translated as reading section 5210 of that Act to reflect the probable intent of Congress, because section 5206 does not contain definitions and section 5210 defines “charter school”.

The Social Security Act, referred to in par. (7)(A)(iii), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Act is classified generally to part A (§601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

This chapter, referred to in par. (7)(A)(iii), was in the original “this title” and was translated as reading “this Act”, meaning the Carl D. Perkins Vocational and Technical Education Act of 1998, which enacted this chapter, to reflect the probable intent of Congress, because this section is not contained in a title of the Act.

The Indian Self-Determination Act, referred to in par. (10)(D), is title I of Pub. L. 93-638, Jan. 4, 1975, 88

Stat. 2206, as amended, which is classified principally to part A (§450f et seq.) of subchapter II of chapter 14 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

Act of April 16, 1934, referred to in par. (10)(D), is act Apr. 16, 1934, ch. 147, 48 Stat. 596, as amended, popularly known as the Johnson-O’Malley Act, which is classified generally to section 452 et seq. of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 452 of Title 25 and Tables.

Section 1001 of this title, referred to in par. (28), contains a paragraph (2) in both subsections. (a) and (b) and does not contain a paragraph (5)(A).

PRIOR PROVISIONS

Provisions similar to this section were contained in section 2471 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2302, Pub. L. 88-210, §3, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2437; amended Pub. L. 100-418, title VI, §§6131(b), 6134(b), Aug. 23, 1988, 102 Stat. 1511, 1512; Pub. L. 101-392, §3, Sept. 25, 1990, 104 Stat. 756, authorized appropriations for fiscal years 1991 to 1995 to carry out former subchapters I to IV of this chapter, prior to the general amendment of this chapter by Pub. L. 105-332.

AMENDMENTS

2002—Par. (5). Pub. L. 107-110, §1076(k)(1), substituted “7221i” for “8066”.

Pars. (8), (16), (21). Pub. L. 107-110, §1076(k)(2), (3), substituted “7801” for “8801”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 19 section 2291; title 29 section 2801.

§ 2303. Transition provisions

The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of this chapter from any authority under provisions of the Carl D. Perkins Vocational and Applied Technology Education Act, as such Act was in effect on the day before October 31, 1998.

(Pub. L. 88-210, §4, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3082.)

REFERENCES IN TEXT

The Carl D. Perkins Vocational and Applied Technology Education Act, as such Act was in effect on the day before October 31, 1998, referred to in text, means Pub. L. 88-210, as amended, which was classified generally to this chapter, prior to being amended generally and renamed the Carl D. Perkins Vocational and Technical Education Act of 1998 by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076.

PRIOR PROVISIONS

A prior section 2303, Pub. L. 101-392, §4, Sept. 25, 1990, 104 Stat. 758; Pub. L. 104-66, title I, §1041(f), Dec. 21, 1995, 109 Stat. 715, which related to the Interdepartmental Task Force on Vocational Education and Related Programs, was transferred to section 2308 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2342 of this title.